

MAINE STATE LEGISLATURE

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

Daily Edition

Second Regular Session

beginning January 6, 2016

beginning at page H-1188

PUBLIC SAFETY reporting Ought to Pass as Amended by Committee Amendment "A" (H-565)

Under suspension of the rules, Second Day Consent Calendar notification was given.

There being no objection, the Senate Paper was **PASSED TO BE ENGROSSED as Amended** in concurrence and the House Papers were **PASSED TO BE ENGROSSED as Amended** and sent for concurrence.

**BILLS IN THE SECOND READING
Senate as Amended**

Resolve, To Increase Access to Opiate Addiction Treatment in Maine

(S.P. 571) (L.D. 1473)
(C. "A" S-392)

Bill "An Act To Protect Maine's Natural Resources Jobs by Exempting from Sales Tax Petroleum Products Used in Commercial Farming, Fishing and Forestry"

(S.P. 579) (L.D. 1481)
(C. "A" S-385)

Reported by the Committee on **Bills in the Second Reading**, read the second time, the Senate Papers were **PASSED TO BE ENGROSSED as Amended** in concurrence.

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

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

COMMUNICATIONS

The Following Communication: (H.P. 1131)

**STATE OF MAINE
OFFICE OF THE
SECRETARY OF STATE
AUGUSTA, MAINE 04333-0148**

March 15, 2016
Honorable Robert B. Hunt
Clerk of the House
2 State House Station
Augusta, Maine 04333

Dear Clerk Hunt:
Enclosed please find my official certification to the 127th Legislature of the citizen initiative petition entitled "An Act To Establish the Fund To Advance Public Kindergarten to Grade 12 Education".

Sincerely,
S/Matthew Dunlap
Secretary of State

**State of Maine
Secretary of State**

I, Matthew Dunlap, Secretary of State, hereby certify that written petitions bearing valid signatures of 66,849 electors of this State were addressed to the Legislature of the State of Maine and were filed in the office of the Secretary of State on February 1, 2016, requesting that the Legislature consider an act entitled, "An Act To Establish the Fund To Advance Public Kindergarten to Grade 12 Education".

I further certify that the number of signatures submitted is in excess of ten percent of the total votes cast in the last gubernatorial election preceding the filing of such petitions, as required by Article IV, Part Third, Section 18 of the Constitution of Maine, that number being 61,123.

I further certify this initiative petition to be valid and attach herewith the text of the legislation circulated on the petition's behalf.

In testimony whereof, I have caused the Great Seal of the State of Maine to be hereunto affixed. Given under my hand at Augusta on the fifteenth day of March in the year two thousand and sixteen.

S/Matthew Dunlap
Secretary of State

READ and with accompanying papers **ORDERED PLACED ON FILE.**

Sent for concurrence.

On motion of McCABE of Skowhegan, the accompanying Bill "An Act To Establish the Fund To Advance Public Kindergarten to Grade 12 Education"

(I.B. 3) (L.D. 1660)

and all accompanying papers were **INDEFINITELY POSTPONED.**

Sent for concurrence.

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

The Following Communication: (H.P. 1132)

**STATE OF MAINE
OFFICE OF THE
SECRETARY OF STATE
AUGUSTA, MAINE 04333-0148**

March 15, 2016
Honorable Robert B. Hunt
Clerk of the House
2 State House Station
Augusta, Maine 04333

Dear Clerk Hunt:
Enclosed please find my official certification to the 127th Legislature of the citizen initiative petition entitled "An Act To Raise the Minimum Wage".

Sincerely,
S/Matthew Dunlap
Secretary of State

**State of Maine
Secretary of State**

I, Matthew Dunlap, Secretary of State, hereby certify that written petitions bearing valid signatures of 75,275 electors of this State were addressed to the Legislature of the State of Maine and were filed in the office of the Secretary of State on January 14, 2016, requesting that the Legislature consider an act entitled, "An Act To Raise the Minimum Wage".

I further certify that the number of signatures submitted is in excess of ten percent of the total votes cast in the last gubernatorial election preceding the filing of such petitions, as required by Article IV, Part Third, Section 18 of the Constitution of Maine, that number being 61,123.

I further certify this initiative petition to be valid and attach herewith the text of the legislation circulated on the petition's behalf.

In testimony whereof, I have caused the Great Seal of the State of Maine to be hereunto affixed. Given under my hand at Augusta on the fifteenth day of March in the year two thousand and sixteen.

S/Matthew Dunlap
Secretary of State

READ and with accompanying papers **ORDERED PLACED ON FILE**.

Sent for concurrence.

Representative McCABE of Skowhegan moved that the accompanying Bill "An Act To Raise the Minimum Wage"

(I.B. 4) (L.D. 1661)

and all accompanying papers be **INDEFINITELY POSTPONED**.

Representative GUERIN of Glenburn moved that the Bill and all accompanying papers be **COMMITTED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT**.

Representative McCABE of Skowhegan **REQUESTED** a roll call on the motion to **COMMIT** the Bill and all accompanying papers to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT**.

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 Glenburn, Representative Guerin.

Representative **GUERIN**: Thank you, Mr. Speaker, I would like to talk about what my amendment would be that I would like to put on this bill.

The SPEAKER: The Representative would defer. The pending motion is to Refer to Committee and that is what is before the body and that is what the debate will be limited to, whether this bill should be sent to committee or not.

The Chair reminded Representative GUERIN of Glenburn to confine her debate to the question before the House.

