

# MAINE STATE LEGISLATURE

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**Legislative Record**  
**House of Representatives**  
**One Hundred and Twenty-Third Legislature**  
**State of Maine**

**Volume III**

**First Special Session**

April 1, 2008 - April 18, 2008

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**REPORTS OF COMMITTEE**

**Divided Report**

Majority Report of the Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-452)** on Bill "An Act To Ensure Fair Wages"

(S.P. 604) (L.D. 1697)

Signed:

Senators:

STRIMLING of Cumberland

SULLIVAN of York

Representatives:

TUTTLE of Sanford

CLARK of Millinocket

HASKELL of Portland

JACKSON of Allagash

DRISCOLL of Westbrook

BURNS of Berwick

Minority Report of the same Committee reporting **Ought Not to Pass** on same Bill.

Signed:

Senator:

DOW of Lincoln

Representatives:

THOMAS of Ripley

HAMPER of Oxford

JOHNSON of Greenville

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-452) AS AMENDED BY SENATE AMENDMENT "A" (S-570)** thereto **AND SENATE AMENDMENT "A" (S-587)**.

**READ.**

Representative TUTTLE of Sanford moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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

Representative **DUPREY**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Don't expect too long a debate on this because I have expected pretty much what the outcome is going to be, but I did want to say a few comments for the record. I can remember back in the 120th Legislature, us debating minimum wage increase—I think it was the first increase to get us away from the federal increase—and I remember both sides, it was a bipartisan agreement, and only seven people voted against it and I was one of those seven, and I do remember saying that if we open this door, you guys are going to try to increase it every single year. This will be the seventh increase in the last seven years, so I guess I was right with that debate.

I can only go by what I know personally and how this will affect it. As an employee, of course I would want more income; as an employer, of course I want my employees to make as much money as they want to make, but it should be up to me. You see, every time you force me to give somebody a raise that they may or may not deserve, I have to take that money away from somebody who does deserve that raise. You see, I have people that I would love to pay \$11 an hour to that I have to be \$9, because you forced me to pay \$7 to someone who deserves \$6. That is what happens when you try to level the playing field: the playing field becomes uneven.

From 2002 to 2005, in my old business, I used my Bush tax

cut money and I rapidly expanded my business, going from 5 employees to 60, creating a lot of jobs. I increase benefits every year: 401k with a 100 percent match, unheard of in the industry; paid holidays, sick time and paid family sick leave; health, dental, life, disability, vision insurance, have it all, but every 25 cent increase costs me \$25,000 year. So you are talking, this bill alone, will cost me \$50,000. With the high price of oil, parents cannot afford a raise in childcare rates. I have no choice, with this bills passage, and it almost makes me want to cry to have to tell my employees they are going to have to lose their health insurance over this increase, but I can't pass it on to the parents any longer. If you asked my employees, we polled every single one of them; I guarantee they would say they would rather make \$5 an hour and keep their health insurance, than make \$7.50 without it. Mr. Speaker, I ask for a roll call.

Representative **DUPREY** of Hampden **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 Sanford, Representative Tuttle.

Representative **TUTTLE**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Like my good friend from Hampden, I will try to be brief in my remarks today. I wanted to just explain what the amended version of the bill does, it substantially is different. The amendment reduces the increase in minimum wage proposed in the Majority, from \$7.35 per hour in 2008 and \$7.70 per hour in 2009, to \$7.25 an hour in 2008 and \$7.50 per hour in 2009. The amendment also eliminates the proposed for 2010, it eliminates the indexing that a lot of people had concerns with, so essentially we are raising the minimum wage by \$0.25 each year, in 2008 and 2009, starting in October 1st. The other amendment, by the good Senator Dow in the other body, removes the provisions regarding employees, remedies and provision that increase penalties for violation of minimum wage laws.

I think that minimum wage is still well below a livable wage in Maine, which is about \$10.20 an hour. A large number of low wage earners would benefit from this bill. Studies reveal that raises in minimum wage do not impact employment rates. Seventy-one percent of minimum wage earners are adults. The bill is, I think, morally and ethically sound. The cost of living is rising, as most of us know, faster than all of the income workers in Maine, particularly those of minimum wage. Full-time, minimum wage jobs, for a family of four, are nearly 30 percent below the poverty level. Most low wagedworkers cannot or were not able to speak at the public hearing because they had to work, so I feel that we have to be their voice in Augusta. I would encourage you to support the Majority Report because I feel it is the right thing to do for Maine. Thank you, Mr. Speaker.

