

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**  
OF THE  
**One Hundred And Thirteenth Legislature**  
OF THE  
**State Of Maine**

**VOLUME II**

**FIRST REGULAR SESSION**

May 26, 1987 to June 30, 1987

Index

An Act to Afford Consumer Protection in Retirement Communities which Offer Continuing Care (S.P. 636) (L.D. 1859)

Were 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.

ENACTOR

An Act Relating to Boards and Commissions (H.P. 959) (L.D. 1288) (S. "A" S-212 to H. "A" H-336; C. "A" H-295)

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

On motion of Representative Carroll of Gray, was set aside.

PASSED TO BE ENACTED

An Act to Make Substantive Changes in the Liquor Laws (H.P. 1348) (L.D. 1842) (S. "B" S-210)

Was 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.

ENACTOR

An Act Providing for Administrative Changes in Maine Tax Laws (S.P. 512) (L.D. 1536) (C. "A" S-193)

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

On motion of Representative Mayo of Thomaston, was set aside.

PASSED TO BE ENACTED

An Act to Correct, Amend and Improve the Laws Relating to Education (S.P. 552) (L.D. 1658) (C. "A" S-192)

Was 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.

FINALLY PASSED

RESOLVE, Establishing the Maine Commission of Forest Land Taxation (S.P. 632) (L.D. 1853)

RESOLVE, to Develop a Plan for the Administration of Workers' Compensation Claims of State Employees (S.P. 634) (L.D. 1856)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, finally passed, signed by the Speaker and sent to the Senate.

(At Ease)

The House was called to order by the Speaker.

The Chair laid before the House the following matter: Bill "An Act to Increase the Minimum Wage" (H.P. 869) (L.D. 1170) (S. "A" S-115) (Governor's Veto) which was tabled earlier in the day and later today assigned pending further consideration.

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

Representative DIAMOND: Mr. Speaker, Men and Women of the House: I hope that this body will vote today to override the veto of Governor McKernan and I hope we do so in light of our previous action and our concerns that have been expressed about the status of Maine people, the need for balance in economic

development, the need to care for growth in this state and also the people who make that growth possible.

The Governor has expressed a lot of concern about this issue since it first surfaced several months ago. At that time, he indicated a concern about his willingness to support this. He said that he was afraid to that this would send, "A bad message to those who were looking at Maine as a possible place for expansion of their businesses." The Governor, since that time, has reiterated that message, again expressing concern that others are going to perceive Maine as being something that he and we do not want it to be. I respect that and I appreciate the fact that he has that sensitivity, although I think with this action combined with the previous action, he has sent some very negative messages to the rest of the people of Maine and, as a result, are poorer for it.

The Governor is concerned that an increase in the minimum wage by ten cents an hour for the next three years is going to have a detrimental impact on those people who want to come to Maine to expand their businesses, but the message that he is sending to the people of Maine is something that is very difficult to accept, especially in light of some of the double standards that seem to exist when we talk about that concern for perception. There are a number of messages we can send and that we do send everyday. With every law that we pass, we send a message to somebody or some thing. We express ourselves in a way that we hope is going to make Maine a better place.

But we have to be sensitive to those messages and I think that the Governor himself has to be sensitive to some of the very messages he has been sending. Most of you know that not too long ago a mild flap occurred around here when it was released that the Governor was paying some of his people salaries far greater than those of their more experienced predecessors. I know a lot of people were surprised, some people were outraged. Some of those salaries were almost double the salaries of those people who had held those positions before them. The Governor defended his position at the time by saying, "You get what you pay for." I ask you, what kind of message is the Governor sending to the people of Maine, especially those minimum wage workers, when he denies them a ten cent an hour increase in their pay? What kind of respect does that show for those people, when on one hand he can be lavish with his financial support of those that surround him immediately, but then on the other hand, cast aside the concerns of those people who struggle to get by on minimum wage, denying them what would amount to at most a four dollar a week increase?

What kind of message do people get when they read in the paper about the tennis court that is being built across the way? Yes, that tennis court is being built with private money, but you can be sure though that those people earning minimum wage are unlikely to contribute to the construction of that tennis facility. It may be true that their employers have the ability to do so, but they certainly are not going to be able to handle that. What kind of message are they receiving when they see their employers helping out and being willing to be so generous to our Governor, but then when that Governor turns around and vetoes the minimum wage put before them?

Anybody who has been on the second floor recently also knows that there has been an expense taking place downstairs that some could question, the installation of several hundred feet of new carpeting at a cost to the taxpayers of thousands of dollars.

You can still smell it up on the third floor. They are still working on it. Maybe the rug that had been there before was not good enough for Governor McKernan but I will tell you the minimum wage workers of the state don't have time to worry about putting carpet on the floor, they are having a hard enough time putting food on the table. What kind of message are we sending to them when they hear and read about that carpet and the money being spent on it by this Governor and then they read also that this Governor is denying them a ten cent an hour increase in their wage?

What do they think when they pick up the Sunday Telegram and read an article by Bill Caldwell written not too long ago? That article talked about a lunch he had with Governor McKernan, it was in the Sunday paper a week ago yesterday. I would like to quote from that. It says "Today McKernan seems comfortably relaxed at the head of the dining table in the elegant family dining room where a waitress serves an elegant Maine luncheon of scallops, chowder, cold lobster, asparagus and strawberry pie." I don't expect the Governor of this state to eat peanut butter and jelly sandwiches every day, although some people have to, but I do expect the Governor of this state to be more sensitive to the needs of those people who are struggling to get by when he is presented a bill that asks for a meager increase in the state's minimum wage.

Negative messages are being sent to the 70,000 people in this state who work for minimum wage, both to them and their families. The Governor, through his actions, is sending more messages than Western Union, but I think that he is not alone, in all fairness. We send some pretty strong messages ourselves. Last year we voted, at least a number of us voted, to increase our salaries. We accept on a regular basis the \$60 a day in compensation for meals and lodging here. We go on trips, some of us. But the one difference between what we do and what takes place on the second floor is that we are attempting to do something for those people at the bottom of the economic ladder.