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

Representative **GUERIN**: Mr. Speaker, Ladies and Gentlemen of the House, I believe that sending this bill to committee will give the opportunity for the committee to vet the process of changing the laws related to our minimum wage. I believe that the minimum wage referendum question is too extreme for Maine, that it will hurt our restaurant servers, our restaurants, and businesses throughout Maine.

The three major points that I would like to talk about are those restaurant servers and owners. Restaurant servers enjoy a very good pay grade in the State of Maine. They are guaranteed by federal law to receive minimum wage, but that is a rare occurrence in the State of Maine. Most servers receive much more than minimum wage and they want to be able to keep that option to make much more. An accountant in Bangor recently told me of a waitress who worked at Jordan Pond House this summer. She was a college student and she made \$27,000 as her summer job at the Jordan Pond House as a waitress. Our wait staff is completely opposed to moving to minimum wage for their pay. They want to keep their pay at what is now set by the federal government, minimum wage as the minimum, but the opportunity to make much more instead of being minimum wage employees.

The restaurant owners would be terribly overburdened if we moved restaurant servers to the minimum wage. I own a food service equipment company, so I am friends with many of the restaurateurs and the servers from all over our state. I have received numerous calls literally begging me, up until 9 o'clock last night, to do something to mitigate the effects of an extreme

increase in the minimum wage and the loss of the tip wage. Many restaurants have told me at my business that they plan to go to counter service and lay off their wait staff if it goes to a minimum wage that they could not afford in their budgets.

The restaurant economy is much different than many businesses. They operate on a very thin margin and so the minimum wage increase for a large staff would make it impossible for them to continue with the current staff situation, so we have the possibility of either the wait staff making much less than what they make now, or in many cases, being laid off. I've also had many of my customers who own restaurants tell me that if this huge minimum wage increase passes and the tip wage is removed, that their business will close. And I believe them. They are not alarmists. They are my friends and customers who are talking to me about what they can do to save their business and to save their employees' jobs, many who have worked there 20 or 30 years.

Then, my second point I would like to address is Maine's businesses and entry-level workers. With an extreme minimum wage increase, many of Maine's businesses, especially in the rural areas, will be hurt. I know that in the south and on the coast, wages are already above minimum wage for starting wages, but out in the country on a back road where you have a small country store, and the owner works 15-16 hours a day and is barely able to stay open, and maybe has 1 employee that comes in a few hours a week so he can go to the bank or she can go to Sam's Club to buy supplies for their store. These stores work on an extremely low margin. I have one customer who has had his pizza warmer repaired five times at my business because he can't afford a new pizza warmer. So, the increase would, most likely, put him out of business.

Our entry-level workers will be hurt because they need to be able to start at a wage where businesses can take a chance on them, to have a chance to train them; our 16-17 year olds. Would I hire somebody at \$12 an hour, figuring this person has no job experience and no training? You need to have a lower wage for those entry-level workers.

And finally, Mr. Speaker, I would ask you to support my motion for the relief of our senior citizens. With a minimum wage increase, you can know for sure who will be hurt the worst. Our senior citizens live on fixed incomes. If the minimum wage was increased to \$12 an hour, that would mean all wages would have to go up. People who are making \$12 an hour would be making \$18 or \$19 an hour. Businesses would have to raise their prices, and with the raising of prices in every sector of our economy—not just the low-level employers, but the high-level employers—the senior citizens would be left with an income gap that would be unsurmountable on social security. So the people most hurt by a large increase in the minimum wage would be our senior citizens. So I ask that people follow my light and vote their conscience today.

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

Representative **CHIPMAN**: Mr. Speaker, Ladies and Gentlemen of the House, I've given a lot of thought to this over the last few weeks and the time to take action on this issue was last year. We had eight bills to raise the minimum wage—one of which I sponsored—and we couldn't even get support in this body to increase the wage by 50 cents. Frustrated, the citizens went out and collected 90,000 signatures to raise the minimum wage and put a question on the ballot.

And this attempt, now, to refer this to committee so a competing measure can come out, in my mind, would undermine that process and that's not something I'm willing to do. A competing measure would split the vote and could result in

nothing happening and that would be a real slap in the face to those 90,000 citizens and many more who support this issue. So I'm not willing to do that at this time. I think we need to let this question go out to the ballot and if the folks that want to raise the wage by some amount less than what the referendum called for, they can go out and get the signatures and put that on the ballot and we can vote on that. Thank you.

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

Representative **SIROCKI**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, I come from the Town of Scarborough. We have more than 1,300 small businesses. But I grew up in rural Maine on the New Hampshire border. I have relatives that are autistic. I have friends that have disabled family members. This measure affects all of those people. This is a far-reaching proposal. We would be the only state in the country. I strongly urge referral to the Labor, Commerce, Research, and Economic Development Committee, so the public has a voice. The employers and the employees need to be heard. They deserve to be heard. And the voters deserve more information upon which to base this very important decision come November.

This did garner the required signatures of about 60,000-70,000 people, but this is affecting millions of people—or at least the 1.3 million people here in the State of Maine. And again, we would be the only state in the country doing this very aggressive proposal and this puts our business community at a tremendous disadvantage with our neighbor, New Hampshire. I strongly urge referral to the committee so the public can weigh in on this so that the voters know which way to go come November. Thank you.

The SPEAKER: The Chair recognizes the Representative from Newfield, Representative Campbell.