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. 391**

YEA - Adams, Ayotte, Babbidge, Beaudoin, Berry, Blanchard, Blanchette, Boland, Brautigam, Briggs, Bryant, Burns, Cain, Campbell, Canavan, Carey, Casavant, Clark, Conover, Craven, Crockett, Dill, Driscoll, Eaton, Eberle, Faircloth, Farrington, Finch, Fischer, Gerzofsky, Grose, Harlow, Haskell, Hayes, Hinck, Hogan, Jackson, Jones, Kaenrath, Koffman, Lundeen, MacDonald, Makas, Marley, Mazurek, Miller, Mills, Miramant, Norton, Patrick, Pendleton, Peoples, Percy, Perry, Pingree, Piotti, Pratt, Priest, Rand, Rines, Schatz, Silsby, Simpson, Sirois,

Smith N, Sutherland, Theriault, Treat, Trinward, Tuttle, Valentino, Wagner, Watson, Webster, Weddell, Wheeler, Mr. Speaker.

NAY - Annis, Austin, Barstow, Beaudette, Beaulieu, Berube, Browne W, Carter, Cebra, Chase, Cotta, Cray, Crosthwaite, Curtis, Duchesne, Duprey, Edgecomb, Finley, Fitts, Fletcher, Flood, Giles, Gould, Greeley, Hamper, Hanley S, Hill, Jacobsen, Johnson, Knight, Lansley, Lewin, Marean, McDonough, McKane, Millett, Nass, Pilon, Pinkham, Plummer, Prescott, Rector, Richardson D, Richardson W, Robinson, Samson, Sarty, Savage, Saviello, Strang Burgess, Sykes, Tardy, Thibodeau, Thomas, Tibbetts, Vaughan, Walker, Weaver.

ABSENT - Bliss, Cleary, Connor, Dunn, Emery, Fisher, Gifford, Joy, McFadden, McLeod, Moore, Muse, Pieh, Pineau, Rosen, Woodbury.

Yes, 77; No, 58; Absent, 16; Excused, 0.

77 having voted in the affirmative and 58 voted in the negative, with 16 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-452)** was **READ** by the Clerk.

**Senate Amendment "A" (S-570)** to **Committee Amendment "A" (S-452)** was **READ** by the Clerk and **ADOPTED**.

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

**Senate Amendment "A" (S-587)** was **READ** by the Clerk and **ADOPTED**.

Under suspension of the rules, the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-452) as Amended by Senate Amendment "A" (S-570)** thereto and **Senate Amendment "A" (S-587)** in concurrence.

#### UNFINISHED BUSINESS

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

SENATE DIVIDED REPORT - Majority (12) **Ought to Pass as Amended by Committee Amendment "A" (S-594)** - Minority (1) **Ought to Pass as Amended by Committee Amendment "B" (S-595)** - Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Improve the Use of Information Regarding Sex Offenders to Better Ensure Public Safety and Awareness"

(S.P. 147) (L.D. 446)

- In Senate, Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-594)**.

TABLED - April 10, 2008 (Till Later Today) by Representative GERZOFKY of Brunswick.

PENDING - Motion of same Representative to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

Subsequently, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-594)** was **READ** by the Clerk and **ADOPTED**.

Under suspension of the rules, the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-594)** in concurrence. **ORDERED SENT FORTHWITH**.

The Chair laid before the House the following item which was **TABLED** earlier in today's session:

HOUSE DIVIDED REPORT - Majority (8) **Ought Not to Pass** - Minority (5) **Ought to Pass as Amended by Committee Amendment "A" (S-575)** - Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Allow Direct-to-consumer Wine Sales"

(S.P. 781) (L.D. 1987)

Which was **TABLED** by Representative PINGREE of North Haven pending her motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

Subsequently, the Majority **Ought Not to Pass** Report was **ACCEPTED** in **NON-CONCURRENCE** sent for concurrence.

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

#### ENACTORS Acts

An Act To Amend Maine's Scallop Laws

(H.P. 1455) (L.D. 2071)

(S. "B" S-597 to C. "A" H-863; H. "A" H-889)

An Act To Change the Timing of the Health Care Occupations Report and To Add and Clarify Definitions Relating to Swimming Pools and Spas

(H.P. 1491) (L.D. 2105)

(C. "A" H-874; S. "A" S-574)

An Act To Establish a Railroad Crossing Information Council

(S.P. 847) (L.D. 2199)

(S. "A" S-600 to C. "A" S-549)

An Act To Implement the Recommendations of a Task Force Convened To Evaluate and Recommend Revisions Regarding the Statutory Definition of "Service Dog"

(H.P. 1648) (L.D. 2285)

(S. "A" S-598 to C. "A" H-943)

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.

#### Resolves

Resolve, Authorizing the State Tax Assessor To Sell a Certain Parcel of Land in the Unorganized Territory

(H.P. 1583) (L.D. 2217)

(S. "A" S-583 to C. "A" H-946)

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

#### UNFINISHED BUSINESS

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

HOUSE DIVIDED REPORT - Majority (10) **Ought to Pass** - Minority (3) **Ought to Pass as Amended by Committee Amendment "A" (H-937)** - Committee on **TRANSPORTATION** on Bill "An Act To Require That a Person Be a Maine Resident in Order To Be Issued a Maine Driver's License" (EMERGENCY)