This body overwhelmingly supported an increase in that state minimum wage that is before us. We have acknowledged that a double standard does exist and that we have got to do something about it, no matter how small. At least we are moving in the right direction. We are trying to do something to help those people to better themselves and to make life a little more comfortable for them.

I ask today that you support the override of this veto. We spoke strongly before, I think we spoke very well.

The history of this increase from three years ago has shown us that it has not had a detrimental effect on the State of Maine. The economy of this state has not been stronger in recent times.

I think that we owe it to the people of Maine to acknowledge our concern for them, to let them know that we, this legislature, respect their work, respect them as individuals, and respect the fact that they deserve a fair wage for their work. I ask you to support the override today and to do it on behalf of those 70,000 people of Maine and their families.

The SPEAKER: The Chair recognizes the Representative from Kennebunk, Representative Murphy.

Representative MURPHY: Mr. Speaker, Men and Women of the House: Several things first -- I think the good gentleman from Bangor, if in the future when he refers to members of this House as collectively we, in terms of salary increases and expense account increases, that it did not include all of us, so we

should modify that we. I think also what is before us is the minimum wage rather than a personal attack upon the Governor. I will keep my comments to that issue.

Traditionally, the minimum wage is either an entry level or a training wage. It sometimes, most often is paid to teenagers and, in some cases, to highly unskilled workers in marginal industries. That is the way it is in the rest of New England, including our neighboring State of New Hampshire, which has the fastest growing economy in New England. But when we look closely at Maine, those three categories in terms of the minimum wage being a temporary or entry level wage, we see that the experience here in Maine is quite different, that many Maine workers are paid the minimum wage and remain on the minimum wage. It is a signal that something is desperately wrong, something is not working here in the State of Maine. To simply raise the minimum wage another ten cents a year isn't going to correct the problem we now face.

It is a fact, for those of us that were here at that time, we were in the economic cellar of New England and now, after three raises in the minimum wage, our workers still remain in that economic cellar in terms of per capita income.

I think to understand the direction in which we need to be moving, we need to take a closer look at the regional economies here in Maine. If we look at the southern part of the state, if we look at the coast, it is very difficult to find a worker who is on minimum wage. We even have fast food businesses who are starting workers at \$5.00 an hour, a \$1.35 an hour above our present minimum wage. If you read the newspaper, you will see because of that job pool shortage or worker shortage, some of the fast food businesses are even offering bonuses and fringe benefits, something that was unheard of years back. But in southern Maine, as they begin to compete for workers in a tight market, the wages have gone up, the benefits have gone up.

It is also a fact that when we look at the other sections of the state, northern and eastern Maine, as the unemployment rate climbs, the per capita income drops. We begin seeing on a map of this state that the minimum wage jobs are concentrated in northern and eastern Maine to the point where the unemployment rate in some sections of this state in April was at 15 and 16 percent. That doesn't include the individuals who only had seasonal employment in April and not year-round employment. So what we need to be doing is looking beyond this one particular issue and begin looking toward developing or strengthening job opportunities in all sections of the state.

I know that there are those and hopefully none of them are in this policy making body or chamber who define economic development solely as minimum wage increases and mandated benefits and stop at that point. I am afraid that if, as the Record shows in terms of our previous history, that we raise the minimum wage and then stop there and do nothing else, we are ignoring the problem. The problem is that the jobs are leaving northern and eastern Maine. Your children are coming to our end of the state and in some cases, they are passing through to points south, they are looking for jobs. We have a difficult expensive route to go, my fellow Representatives, in terms of the long term direction we should begin to move if we are going to reopen the door of opportunity. We simply cannot sit in this chamber and wish prosperity for all of our citizens. It will take actions, some of it very difficult, some of it very, much to our credit, that we have taken already. We have strengthened the VTI's, we have

strengthened local education with increased state funding, greater accountability through testing, broader curriculum and we have improved the certification process to improve the profession of teaching.

The Governor and this legislature are streamlining the regulatory process and for the first time, at least in my recent memory, in those areas of the state where there is very little opportunity, both in terms of jobs or the level of compensation for those that have jobs, we see representation on the boards that govern the future of those regions, the DEP and LURC, we see citizens from those regions sitting on those boards now, nominated by the Governor and confirmed by this legislature. So, in northern and eastern Maine, there are new voices on the boards that will impact the future economic direction in northern and eastern Maine.

Together, through the tax conformity bill, the Governor and this legislature have removed 120,000 Mainer's from the state income tax rolls. We have on the second floor, who has indicated to leaders of both parties and to people throughout this state that he is going to aggressively go wherever he needs to go to bring jobs to Maine, jobs to all sections.

During the next few days, rather than just taking one step and then stepping away from the problem, together as partners, we can take steps before we go home to pass a real job opportunity zone to help those citizens in northern and eastern Maine. We can work together to pass increased funding for the University of Maine system and the VTI's, we can relieve the property tax burden, we can pass child care credit proposals, we can pass employment training and retraining programs. We can pass the tourism program and we can create an independent or a new structured Department of Economic Development. When we return in January, together the study commissions will be back making recommendations and legislation for the development of an economic development program for all sections of this state with recommendations and legislation looking at our tax mix to make it more equitable and to reduce the burden upon Maine people.

So, on both sides of this issue, there is agreement that all of us share the same goals. We want wages that will allow Maine working people to actually be able to enjoy the quality of life here in Maine. We want dignity for our workers, the dignity they deserve because of their unmatched work ethic and quality. We want wages that allow Maine working people to look beyond the work day to a reopening door of opportunity.

I would hope that we could sustain the Governor's veto this evening and then together begin to take real action, real action to reopen the door of opportunity for northern and eastern Maine in this legislature.