Representative **CAMPBELL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, my good friend across the aisle, Representative Sirocki, said she used to live along the New Hampshire border. Well, she was my neighbor. She lived in West Newfield, where I live. And when I sat on the other side of the aisle, I used to hear all the time, all the time about keeping our children, educating them and keeping them in Maine. Yet, nobody wants to give them a decent wage. That's why they move out of Maine.

Well, being on the Labor Committee, we voted to raise the minimum wage to \$8 and we got the salute. Then we made another bill, same thing. Wound up with seven or eight different bills and they all got turned down. So, instead of doing our job up here on both sides of the aisle, they turned around and they let the people of Maine, of Portland, come up with a petition to raise the minimum wage, which we should've done and couldn't do it. And that \$8 an hour wasn't enough for you.

The SPEAKER: The Representative would make remarks through the Chair. Thank you, sir.

The Chair reminded Representative CAMPBELL of Newfield to address his comments toward the Speaker.

The SPEAKER: The Chair recognizes the Representative from Newfield, Representative Campbell.

Representative **CAMPBELL**: So, now they're looking at a competing bill for \$10 an hour. Maybe they'll learn someday, as Ronald Reagan used to say, "A half a loaf of bread is better than no bread." Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Belgrade, Representative Hilliard.

Representative **HILLIARD**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, during the last several weeks I wanted to speak to several quick service

restaurant owners to find out their feelings on this bill and make sure I understood the effects from their point of view. These are your local Wendy's, McDonalds, Burger King, Subway, Dunkin' Donut owners. They are not large corporations. I spoke with about 20 of them who collectively employ hundreds of Maine people. Subway, alone, employs over 1,500 people in the State of Maine. Please understand that in almost no case, including students, do these people even start employees at minimum wage.

Of the several that I got numbers from, the starting wage is at least 80 cents above minimum and the average hourly wage is over \$11 an hour. They all agree that even though they are paying well over minimum, if the minimum goes up, they will need to raise their employees' wages proportionately upwards. As evidenced here, the free market system is already adjusting wages, and therefore adjusting prices throughout the marketplace. Small businesses face great challenges already, and many in the quick service industry are postponing or cancelling normal capital improvements and growth projects which have an overall negative effect on our economy. If the referendum passes as proposed, tying wage increases to some index over time, it's horrifying to Maine small business people, as it totally eliminates any predictability for them and their families, and of course makes them less apt to risk being in business, hurting the economy overall.

A \$1 wage increase causes an average Subway owner to increase prices about 25 cents per sandwich and of course other businesses will face the same issue. I wonder how the average hourly wage worker gains much when prices are going up all around them. In discussing the competing measure proposal, these business owners think it is a reasonable approach and although somewhat challenging, it provides predictability for them going forward. If you have not thoroughly analyzed the full effects of the referendum question, I urge you to do so. I will be supporting moving the bill to the Economic and Development Committee and I suggest you do the same. Thank you.

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

Representative **VACHON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentleman of the House, I have received many constituent emails from restaurant owners and waitresses in opposition to the statewide minimum wage increase and the elimination of the tip credit. It will have a devastating effect on our restaurant owners and their tip-earning employees. It will also have an effect on Maine residents and tourism who frequent Maine's restaurants.

Today, restaurant owners are required to pay servers minimum wage if their tips per shift do not meet the minimum wage standard. Therefore, today's servers are always making, at minimum, minimum wage. Speak to any waitress, anywhere—rural or urban—and they will tell you, servers make much more than minimum wage—the good ones, that is. And in the hospitality business, a good waitress is the face of your business. It is, part and parcel, to the experience. You want the best in the business.

The truth: serving tables is a high paying job, with flexible hours. It requires no schooling, and in many cases, little training or experience. The wait staff often defines the restaurant's distinct characters. It is safe to say that happy, friendly wait staff that become an institution in an establishment are happily earning a good living. That's good for the waitress, good for the restaurant owner, and good for the customer.

I have received many e-mails on this subject. The most poignant came from Stephen and Michelle Corry, owners of Five Fifty-Five, Petite Jacqueline, and Portland Patisserie, all located

in Portland, Maine's noted "foodie" town. The Corrys live in Scarborough, and are my constituents. In an e-mail, the Corrys wrote, "My business," a successful restaurant group, that has been operating for 13 years, "will not be sustainable paying servers \$9-\$12 an hour without making drastic changes. These changes will include raising menu prices." They calculate that they would have to earn \$14 more per customer, and then take away the tipped house. This would mean the actual check would be the price the customer will pay. They estimate that their servers would go from making \$29 an hour to \$12 an hour overnight. "Service will suffer, prices will go up, jobs will be lost, restaurants will close, and less business will come to Maine."

In their impassioned email, they outlined the three-year roll-out of adjusting to the wage increases. By year three, a \$13.50 per hour, their payroll will increase by \$310,000 a year. Worth noting, that doesn't include payroll taxes and matches. The couple stated that they will have to take away health insurance and other benefits. They would lower staff salaries, simplify their menu, and run their restaurant with fewer cooks and reduced staff.

Restaurants, especially small restaurants, already run on a low margin. This minimum wage law is affecting way more than wages. It is cutting at the core and culture of the waitress profession. Good waitresses earn a good living. It is hard work. We should not upset the restaurant culture. Maine has earned its reputation as a haven for foodies. Having a robust and creative menu items and hardworking and high earning wait staff is what has earned Maine's foodie reputation. We should not mess with this. It is for this reason I support a competing measure and ask that this be sent to committee. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Hancock, Representative Malaby.