The SPEAKER: The Chair recognizes the Representative from Casco, Representative Simpson.

Representative SIMPSON: Mr. Speaker, Men and Women of the House: I have read the Governor's veto message and I understand what he is saying and that this would send a negative message outside the State of Maine. I listened to Representative Diamond explain that, in his opinion, this House has already taken action to help these people.

But for the life of me, I just listened to the Representative from Kennebunk explain what his position is and I would like to pose a question through the Chair -- could he tell me if he feels that raising the minimum wage would either help or hurt the Maine economy?

The SPEAKER: Representative Simpson of Casco has posed a question through the Chair to Representative Murphy of Kennebunk who may respond if he so desires.

The Chair recognizes that Representative.

Representative MURPHY: Mr. Speaker, Men and Women of the House: I would be more than happy to respond. My position is that I am willing to, through our budget and through initiatives that are bipartisan, begin to take some real action towards improving wages in this state.

The SPEAKER: The Chair recognizes the Representative from Casco, Representative Simpson.

Representative SIMPSON: Mr. Speaker, Men and Women of the House: I guess the answer that I heard is that it will not affect the Maine economy and I urge you to support this measure to override the Governor's veto.

The SPEAKER: The Chair recognizes the Representative from Mt. Desert, Representative Zirkilton.

Representative ZIRNKILTON: Mr. Speaker, Ladies and Gentlemen of the House: The issue is whether or not it is going to help or hurt Maine people, that it is intended to help, not whether it is going to help or hurt the Maine economy. I want to thank the good Majority Leader for pointing that Governor McKernan's staff is paid more money than their counterparts of a few years ago because, in doing so, he has presented me with an analogy that is far superior to one that I could have thought of on my own. The fact of the matter is that Governor McKernan does pay his people more than the people who served under Governor Brennan a couple of years ago and he does so by hiring fewer people than worked for our past Governor. That ladies and gentlemen is exactly what is going to happen to the folks who are trying to get jobs in this state if you pass this bill, fewer jobs will become available, more money for those that are privileged enough to have the jobs and be working, fewer jobs for those who are unable to find work.

With regard to the message that it sends out, the issue is not whether or not we are trying to attract companies to come here and hire people at minimum wage, the issue is whether we are going to send out a message that says the Maine Legislature will, at any time it feels like it, go ahead and pass increases in minimum wage, pass increases in other sorts of taxes. They are looking for stability, not necessarily for the minimum wage, they are looking for a legislature that will act in a stable manner that business can, at least for the most part, depend upon and this is the kind of message that, once again, ensures that they cannot depend upon what this legislature will or will not do. For those and many other reasons, I urge you to sustain the Governor's veto.

The SPEAKER: The Chair recognizes the Representative from Brewer, Representative Ruhlin.

Representative RUHLIN: Mr. Speaker, Ladies and Gentlemen of the House: Insisting that a job pay a decent wage is the economic right of all the working citizens. To those full-time workers who must support families the right to take a home a decent paycheck that will stay above the poverty level should be inherent. When we examine this issue, I hope we will consider that the structure of Maine's economy is rapidly changing. We are moving from a manufacturing base economy to a trade and services economy. It is estimated that 85 percent of all the new jobs to be created in the next ten years will be in the trade and services industry. The vast majority of people who will be employed in these new jobs to be created are women. Increasingly, these women that we are discussing are heads of

households. In the past, a woman's income was often considered to be a supplement to her husband's income. Today, more and more, a woman is now the single head of a household and she is totally dependent upon that money.

Most often when you have a low paying minimum wage job, you do not have the side benefits that other jobs have. These are the types of jobs that will be preponderate in the trade and service industry.

Right now throughout this nation, 65 percent of all the women who are heads of households are on minimum wage. I feel that is wrong. I feel that is a feminization of poverty, not only in this country, but in this state. I think that these women (and not just the women -- I just happen to mention that fact that there are going to be more and more of those in that particular field) I think when they do the day's work, a full week's work, they should have the right to live above the poverty level.

I think as we look at this social economic situation in this state and in this country, we must grapple with some compelling human situations. We are being asked to look at the children of those households, who are living in deprivation, while their parent or parents simply cannot make enough money to properly support them, either at or above the poverty level.

I ask you to examine the enormous social damage that is being done through the system that allows these people to live in this condition. These are the same people who will be determining our future. What will they have for standards to judge by if we allow this to continue?

If this legislature fails to override, we will pay increasing costs for welfare, food stamps, and subsidy money. This is a fundamental public policy question that the state must address and needs to address and we need to address here today. Do we as representatives of the taxpayers believe it is our responsibility to subsidize private industry by providing public funds to offset this poverty situation, to aid those workers whose wages are not adequate to cover the costs of the minimal standards of life? It is a sad comment on our priorities when we tell the working poor of our state that we would rather have them become dependent upon a welfare system rather than pay a decent wage for gainful employment.

In his veto message, the Governor outlined other methods of improving the quality of life for our working poor such as day care service, employment in training and retraining opportunities, increased support to education, increased support of economic development efforts and human resource development. These are laudable, they are needed, and they are justified. Unfortunately in his message, I think he took an either/or approach. We need not have today an either/or choice in the situation.

When companies look to expand or relocate in economic efforts, they base their decisions on the quality and morale of the workers in the work force and its availability. Then they do so on the minimum wage.

I want to use as an example the case of General Motors going to Tennessee. Many states competed for General Motors, it was one of the economic development cues in many a year when Tennessee was awarded or received that development. Why did Tennessee receive that development? Because Tennessee, while competing with other states, did not go in and say we will give you less taxes, we will give you this, we will give you that -- no, General Motors' final decision said, Tennessee had shown that

it cared for its people ahead of time, it cared for its future ahead of time by making a sizable investment two years before in education. Those companies who want to expand look at things like that more than they do the minimum wage. When people look at Maine and see that Maine cares for its workers, it may have one of the lowest levels of per capita incomes in the nation and that is because we have more people, more percentages on the minimum wage, but we have sent an economic development message to the people that we do care for our workers. That is a tool that can be used along with support for education, increasing the infrastructure of this state and they are doing all the other items that the Governor mentioned in his veto message. So, let's not take an either/or, let him do both and prove to the people of the State of Maine that we can make a better state and, in doing so, we can care for our workers in the process. I hope you will vote with me today to override the Governor's veto.

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

Representative WILLEY: Mr. Speaker, Ladies and Gentlemen of the House: I want to call your attention one more time to the study done by the University of Maine last year which we got copies of in January. It said very clearly in that study the biggest problem the business had about doing business in the State of Maine was the cost of workers' compensation.

Second to that was the attitude of the legislature towards business in this state. Number one, we certainly haven't done anything to make workers' compensation any more palatable to business in this state or to those that might be considering coming to the state. If we have done anything to indicate that the attitude of the legislature has changed towards business, it had to be on the day that I wasn't here because I haven't seen it since I have been sitting here hearing about it.

Economic development -- we have had a great big push for the last year or so about increasing economic development in this state. Great bunches of us go to seminars and meetings all over the place, we get aboard buses and we visit the businesses in all areas of the state. We come in here and do absolutely nothing about increasing the attitude, enhancing the attitude of economic development in this state. We not only don't do that, we insist on the highest minimum wage in the country and want to increase it even further. That is like throwing mud in their faces. To me, that is a double standard which was mentioned earlier.

If the high minimum wage is so good for our economy, then how come there are three other states in the New England States that have a better economic development in the last three years than we have? Right now, New Hampshire has one-half the unemployment rate the State of Maine does and yet you would think, to hear every politician talk, that a higher minimum wage is a panacea of economic development and was going to cure all our ills. The only thing that is going to cure our unemployment ills is for economic development because that is the only darn thing that is going to increase the amount of employment and increase the wage scale, pensions, benefits and all others, we have to have economic development. We can't do that if we are going to continue to discourage business for doing business in this state and trying our best to prevent other businesses from coming to the state. I certainly hope that you will vote to support the Governor's veto.

Representative Joseph of Waterville requested a roll call.

The SPEAKER: The Chair recognizes the Representative from Madawaska, Representative McHenry.

Representative MCHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I learned early that, whenever you want to kill something, all you have to do is put in a mandate or mention workers' compensation. We are not talking about workers' compensation, we are talking about increasing the minimum wage. We wanted to increase the minimum wage 30 cents a year but we compromised a few years back to 10 cents a year.

We hear the message -- the little boy takes out his tom-tom and sends out a message here, we keep hearing it, we are sending out messages, messages. In the June 5th issue of the New York Times, it says "Numbers that Work." This was put out by the State of Maine in the New York Times. I have been told that it costs the taxpayers of the State of Maine about \$5,000. Now, we keep hearing how expensive it is for workers' compensation, minimum wage, we have the highest minimum wage -- why is it that they put an ad in the New York Times, and when you consider that Maine labor costs are far below those of the northeastern states, now how can that be? We keep hearing here that we are awfully expensive, the labor force is awfully expensive and yet we, the State of Maine, advertise in the Wall Street Journal that we are the cheapest in New England, the cheapest labor force. I believe that because we are next to slavery. At least when you were a slave, you were assured housing, you were assured food, you were assured that your children would be well taken care of because your employer wanted you to work. Today's employer, sends out a message of use them, abuse them, and get rid of them. That is what the State of Maine is sending out. That is the message I hear.

We hear about teenage pregnancy -- well, if a young girl is looking for a job, most of the jobs that are available are for minimum wage. She is better off being pregnant, having a kid or two, she will get more money that way than working. Are we serious, do we really want to work to help these young people? Where are the young people today? They moved out of the state, that is why we are having a shortage of the work force. It isn't because we are paying good wages, it isn't because we have good jobs, because we do not. If we were to pay them reasonable wages -- I don't believe that 10 cents a year is enough myself because I would not ask a person to work for less.

I had a worker come into my house to install linoleum, he installed the linoleum, I was paying him \$10 an hour and I felt that was quite a bit of money. I came back from work, there he was sitting and chatting with my wife, drinking tea. I went upstairs to take a shower and shave and when I came back down, he is still sitting there chatting with my wife. Inside, I was really angry. I didn't like it. That man had been sitting there well over half an hour and I am paying this man \$10 an hour. I was angry. I sat down and said, whoa, I will put myself in his shoes. I looked, he had maybe \$500 or \$600 worth of tools, he has a family. I didn't have to pay his life insurance, I didn't have to pay his unemployment, I didn't have to pay his workers' compensation. After a while I said to myself, if I were in his shoes and I heard a person say what I was thinking, I would have gotten right out of that house, because the man is worth \$10 an hour. He was worth more than that but if we take the time to put ourselves in their shoes and really look at it the

way it is not the way that our selfish selves look at it, I assure you the next day I stopped him from working and said, come on, sit down and have a beer. When he finished the job -- what did he do, he turned around and charged me \$9 and said, you are a good egg, I like you. Any time I need that man, he will be there but, if I had said what I thought, that gentleman would never have stepped into my home again and I wouldn't blame him.

If we treat people with respect, we will get respect and if we don't, we will not get respect. If we refuse to pay our people a living wage -- we are not even paying them a living wage and we are always harping on how it is costing business, it isn't costing business. Greed, it is greed. The Governor of the State of Maine is earning ten times more than anybody on minimum wage, ten times as much if he were working 40 hours a week. I hope you people will vote to override this veto.

The SPEAKER: The Chair recognizes the Representative from Waterville, Representative Jacques.