Representative **MALABY**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I rise in support of the pending motion. I would duly note that there is, indeed, a lot of market pressure on wages. We have seen it here. We have seen it repeatedly here. You know, we, in our committee on Health and Human Services have been asked to raise the wages for personal support workers. We've been asked to raise wages for home and community base workers. We've had a bill recently about raising the wages for law enforcement workers. I was just asked as I was coming into this room if I would be willing to testify on Monday for a bill about raising wages for Riverview workers. We have bills about raising the wages for nursing home workers. We also have bills about raising the wages for PNMI workers. And I put to you that we, the Legislature, must raise their wages because we are the ones who appropriate and allocate those funds.

But when it comes to the private market, this same impact is being witnessed by everyone. Wages are, indeed, rising. There is, some would say, a shortage of people to work in some places. We've seen it. There's help wanted signs everywhere. And as my first economics professor would tell you, there is no such thing as a shortage. Wages will rise naturally to fill that void.

I am in support, if you will, of a competing measure. I am in support of committing this to the committee. I think that the tip credit, and I as a restaurant owner of 36 years, require the tip credit. It will have a significant impact. I've had two very close friends call me within the last week and say, "Look." They are going to a completely different style of business. They are eliminating their servers. I think that's sad to see. So I rise in support of this motion. I ask you to follow my light. Thank you.

The SPEAKER: The Chair recognizes the Representative from Newport, Representative Fredette.

Representative **FREDETTE**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, the good Representative from Newfield, Representative Campbell, is correct. To some degree, we may have not met our obligation in regards to this issue, but the reality is, is that the federal government is the one that has not properly addressed this issue. The issue before us is one of, not only a Maine minimum wage, but a regional and a national minimum wage. And so, quite frankly, to the extent that Congress has not done its job, it leaves us to deal with the job here alone in Maine, and trying to look at and how are we going to be able to compete with New Hampshire, Vermont, and Massachusetts.

Now, often times, it says, "One size does not fit all." And I will tell you, as someone who was born in Aroostook County, raised in Washington County, this is not a bill that fits all. The reality is, if you're in Portland, Maine, wages are very different than if you're in Somerset County, Maine or if you're in Washington County, Maine or Aroostook County, Maine. And what that impacts, particularly, is small businesses. If you're in Portland, Maine, working at Best Buy or if you're working at Macy's or some store like that, minimum wage probably isn't part of the conversation. But I can assure you, if you're the mom-and-pop store owner in Wypitlock, Maine, or in Danforth, Maine, or in Pery, Maine, I can assure you that the minimum wage issue is an issue. It is an issue for rural Maine. And so, when we're talking about this issue, I understand and I support the need to recognize those that are working at a minimum wage. But we also need to understand the small business perspective of that small store owner or that small business that maybe has two or three or four people working for them. And you're suggesting raising the minimum wage 20-30 percent.

This is basic economics, folks. When you raise the minimum wage, you're going to lower something else. And that lowering something else means employment. Probably also means some closing of some small businesses and unless you've been to rural Maine lately, since 2008, things are pretty tough in rural Maine. And so, when you're talking about raising the minimum wage and having those small businesses close their doors, taking away more jobs, driving more young people out of rural Maine, more businesses out of rural Maine, that's the net effect of this, folks. It's basic economics.

Now I think the proposal before us and the conversation before us is, should we as a Legislature, as the good Representative from Newfield said, have we done our job? And I would suggest that maybe he's right. So, why not commit this bill to committee and have that conversation in committee? Have this body look at, how can we balance the interest of those that maybe need an increase in minimum wage with those that have to pay an increase in minimum wage. Have that conversation. Do our responsibility. Do our due diligence. Not doing that, quite frankly, I think is another death nail to rural Maine because those are the people that are going to be affected by this bill. Those people working for tip wages. Those are going to be the people that are going to suffer by this. There will be some people helped. There will be some people hurt in this process.

That's the conversation that we need to have. I believe it's the responsibility that we have as a body to have that conversation. There are groups and organizations out there that are working with and talking to legislators about how we can do this the right way. And I applaud the people that went out and collected the signatures that brought this issue to the forefront. I applaud their effort. And I join them in this conversation, in this obligation to look at this issue in a smart way. It's not a political issue between parties. We need to look at how are we best helping and positioning Maine. We see mill after mill after mill

closing in this state. And now we want to put small businesses in a position where we're going to dictate to them from Augusta that they are then going to start paying higher wages. And if anybody thinks that that's not going to decrease the amount of employment or result in the closing of some businesses, then I think that's foolheartedly.

So, let's be smart about this. Let's show some leadership about this. Let's not play politics with this issue. Let's let the committee work this issue. They're smart people that can look at this and give us the data so that we can make a good decision about this. Please follow my light, send this bill to committee, so that this Legislature can do the right thing and see if there's a better way to do this. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from the Houlton Band of Maliseet Indians, Representative Bear.

Representative **BEAR**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, if I could vote, I would urge that you would follow my light opposing this motion. Charity begins at home. The previous speaker mentioned how this is more than just a local issue but a regional and a national issue. He's, in my view, absolutely correct. But this is even more than that. This is a global issue. We need to be calling for a living minimum wage worldwide. Let's begin at home. Let's do it right here. The people of Portland, the people of the big populated areas are credible; they are legitimate in their call for a big problem to be addressed—underfunding of labor.