Representative JACQUES: Mr. Speaker, Men and Women of the House: I was very interested to hear the comments of the Minority Floor Leader, Representative Murphy, considering that he talked about rhetoric a little while ago. When I listened to his speech, it reminded me much of what I have been doing to my three year old niece a lot of nights and his story reminded me of some stories that are very familiar to her. One is called "Snow White and the Seven Dwarfs" and one is called, "The Three Bears." It was a fairy tale, ladies and gentlemen of this House, a complete fairy tale.

You have heard mention of the \$5 an hour paid for these fast food businesses, but what the Representative didn't tell you is, they work you 8, 12, 14 and 20 hours so they don't have to pay you the benefits and you still don't make a decent wage and you still have to go get another job to make up the difference.

Now, Representative Willey said we are sending a negative feeling to the businesses out there, a negative message. Do you know what he was talking about ladies and gentlemen of the House? Do you know what negative message the State of Maine sends to businesses -- this is from the experience I have had in nine years on the Energy and Natural Resources Committee -- the negative message we send is, no, we will not let you foul up our air, we will not let you foul up our water, we will not let you degrade our land quality to locate your business here. We will not allow you to destroy fish in the streams, we will not allow you to ruin the rivers for the salmon, we will not allow you to build more dams without fishways, that is the negative message we send to these businesses. That is the message that they were talking about in this report.

The other negative message is, no, we will not allow our workers be maimed and crippled without some form of compensation. When the legislature tried to deal with workers' compensation, the insurance companies gave us the runaround anyway and made us all look like fools because no money is saved and the insurance companies are still making huge profits and nobody is doing a thing about it because nobody wants to take on insurance companies. If they do, it is the same rhetoric that Representative Murphy talked about.

Now, let me tell you, you can appoint all the women commissioners you want, but it doesn't help the women of this state. Representative Ruhlman is exactly right, a large percentage of these people on minimum wage are women and it is no longer a

secondary need of employment, it is their primary and only means, because we won't do anything else to help them out.

One last point I think should be made, I find it extremely ironic that a gentleman who coined the phrase, "you pay for what you get," when he gave \$10,000, \$12,000 and \$14,000 raises with the taxpayers money, would begrudge 10,000 working men and women of this state \$4 a week.

The SPEAKER: The Chair recognizes the Representative from Waldoboro, Representative Begley.

Representative BEGLEY: Mr. Speaker, Ladies and Gentlemen of the House: I rise in support of Governor McKernan's veto of the Minimum Wage Bill. Some areas of our state are actively seeking economic development. Since we now have the second highest minimum wage in our country and much higher workers' compensation costs than many other states, I ask you, if you were making the economic decision of where to start a new business, would you consider these encouraging signals to receive? For our state to keep the basic costs of doing business higher than most of the other states does not help make us as competitive as we can and should be.

Many times we ask ourselves, how can we help the workers in our state? I submit to you the very best way to help workers is to provide them with jobs. We in this state can help our business climate in the northern and eastern parts of the state, particularly, by this vote. I urge you to vote to sustain the veto.

The SPEAKER: The Chair recognizes the Representative from Waterville, Representative Joseph.

Representative JOSEPH: Mr. Speaker, Ladies and Gentlemen of the House: I have been listening to much rhetoric here today but I think what we have to think about today is that the message that we are sending out to 69,000 people in this state is a very important message. We are talking about 69,000 minimum wage workers of this state. Personally, I am not about to talk about economic development, service jobs, and other measures in which we all support on the backs of these 69,000 minimum wage workers.

The override is an extremely important issue to these people. This override of this particular veto is an override which they are watching. I am asking you, men and women of this House to do what is right, remembering colleagues, that the only times those poor who work in our state get a raise is when we, the legislature, give it to them. We did give them a raise but the Governor took it away.

The Governor says that it has been agonizingly difficult for him. May I tell him that he has not suffered alone. Four years ago, I agonized over this issue and I agonized and I agonized and I heard the same debate. I agonized to the point where I believed that we would be sending the wrong signal to the businesses of this state and to those that we hoped would expand and to those that we hoped would come to the State of Maine to do business. I agonized to the point where I voted against the minimum wage increase and it hurt and it hurt badly. Because of that experience, I sat in the Labor Committee a month ago and I listened to the testimony of the proponents and I listened to the testimony of the opponents. And to each person who testified before the Labor Committee, I asked, how is it going to affect the business in our state? What are the effects of raising the minimum wage? Give me data, give me facts, give me some evidence that what we did was harmful.

May I tell you colleagues that the proponents gave me many more good reasons to sign that report "Ought to Pass." The proponents assured me that

these people needed the money, which I already knew, and that these people don't deserve to work for minimum wage jobs, that these people do deserve a ten cents a year increase in 1988 to \$3.75 an hour, that those poor who work deserve \$3.85 an hour in 1989; that these poor who work in our state do deserve \$3.95 in 1990. Yes, I hope that you will override this veto because the message is so important to so many people.

We have talked about the Governor's salaries to his staff but I wonder if he agonized as much when he gave them \$20,000 increases saying that you get what you pay for. I think the working poor in the State of Maine deserve more and I intend to vote to override.

I wonder if the Governor understands the agony of parents whose children ask about the food that they are going to have for supper -- is there enough and what is it going to be? These children and their families do not have the luxury of agonizing over where the family tennis court is going to be located or where the backyard basketball backboard is going to be located or how they are going to be kept busy for the summer -- all they want to do is eat and perhaps get a pair of tennis shoes or sneakers thrown in on the side.

I urge you folks to grant the raise to those poor who work in the state today and we will continue all of our efforts to improve the business climate in this state. We will continue to look for more jobs for more people and Representative Jacques is right on target, those people who work for minimum wage do not get benefits beyond that wage. Please, support to override this veto. This is getting to be a very bad habit.