To say that this will, in some way, negatively affect all businesses, or a significant number of businesses, may leave out the fact that we are in an economic boom in certain senses, that we are realizing savings—huge savings—with respect to energy savings. The price of energy has gone down dramatically over the last two years. There is a windfall of savings for companies, especially the bigger ones and actually every company, which can be transferred. That wealth can be transferred to support increases in wages for labor.

So, being that this is St. Paddy's Day, I think it's appropriate to tell you that we, as a tribe, have absorbed certain benefits from our relationships with other cultures, the Irish especially. We were taught how to make splint ash baskets. You're familiar with these—backpacks, potato baskets. My father told me this. His father told him. We learned from the Irish how to make our baskets. We've made them a bit differently, perhaps, added to these designs, but in years past, when I was a young boy, we peddled these for \$2, \$3, \$5 a basket. Times have changed. Now, these baskets, especially the packs and the hampers, we're getting \$400 and \$450 and \$500 a basket. I think it's time we now recognize that the compensation for our labor should also increase. We've demanded it. I urge you to demand it as well. Thank you, Mr. Speaker.

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

Representative **O'CONNOR**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I stand in support of the pending motion. I work as a waitress. I work in a small restaurant in South Berwick, Maine, called Fogarty's. I spoke to my boss Larry Fogarty about this issue. He was so upset because after 55 years of a family business, this issue will close him down.

The SPEAKER: The Representative will defer. The Chair would inquire as to why the Representative from Skowhegan, Representative McCabe, rises.

Representative **McCABE**: Thank you, Mr. Speaker, I would ask that the Chair have Members address their comments to the Chair at this time.

On **POINT OF ORDER**, Representative McCABE of Skowhegan asked the Chair to remind Representative O'CONNOR of Berwick to address the Speaker and not turn to the rest of the House.

The SPEAKER: The Chair would remind all Members to direct your comments through the Chair.

The Chair reminded all members to address their comments toward the Speaker.

The SPEAKER: The Representative may proceed.

Representative **O'CONNOR**: Thank you, Mr. Speaker. Many of the people have come to Fogarty's restaurant over the past 55 years, have gotten marvelous service. What this will do is close us down and we will not be able to sell that business. It will virtually destroy all restaurants up and down the coast of Maine, or the border of Maine. People will no longer be able to dine in fine dining establishments. Those establishments will have little iPads and you'll have counter service. So, I urge this to go to committee. Thank you.

The SPEAKER: The Chair recognizes the Representative from Turner, Representative Timberlake.

Representative **TIMBERLAKE**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, you've heard me speak over the last six years about putting Maine on an island and not letting that happen. Today, we have the option of putting Maine on an island, or at least sending this bill to committee, where it could be worked and at least listened to.

The right thing to do, at least, is to send this to committee. What are you scared of? That something good might happen with the bill? If you don't like it, we don't have to vote for it after it comes back from committee, but it deserves a right to go before the committee, be worked, and listen to all sides of the issue. I thought that's what we were here to do. I don't know whether I support the referendum or not, as far as an alternative referendum. I know I'm against the referendum on the floor, but I don't know as if I would even support or not. But how do we know unless it goes to committee? And people get a chance to hear and it gets reported back to us. That's what we do. Day in and day out here, 2,000 bills a year. And today, we don't want to give that?

I think all of these referendums should go to committee, as far as that goes and be talked about and put out. But folks, this is the right thing to do. The only reason you wouldn't vote to send it to committee is because you're scared something good might happen.

The SPEAKER: The Representative will defer. The Chair would remind the Representative from Turner and all Representatives not to question the motives of other Members.

The Chair reminded all members that it was inappropriate to question the motives of other members of the House.

The SPEAKER: The Member may proceed.

Representative **TIMBERLAKE**: I just say the right thing to do, in my opinion, is that we send it to committee, let it be worked, let it be brought back to us. It may come back with a unanimous Ought Not to Pass Report, it may come back with a Divided Report, but let's just give it a chance to go through the process like it should. Thank you very much.

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

Representative **AUSTIN**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I have the pleasure of serving on the committee that this bill is being prescribed to go to. As to the good Representative from Newfield's remarks, we did hear similar bills of a different amount, let's put it that way, last session. And we filled the rooms. We filled the room with people—entrepreneurs, restaurateurs, and waiting staff—and

they were passionate, and they even shared proprietary information that probably they shouldn't have to make their case. So, to his remarks, I would suggest—I believe that I can speak for my team—we are open and welcome and would love to see this bill come back to us and be vetted thoroughly with the prescribed raise that is in that bill. If we do not hear from them, we do not know how they feel about this. We do know how they felt about others. But, let this bill have its day and let it shine its light and then we can all go home and say that each side, each ideology, each support for business was heard. Really, do this in the good name of the people of Maine. Thank you, Mr. Speaker.

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

Representative **FECTEAU**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, I rise in opposition to the pending motion to send this to committee. In true Catholic fashion, I have a confession to make. Have you seen the TV program *Undercover Boss*? Every now and again, I'll watch an episode, without fail, towards the end, I find myself tearing up and I have a pretty thick skin and I don't usually tear up over TV programs, especially. It's well out of my norm.

But for those of you who have not seen the program, a featured company executive typically does really incredible and inspiring things for his or her employees who have tremendously compelling personal narratives during the taping of the program, as they teach their undercover boss to do what they do for a living. Often times, the undercover boss doesn't do so hot in those positions. Today, here in this chamber, I feel like an undercover boss. However, Mr. Speaker, unlike the TV program, today's compelling personal narratives are not neatly packaged into 30 minute videos positioned behind our glass screens. The compelling personal narratives are all around us. These are the most compelling realities of them all, because these are the lives lived day-in and day-out, by our neighbors, our grandparents, our friends, our sisters, our brothers, our daughters, our sons, our mothers, and our fathers. These are the stories of real Mainers, Mr. Speaker.

In fact, this referendum, which voters will consider this November, will ultimately provide a wage increase to 40 percent of Maine's workforce—a total of 158,000 employees. 158,000 employees. Sixty percent of these workers are women and to the disappointment of the powers that be, 85 percent are over the age of 20. Thus, this undercover boss is not just voting today to lift the boats of unworthy, student loan debt ridden young people, as opponents have suggested on many occasions. This is a proposal for real Mainers who work hard with too little to show for that very work. Are you still skeptical, Mr. Speaker? Still wondering how could this leave any of us with a warm feeling experience at the end of an undercover boss episode?

Well, Kristen Lopez Eastlick, with the Employment Policies Institute after all, did argue in 2009 when Maine last increased the minimum wage from \$7.25 to \$7.50 that quote, "When businesses can't make up those costs in increased sales, especially difficult in recession economy, they find other ways to cut costs by eliminating jobs." Yet, Eastlick's hysteria over 25 cents proved untrue. The unemployment rate went from 8.2 percent at the end of 2009 to 8.1 percent by the end of 2010, and then down to 7.7 percent, down to 7.2 percent, down to 6.1 percent, and all the way down to the present percentage of today which is 3.8. Her analysis strikes a similar chord with the opposition testimony provided on recent proposals, some vastly more modest than this referendum. However, many of those 50 cent raise opponents are now lobbying Members of this very chamber to support this motion today before us.

The tide that is going to lift those 158,000 boats is rising and now they're building a levy, Mr. Speaker. It's the competing measure levy. Suddenly, we have a competing TV program, Mr. Speaker: *Undercover Increased Minimum Wage Opponents*. It's a show about a handful of organizations who, only a few months ago, opposed legislation to increase the minimum wage to \$8, who say they now support an increase of three installments ending in \$10. Mr. Speaker, *Undercover Boss* ends in a heartfelt connection between the executive and his or her employees' hardships and monetary shortfalls. It's a genuine moment where socioeconomic statuses crumble and empathy prevails.

I'm supporting this genuine referendum championed by unwavering supporters of Maine's low- to middle-income employees. So, Mr. Speaker, let me end in the same vein as my beginning by deferring to my better Catholic senses. Father John Ryan, a theologian and fellow alum of my university where I graduated wrote in his dissertation, *A Living Wage*, quote, "On what ground is it contended that a worker has a right to a decent livelihood? The man who is not provided with the requisites of normal health, efficiency, and contentment lives a maimed life, not a reasonable life. Furthermore, man's personal dignity demands not merely the conditions of reasonable physical existence, but the opportunity of pursuing self-perfection through the harmonious development of all his faculties." So, Mr. Speaker, Ladies and Gentlemen of the House, please join me in opposing this motion and supporting low- to middle-income earners across our state. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Embden, Representative Dunphy.

Representative **DUNPHY**: Thank you, Mr. Speaker. Mr. Speaker, I hear analogies of TV shows and how tear-jerking it is. I pass a paper mill every morning that I spent 35 years in. Two hundred and fifteen people and their families, woodcutters, are unemployed. They're unemployed. That mill probably, in my humble opinion, will not reopen. I pass shops that probably this bill will shut down. Twelve bucks an hour? The House of Pizza, Campbell's, Irving, Amy Lynn's, Dunkin' Donuts, Taylor's Drug Store. None of the people who own those businesses or any business in my district that I've talked with are opposed to some kind of an increase. But I haven't talked to anyone who suggested \$12 an hour is acceptable. It's too much, too quick.

Business owners take the risk. They put their time on the line, their finances on the line, their energy on the line. Most of them realize that their most valuable asset is their employees, but if they shut the business down, there are no employees. Talk to 215 people at Madison Paper. Let the businesses have a voice. Let's move this to committee. Let's let people come in and voice their concerns. Let's make it transparent. Let's be honest.

And I would suggest that any man who ties his dignity to his salary, that's pretty tough in my opinion. It's not how much you make. That doesn't make you have integrity. It doesn't give you credibility. It's the type of job you do and the style in which you do it. So, let's let people be heard. You know, we had shenanigans going on where we killed some other stuff through parliamentary procedure and, yes, that's fine, that's behind us, but let's not make this a habit. Let's move this forward. Let's send it to committee. Let's let people be heard. Let's let businesses be heard. And let's let the people who tie their dignity to their salary be heard. Let's not shut anybody out. Thank you, Mr. Speaker.

The SPEAKER: The Chair would remind Members to make remarks germane to the motion before us.

The Chair reminded all members to stay as close as possible to the pending question.

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

Representative **GUERIN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, I was pondering the good Representative's comments on *Undercover Boss* and I was thinking that if *Undercover Boss* went to Maine restaurants today, they would hear servers from across our state begging us not to cut their pay by moving them to minimum wage. Colleagues on both sides of the aisle, here in this House, have told me that they have heard the voice of the restaurant industry. They understand their plight and they agree with sending this to committee. If you are one of those people today, I urge you to straighten your spine and bravely push your button to allow this to go to committee to be vetted and not to be intimidated into thinking that they can't do what they know is the will of the people in their district. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Chelsea, Representative Sanderson.