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

Representative MACOMBER: Mr. Speaker, Ladies and Gentlemen of the House: I represent the district in this state that has the largest number of minimum wage workers anywhere in the State of Maine. Four years ago, I was one of the very few members of my party who voted against raising the minimum wage. I felt that I was representing my district, I felt that it would do more harm than it would do good. I found out in the ensuing four years that my vote was entirely wrong, it didn't work out that way at all.

We have an unemployment rate in my particular district that is something like one or two percent, but it doesn't really tell you the whole story. Once the minimum wage raise went into effect four years ago, people did not go into my district and go to the Maine Mall and stores of this type and get 40 hour a week jobs. That isn't the way it worked out at all. They hired a lot of people and it made the figures look very good, but those people are all working 20 hours a week. They get no retirement benefits, they get no medical benefits, and as somebody else said, they have to go out and get another job to survive. Even then they are on the very, very fringe of being destitute, very frankly. It is hard to believe that a district such as mine with the Maine Mall and all the business it represents has as many people that it does who are just struggling very, very hard to get along. Four years ago as I said, I was one of the few members of my party that voted against raising the minimum wage, I do not intend to make that mistake again.

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

Representative POULIOT: Mr. Speaker, Ladies and Gentlemen of the House: When the minimum wage increase was passed three years ago, I listened very

carefully to the arguments of the business interests, that an increase in Maine's minimum wage would harm our economy, stifle the growth, and send the wrong signal to businesses around the country about Maine's business climate. I heard that same message here today. I carefully weighed those arguments and tried to balance them against the short term needs of the people I represent in Lewiston. I believed what I was told by the business lobbyists and tried to vote in good faith using the information available to me. I voted against the minimum wage increase three years ago at every stage of the process until the final enactment. At that time, I provided the final vote needed to enact the increase. In the time that has come and gone since I cast that deciding vote, I have not regretted it for one moment. In fact, I now wish that I had been an advocate for the minimum wage increase from the onset, instead of reluctant support at enactment. I only wish today I could be the final vote to override the Governor's veto.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Ketover.

Representative KETOVER: Mr. Speaker, Ladies and Gentlemen of the House: I, too, was here when we voted on the minimum wage and it was a very difficult decision for all of us. I took a lot of flack from my constituents, probably today they don't even vote for me, but I think they realize that it was something that we had to do.

Senator Kennedy is trying also, as of last week in Congress, to pass an increase in the minimum wage, but as we know, that is going to take a very long time. Not having an increase in the minimum wage could have a detrimental effect on the whole country and, for that reason, Congress is trying to institute the minimum wage. The entire country gains by the beneficial rippling results from a fair wage, a fair wage for one's economic independence, self-esteem, productivity and work ethics. The drop in the value of the minimum wage since the last increase in 1981 has so reduced actual purchasing power that a rise to less than \$5.00 per hour would merely return workers' wages to the 1981 level, let alone increase the standard of living. Our wages in this state and in the country have not kept up with inflation, a minimum hourly wage reflecting today's standard of living. Once we bring the wages up to a fair value, we must work to ensure that, once and for all, the minimum wage keeps pace with the cost of living, to raise the minimum wage to a minimum standard of decency.

We must continue working towards these goals in order to safeguard the minimum protection for the most vulnerable. The increase provided for in this bill is gradual, over ten years, allowing businesses adequate time to make adjustments and accommodations as necessary.

This veto, ladies and gentlemen, will be sending the wrong message to all the working people and the businesses in Maine. I hope you will vote to override the Governor's veto.

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

Representative HALE: Mr. Speaker, Ladies and Gentlemen of the House: I rise today to ask you to override the Governor's veto. I ask you to send a message to the workers of this state -- yes, you are worth \$150 a week -- gross. Yes, we are willing to give you that \$4.00 a week.

Unemployment rates -- I will address some of the things the Representative from Hampden addressed. The unemployment rates do not truly reflect the unemployment of the jobless people that are out in our cities from the southern part of the state to the

northern part of the state. Do not be misled and think that, if you come to the south which is York County I am assuming, that they would have boundless jobs. They do not exist. They are temporary part-time positions. There are people looking daily for full-time employment. They are utilizing the same tactics -- two jobs -- as anywhere in the state, whether it be in Aroostook County, Washington County, Lincoln County, or Androscoggin County. We all have the same problems.

As far as workers' compensation being detrimental to a working climate, this again was brought up. I would like to address that. In 1985, we implemented a workers' compensation reform. It was a good reform, I didn't like it, but it was good, it was fair to everyone. We all paid, the workers and the management. Many times we hear the people in the Labor Committee -- they say management, management.

I asked one person that was in management if he was part of a management team or if he owned the business. He was part of the management team. I asked how long he had been on board, because everybody seems to be boarding the ships, he told me the number of years. I said, "I hope you realize that the laws that we are implementing here in this committee, or trying to implement, also protect your rights as well as the people in manufacturing and make no mistake about that."

We learned one thing this year about workers' compensation, perhaps it was a mitigating fact or two -- the rising cost. They did not have enough agents to investigate claims, now that is not the fault of the worker. That is the fault of the insurance company. Banking and Insurance has addressed some of these problems this year through legislation.

It is our job as legislators to provide a fighting poverty tool, as so expressed in the Governor's veto. In addition to training programs, increased day care services, which they can't afford, secondary and post-secondary education, and our university system, which most people will never use that are in the work force today, I say 50 percent that are in the lower-middle age bracket and up. They will never, ever use it, but they can use the ten cents an hour. I don't think with our reputation of our work force and our work ethics that we are certainly sending a message of deterring businesses from developing here in the State of Maine and I urge you to override the veto.

The SPEAKER: The Chair recognizes the Representative from Brunswick, Representative Rydell.