Representative **SANDERSON**: Thank you, Mr. Speaker, Men and Women of the House, there's been a lot of conversation on both sides today, but I believe there's been three points here that haven't been talked about yet. What about our kids—our high school kids looking for summer employment, trying to save money to go to college? I would consider, and maybe suggest, that we may have a 100 percent unemployment rate with our youth not being able to find a job because they're not going to be hired for \$12 an hour. What about small employers who are doing their best right now to try and provide some sort of paid vacation, paid leave, paid sick time for their employees. They're not going to be able to pay that. Time off will be without pay. Another big one, right now we grapple—small businesses and large businesses and even individuals are trying to grapple and get their arms around the tremendous increases in the cost of health care and employers who provide benefits for their employees may not be able to. Or, what's going to happen is they're going to have to reduce their workforce so they can.

I support the motion right now to send it to LCRED. Let's make, you know, give people a choice, people in this state a choice. Do we want to make a big, big decision about minimum wage, or do we want to take a more measured approach? I would think that for the safety of some of the jobs that are going to be preserved and health insurance and preserved and vacation time and sick time, paid leave that might be preserved, that maybe a more measured approach would be a little more reasonable. Thank you.

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

Representative **STETKIS**: Thank you, Mr. Speaker, how many times have we heard "shop local," "support our local businesses," "support our local mom-and-pops"? How many times have we gone out and chose to shop at our local businesses, as opposed to a big box store or a corporate entity? This wage mandate is going to make our local businesses much less competitive with the corporate big box stores. They're going to be able to absorb more of this labor cost than what our locals will. If we truly believe in shopping local and supporting our mom-and-pop's, let's allow them to have a voice in this committee so that we can make a good decision and actually support them, like many have said on the campaign trail, that they do. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Belfast, Representative Herbig.

Representative **HERBIG**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, people in this room are talking as if it is up to the Legislature if this referendum passes or

not. However, it is not up to us. It is up to the people in Maine. We tried as a legislative body to address this and failed. People support this competing measure rejected it because it's a piece of legislation. We failed, so the people have acted. Some in this room think they are smarter than the people of Maine. I do not. I urge everyone concerned to educate their friends, families, and neighbors about the referendum and let them decide whether this is a good idea or not. What we should not do as a legislative body is to subvert the referendum process. I ask that you follow my light.

The SPEAKER: The Chair recognizes the Representative from Glenburn, Representative Guerin. Having spoken twice now requests unanimous consent to address the House a third time. Is there objection? The Chair hears no objection, the Representative may proceed.

Representative **GUERIN**: Thank you, Mr. Speaker, and my apologies to the Ladies and Gentlemen of the House for rising a third time. I just did want to address the Representative's comments about doing the will of the people. The Constitution allows for this provision. The Constitution recognized that sometimes the Legislature needed to take a second look at referendum petition drives and give an alternative to the voters and that is in our Constitution and a part of our duty as a Legislature is to look at these issues carefully and present alternatives to the voters if we feel that the ballot measure is not in line with the good of the people. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is to Commit the Bill and all accompanying papers to the Committee on Labor, Commerce, Research And Economic Development. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 501

YEA - Austin, Bickford, Black, Buckland, Campbell R, Chace, Corey, Crafts, Dillingham, Dunphy L, Edgecomb, Espling, Farrin, Foley, Fredette, Gerrish, Gillway, Ginzler, Greenwood, Grohman, Guerin, Hanington, Hanley, Harrington, Hawke, Head, Herrick, Higgins, Hilliard, Hobart, Kinney J, Kinney M, Lockman, Long, Lyford, Maker, Malaby, Marean, McClellan, McElwee, Nutting, O'Connor, Ordway, Parry, Picchiotti, Pickett, Pierce J, Pouliot, Prescott, Reed, Sanderson, Sawicki, Seavey, Sherman, Sirocki, Skolfield, Stearns, Stetkis, Sukeforth, Timberlake, Timmons, Tuell, Turner, Vachon, Wadsworth, Wallace, White, Winsor, Wood.

NAY - Alley, Babbidge, Bates, Battle, Beavers, Beck, Beebe-Center, Blume, Brooks, Bryant, Burstein, Campbell J, Chapman, Chenette, Chipman, Cooper, Daughtry, Davitt, DeChant, Dion, Doore, Duchesne, Dunphy M, Evangelos, Farnsworth, Fecteau, Fowle, Frey, Gattine, Gideon, Gilbert, Golden, Goode, Grant, Hamann, Harlow, Herbig, Hickman, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kruger, Kumiega, Lajoie, Longstaff, Luchini, Martin J, Martin R, Mastraccio, McCabe, McCreight, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Peterson, Pierce T, Rotundo, Russell, Rykerson, Sanborn, Saucier, Schneck, Short, Stanley, Stuckey, Tepler, Tipping-Spitz, Tucker, Verow, Warren, Welsh, Mr. Speaker.

ABSENT - Devin, Powers, Theriault, Ward.

Yes, 69; No, 78; Absent, 4; Excused, 0.

69 having voted in the affirmative and 78 voted in the negative, with 4 being absent, and accordingly the motion to **COMMIT** the Bill and all accompanying papers to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT FAILED**.