Representative RYDELL: Mr. Speaker, Men and Women of the House: I have only a couple of points I want to add to what has already been said today but I think they are very important. What is under consideration today is whether we will grant to our lowest paid workers a small increment in each of the next three years, whether we will guarantee that they will have a little bit more. I believe that a vote against this increase is not only grossly unfair but it would also be morally reprehensible. How can we deny this increase to earners of the minimum wage while the rest of society has enjoyed at least small increases and there has been a virtual explosion of wealth at the upper end of the income scale in our state?

The argument has been made that raising the minimum wage escalator would greatly increase labor costs to Maine businesses. That can only happen because higher paid employees and their employers are not willing to make the moral decision to give a little more to those at the lowest end of the scale and be satisfied not to have to have something more for themselves at the same time. I believe that we

must follow our conscience today and we must recognize that it is those workers at the lower end of the scale who suffer constant anxiety, stress and a feeling of degradation because the fruits of their labor, their full-time labor, does not yield enough to support themselves and their families. We have to send them the message that we understand this and we are taking steps to correct it. We must vote to override this veto.

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

Representative O'GARA: Mr. Speaker, Ladies and Gentlemen of the House: During this term, all of us have received letters -- I have received letters and calls that said just about everything that you can imagine, optometrists, health clinics, speed limit, drug testing, cats, etcetera, etcetera. I can honestly tell you that, in spite of what I consider to be reasonably good visibility in the city of Westbrook, go home everyday attending activities that I do, I received absolutely no communication, even to the effect of playing golf recently with two employers of a great number of people and there was no discussion at all on the impact that this minimum wage was going to have.

In my judgment, the Governor has sent very negative messages with previous vetoes, but perhaps none as negative as this one. The Governor, in my judgment, is obviously out of touch with the average Maine citizen if he thinks that this is an action that they would take if they had the opportunity.

I don't very often mention Westbrook, but in my ten years as Westbrook's Chief Executive Officer, I had the good fortune of assisting many new industries and new businesses to relocate or expand in the city of Westbrook and wages were never a factor. Quality of life, the quality of our worker, availability of housing and good education were always factors. The minimum wage never came up. I urge you, please do not misjudge the fairness of the citizens of this state. I urge you to override this veto.

The SPEAKER: The Chair recognizes the Representative from Gorham, Representative Hillock.

Representative HILLOCK: Mr. Speaker, Ladies and Gentlemen of the House: We have all been through lengthy litanies of experiences or perceived attitudes towards this. All I can say is the polarization that we have seen today of an attitude on this subject is never going to render a good solution to those that we all at least purport to help make their lives better. I look at minimum wage as entry level positions, those that are either teenagers or trying to enter the work force, that do jobs that perhaps are not in the most dire need of being done. I have heard figures thrown all over the floor here, from 10,000 to 70,000 families being supported by minimum wage. I would like to have someone send me the reference on exactly where they come from.

I guess I agree with the former mayor of Westbrook, Representative O'Gara, that the businesses that were brought into that community, minimum wage was not a factor. It is true that industry has been brought into this state -- that minimum wage has not been a factor. The factor really is that a lot of negotiations with labor are a multiple of minimum wage. To what degree, I cannot really say. For those industries that come into the state and we do all agree, evidently, that minimum isn't a factor. We need to have those people involved in those jobs. We are going through a renaissance in the work place in Maine where new jobs are available and those are not minimum wage jobs.

The unfortunate thing is that we are maintaining a lot of inefficient work force in skills that are being outdated. We don't have to look far to see our shoe factories where I guess minimum wage has applied as a substitute for piece work. It has been used to get through periods of business inactivity.

All I can say is that we don't have to go to another state like New Hampshire. This is really not an issue, they have a thriving economy, and we are looking to try to make Maine that way. It is not going to sell out our natural resources as one Representative said. No one here is going to do that to compromise our standard of living in Maine. We have got to be more imaginative here. It is just that we are one of the top three states in the country with minimum wage. We are not going to lift people up by mandating things.

Workers' compensation was mentioned -- gee, we spent the 112th Legislature working on that. I was on the committee that drafted the bill and I was in that back room in the Speaker's Office when that bill was gutted. There was no reform there, and we were held hostage that day of -- any reform or no reform. So don't let this happen to us here today.

We all get up and beat our chests but the problem is much deeper than this, and when we are out in front leading on any issue nationally, we have to tread carefully. We are still out there and I don't think we are sending a message that is going to be well received if we increase the minimum wage again.

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

Representative SHELTRA: Mr. Speaker, Ladies and Gentlemen of the House: I wouldn't be on my feet unless I could add something to the deliberations here. Representative Hillock reminded me of something, that industry is going through a renaissance and it certainly is. I was fortunate to belong to an age group whereby a man could retire honorably with a decent pension. Today, industry is doing away with the pensions. They are hiring part-time help whenever possible, so consequently, the new people that are coming into industry haven't got much to look forward to and unless we give them some kind of a base whereby they can establish some kind of a savings plan, they are going to be in deep trouble. So I certainly agree with going with the minimum wage, adding to it. Believe me, it is still a low figure in comparison to what management is making.

The SPEAKER: The pending question before the House is, Shall this bill "An Act to Increase the Minimum Wage" (H.P. 869) (L.D. 1170) (S."A" S-115) become a law notwithstanding the objections of the Governor? Pursuant to the Constitution, the vote will be taken by the yeas and nays. This requires a two-thirds vote of the members present and voting. Those in favor of this bill becoming law notwithstanding the objections of the Governor will vote yes; those opposed will vote no.

ROLL CALL NO. 151V

YEA - Aliberti, Allen, Anthony, Baker, Bost, Boutillier, Brown, Carroll, Carter, Chonko, Clark, H.; Clark, M.; Coles, Conley, Cote, Crowley, Diamond, Dore, Duffy, Dutremble, L.; Erwin, P.; Gould, R. A.; Gurney, Gwadosky, Hale, Handy, Hichborn, Hickey, Hoglund, Holt, Hussey, Jacques, Jalbert, Joseph, Ketover, Kilkelly, Lacroix, LaPointe, Macomber, Mahany, Manning, Martin, H.; Matthews, K.; Mayo, McGowan, McHenry, McSweeney, Melendy, Michaud, Mills, Mitchell, Moholland, Nadeau, G. G.; Nadeau, G. R.; O'Gara, Paradis, J.; Paradis, P.; Paul, Perry, Pouliot, Priest, Racine, Rand, Reeves, Richard, Ridley, Rolde, Rotondi, Ruhlin, Rydell, Scarpino,

Sheltra, Simpson, Smith, Soucy, Stevens, P.; Strout, D.; Swazey, Tammaro, Tardy, Thistle, Tracy, Vose, Walker, Warren, The Speaker.

NAY - Anderson, Armstrong, Bailey, Begley, Bickford, Bott, Bragg, Callahan, Curran, Davis, Dellert, Dexter, Farnum, Farren, Foss, Foster, Garland, Greenlaw, Hanley, Harper, Hepburn, Higgins, Hillock, Holloway, Ingraham, Jackson, Kimball, Lawrence, Lebowitz, Look, Lord, MacBride, Marsano, McPherson, Murphy, E.; Murphy, T.; Nicholson, Norton, Nutting, Paradis, E.; Parent, Pines, Reed, Rice, Salsbury, Seavey, Sherburne, Small, Stanley, Stevens, A.; Stevenson, Strout, B.; Taylor, Telow, Tupper, Webster, M.; Wentworth, Weymouth, Whitcomb, Willey, Zirkilton.

ABSENT - Cashman, Lisnik.

Yes, 86; No, 61; Absent, 2; Vacant, 2; Paired, 0; Excused, 0.

86 having voted in the affirmative and 61 in the negative with 2 being absent and 2 vacant, the Governor's veto was sustained.

The Chair laid before the House the following item on Supplement No. 9, which was set aside earlier in the day:

PASSED TO BE ENACTED

An Act to Amend the Maine Optometric Code (H.P. 1338) (L.D. 1828)

The SPEAKER: The Chair recognizes the Representative from Gardiner, Representative Dellert.

Representative DELLERT: Mr. Speaker, Ladies and Gentlemen of the House: I move indefinite postponement of L.D. 1828.

I am deeply concerned about this bill and I regret that the amendment was not passed last week. Steroids can affect people in many different ways. I am further concerned about protections for the monitoring panels. In this section it says, "All optometrists and ophthalmologists shall report to the panel each instance in which a patient administered a therapeutic pharmaceutical experience, experiences a clinically significant drug-induced side effect. This panel shall report each such instance to either the Board of Registration of Medicine if the instance involved an ophthalmologist or to the State Board of Optometry."

It is difficult for doctors to report cases of negligence on each other and then what about the person experiencing the drug-induced side effects? I serve on a hospital board and know of acute problems with liability insurance also. I would think that the optometrists would be very concerned about their liability insurance now.

I urge indefinite postponement and ask for a roll call.

The SPEAKER: 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 the members present and voting. 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: The Chair recognizes the Representative from Rockland, Representative Melendy.

Representative MELENDY: Mr. Speaker, Ladies and Gentlemen of the House: Because the other body has so far approved this bill I, too, would like you to vote for indefinite postponement.

The SPEAKER: The Chair would inform the Representative that she is not to refer to the action of the other body.

Representative MELENDY: I am sorry. Voting for indefinite postponement would put us in a non-concurrent situation and a Committee of Conference could be established on a sensitive, delicate, and technical issue.

I have often thought of what Representative Aliberti stated last week. He said that one side of the issue was not well represented at the committee meeting. Did he or any of you happen to think that doctors don't know the legislative process any better than we know how to perform surgery? They hired a lobbying firm without realizing the importance of their own input.

I spoke to one of the doctors this weekend who had been attending all of the committee's work sessions. He said he had planned on attending the last work session scheduled by the committee on the issue, but later learned that the meeting was held in his absence, four days earlier than scheduled. It was at that time that he discovered he had missed the meeting and he was also informed that a compromise had already been struck, that only one member of his profession was present at the time of the final compromise.

I don't fault the committee, they did what they had to do in these last days of the session. When leadership says, get all the bills out of committee, they mean get all bills out of committee and that is exactly what the committee did. They accepted what they thought was a compromise by both groups.

However, I submit to you ladies and gentlemen of the House, health and medicine, life and death, are not issues that we should be compromising in this legislature. Let us know and admit our limitations and let us call on the medical experts to decide what can be prescribed and by whom.

If we are erring by voting on indefinite postponement and helping to bring this bill to a Committee of Conference, at least we are erring on the side of safety. I believe that one of the most difficult things that we must sometimes do as a Representative is to vote against a unanimous committee report. However, when one learns that there is a potential problem with a piece of legislation, we owe it to ourselves and to the people of this state to consider new information before casting our vote.

Although I didn't get many votes in support of my amendment last week, I believe it is imperative for me to use this last opportunity to try to get the legislation in a position to be amended in order to prevent a few dangerous medications in the legislation from being prescribed by someone other than a physician.

I urge you to vote for indefinite postponement.

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

Representative HALE: Mr. Speaker, Ladies and Gentlemen of the House: I rise only to answer a question from a number of callers that asked if I had spoken with the ophthalmologist in my area, Dr. Robert Vigue. I spoke with him today. Topical medicinal diagnostic therapeutic, etcetera, which is on page 2. In fact, I read the bill, I told him what had transpired and he is in full, total, agreement. So if there is anyone from the area that knows Dr. Vigue, knows his reputation, then they should have no qualms in voting for this. I urge you to vote for passage.

The SPEAKER: A roll call has been ordered. The pending question before the House is the motion of the Representative from Rockland, Representative Melendy, that L.D. 1828 and all its accompanying