Subsequently, Representative GUERIN of Glenburn moved that the rules be **SUSPENDED** for the purpose of giving the Bill its **FIRST READING WITHOUT REFERENCE** to a committee.

Representative McCABE of Skowhegan **REQUESTED** a roll call on the motion to **SUSPEND** the rules for the purpose of giving the Bill its **FIRST READING WITHOUT REFERENCE** to a committee.

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 Glenburn, Representative Guerin.

Representative **GUERIN**: Actually, no I don't. Sorry about that.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is to Suspend the rules for the purpose of giving the Bill its First Reading Without Reference to a committee. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 502

YEA - Austin, Battle, Bickford, Black, Buckland, Campbell R, Chace, Corey, Crafts, Dillingham, Dunphy L, Edgecomb, Espling, Farrin, Foley, Fredette, Gerrish, Gillway, Ginzler, Greenwood, Guerin, Hanington, Hanley, Harrington, Hawke, Head, Herrick, Higgins, Hilliard, Hobart, Kinney J, Kinney M, Lockman, Long, Lyford, Maker, Malaby, Marean, McClellan, McElwee, Nutting, O'Connor, Ordway, Parry, Picchiotti, Pickett, Pierce J, Pouliot, Prescott, Reed, Sanderson, Sawicki, Seavey, Sherman, Sirocki, Skolfield, Stearns, Stetkis, Sukeforth, Timberlake, Timmons, Tuell, Turner, Vachon, Wadsworth, Wallace, White, Winsor, Wood.

NAY - Alley, Babbidge, Bates, Beavers, Beck, Beebe-Center, Blume, Brooks, Bryant, Burstein, Campbell J, Chapman, Chenette, Chipman, Cooper, Daughtry, Davitt, DeChant, Dion, Doore, Duchesne, Dunphy M, Evangelos, Farnsworth, Fecteau, Fowle, Frey, Gattine, Gideon, Gilbert, Golden, Goode, Grant, Grohman, Hamann, Harlow, Herbig, Hickman, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kruger, Kumiega, Lajoie, Longstaff, Luchini, Martin J, Martin R, Mastraccio, McCabe, McCreight, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Peterson, Pierce T, Rotundo, Russell, Rykerson, Sanborn, Saucier, Schneck, Short, Stanley, Stuckey, Tepler, Tipping-Spitz, Tucker, Verow, Warren, Welsh, Mr. Speaker.

ABSENT - Devin, Powers, Theriault, Ward.

Yes, 69; No, 78; Absent, 4; Excused, 0.

69 having voted in the affirmative and 78 voted in the negative, with 4 being absent, and accordingly the motion to **SUSPEND** the rules for the purpose of giving the Bill its **FIRST READING WITHOUT REFERENCE** to a committee **FAILED**.

Subsequently, the Bill and all accompanying papers were **INDEFINITELY POSTPONED**. Sent for concurrence.

The Following Communication: (H.P. 1133)

**STATE OF MAINE
OFFICE OF THE
SECRETARY OF STATE
AUGUSTA, MAINE 04333-0148**

March 15, 2016

Honorable Robert B. Hunt

Clerk of the House

2 State House Station

Augusta, Maine 04333

Dear Clerk Hunt:

Enclosed please find my official certification to the 127th Legislature of the citizen initiative petition entitled "An Act To Require Background Checks for Gun Sales".

Sincerely,

S/Matthew Dunlap
Secretary of State

**State of Maine
Secretary of State**

I, Matthew Dunlap, Secretary of State, hereby certify that written petitions bearing valid signatures of 65,821 electors of this State were addressed to the Legislature of the State of Maine and were filed in the office of the Secretary of State on January 19, 2016, requesting that the Legislature consider an act entitled, "An Act To Require Background Checks for Gun Sales".

I further certify that the number of signatures submitted is in excess of ten percent of the total votes cast in the last gubernatorial election preceding the filing of such petitions, as required by Article IV, Part Third, Section 18 of the Constitution of Maine, that number being 61,123.

I further certify this initiative petition to be valid and attach herewith the text of the legislation circulated on the petition's behalf.

In testimony whereof, I have caused the Great Seal of the State of Maine to be hereunto affixed. Given under my hand at Augusta on the fifteenth day of March in the year two thousand and sixteen.

S/Matthew Dunlap
Secretary of State

READ and with accompanying papers **ORDERED PLACED ON FILE**.

Sent for concurrence.

On motion of Representative McCABE of Skowhegan, the accompanying Bill "An Act To Require Background Checks for Gun Sales"

(I.B. 5) (L.D. 1662)

and all accompanying papers were **INDEFINITELY POSTPONED**.

Sent for concurrence.

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

The Following Communication: (H.C. 475)

**STATE OF MAINE
127TH MAINE LEGISLATURE**

March 3, 2016

Brigadier General Douglas A. Farnham

Adjutant General, Maine National Guard

Camp Keyes

33 State House Station

Augusta, Maine 04333

Dear Brigadier General Farnham:

We are pleased to invite you to address a Joint Convention of the 127th Maine Legislature on Tuesday, March 22, 2016 at 11:00 a.m. concerning matters of defense, veterans' services and emergency management, and any other matters that you may care to bring to our attention.

We look forward to seeing you then.

Sincerely,

S/Michael D. Thibodeau

President of the Senate

S/Mark W. Eves

Speaker of the House

READ and **ORDERED PLACED ON FILE**.