

MAINE STATE LEGISLATURE

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The SPEAKER PRO TEM: The Chair recognizes the Representative from Skowhegan, Representative Richardson.

Representative RICHARDSON: Mr. Speaker, May I pose a question through the Chair?

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

Representative RICHARDSON: Mr. Speaker, Ladies and Gentlemen of the House. How many people are affected by this particular minimum wage situation?

The SPEAKER PRO TEM: The Chair recognizes the Representative from Oakland, Representative Nutting.

Representative NUTTING: Mr. Speaker, Men and Women of the House. I rise on this issue to urge you to vote against the pending motion. I see this bill as an attempt to take a giant step backwards in time. As a matter of fact, it was 1911 when the rule about weekly pay was instituted. Some of the language in that statute talked about mercantiles. You may know what a mercantile is, but you don't hear of it much. It talked about telegraph business. I don't know if you have seen one of those lately. It talked about water and electric works. Have you heard your water company called your waterworks? Steam railroads, it has been a while since we have seen those as well. That was the language in the statute that we are sort of trying to return to. Times have changed, I think.

In my father's workshop he had a tool chest. It was about four feet wide, two feet deep and maybe three feet tall. It was the kind of chest that inside there was a slot for every size chisel. There were drawers that flopped with lids that tipped and holes. Every nook and cranny of that box was meant for something. When my father passed away he gave the box to me. The best part about the box wasn't the box or how it was constructed or anything, it was the note on an index card, 3 x 5 index card, that still to this day is in the spot where it was put with a thumb tack. That note said, I made this box in the fall of 1878. I was 18 years old and receiving 83 1/3 cents a day, a day of 11 hours, half past six in the morning and half past six in the evening, six days a week. It is signed by Roland B. Lindsey. Roland Lindsey was my great uncle. If you have done the math already, 83 1/3, its that third part that makes it hard to do in your head, 83 1/3 cents a day for six days a week is \$5 a week for which he put in 72 hours. He probably got paid weekly, but it was easy for the person who paid him to reach in the little chest and take out the \$5 bill and hand it to him. There was no federal tax, state tax, FICA, FUTA, SUTA, 401K, none of that. As an employer, I would be delighted to pay my employees on a daily basis or they can be paid twice a day if they would like to be paid. We have done this to ourselves. We have made the recordkeeping, withholdings, taxes and taxes and taxes, so burdensome that doing the payroll more than every week or two is a real injustice, a real hardship on business, particularly on small business in the state.

I ask you not to return back to the good old days of 1911 or 1878 when my great uncle made \$5 a week, but to leave the law the way it is and to do so you need to vote red when the vote is taken. If we haven't requested the yeas and nays yet, I would like to do that.

Representative NUTTING of Oakland 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 PRO TEM: The Chair recognizes the Representative from Bowdoinham, Representative Hutton.

Representative HUTTON: Mr. Speaker, Ladies and Gentlemen of the House. I was just thinking back to one of my

first jobs where I worked in the mail order department of a corset factory where we had time clocks and we paid FICA and we had social security and we had all those things and our employer, because we were making very low wages, paid us weekly with a pay envelope with not a check, but with cash. Over the years I have seen businesses complain that they can't meet the payroll this time, we need to have that extra time so we can save money and we can get the interest and everything else. I think about those women who are making minimum wage and I worry about then, because I know they are not going to be able to make their weekly payments. This is for those women who need to do that. I didn't have a family. Luckily I didn't because I was able to make my bills, but I just ask you to consider that. This is something that happened recently. I am not that old. I just ask you to consider that and those women and vote yes. Thank you.

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

ROLL CALL NO. 127

YEA - Adams, Barstow, Bennett, Blanchette, Bliss, Brannigan, Breault, Bull, Bunker, Canavan, Clark, Craven, Cummings, Dudley, Dunlap, Duplessie, Duprey G, Earle, Eder, Faircloth, Gerzofsky, Goodwin, Grose, Hatch, Hotham, Hutton, Jackson, Jennings, Kane, Ketterer, Koffman, Landry, Laverriere-Boucher, Lerman, Lessard, Lundeen, Mailhot, Makas, Marley, Marraché, McGlocklin, McKee, McLaughlin, Norbert, Norton, O'Brien L, Paradis, Patrick, Percy, Perry A, Perry J, Pineau, Pingree, Piotti, Richardson J, Rines, Sampson, Saviello, Simpson, Smith N, Smith W, Suslovic, Thompson, Twomey, Usher, Walcott, Watson, Wheeler, Wotton, Mr. Speaker.

NAY - Andrews, Annis, Austin, Berry, Bierman, Bowen, Bowles, Brown R, Bruno, Bryant-Deschenes, Campbell, Carr, Churchill E, Churchill J, Clough, Collins, Courtney, Cowger, Cressey, Crosthwaite, Curley, Daigle, Davis, Dugay, Finch, Fischer, Fletcher, Gagne-Friel, Glynn, Heidrich, Honey, Jodrey, Joy, Kaelin, Ledwin, Maietta, McCormick, McGowan, McKenney, McNeil, Millett, Mills J, Mills S, Moody, Moore, Murphy, Muse, Nutting, O'Brien J, Peavey-Haskell, Rector, Richardson E, Richardson M, Rogers, Rosen, Sherman, Shields, Snowe-Mello, Stone, Sukeforth, Sykes, Tardy, Tobin D, Tobin J, Trahan, Treadwell, Vaughan, Woodbury, Young.

ABSENT - Ash, Berube, Browne W, Duprey B, Greeley, Jacobsen, Lemoine, Lewin, O'Neil, Pellon, Sullivan, Thomas.

Yes, 70; No, 69; Absent, 12; Excused, 0.

70 having voted in the affirmative and 69 voted in the negative, with 12 being absent, and accordingly the Majority Ought to Pass as Amended Report was ACCEPTED.

The Bill was READ ONCE. Committee Amendment "A" (H-193) was READ by the Clerk and ADOPTED. The Bill was assigned for SECOND READING Tuesday, May 20, 2003.

BILLS RECALLED FROM GOVERNOR

(Pursuant to Joint Order 2003 - House Paper 1196)

An Act To Assist Regional Transportation Providers To Comply with the Booster Seat Law (EMERGENCY)

(H.P. 474) (L.D. 644)

(C. "A" H-161)

- In House, PASSED TO BE ENACTED on May 1, 2003.

- In Senate, PASSED TO BE ENACTED on May 5, 2003.

On motion of Representative USHER of Westbrook, the rules were SUSPENDED for the purpose of RECONSIDERATION.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENACTED**.

On further motion of the same Representative, the rules were **SUSPENDED** for the purpose of **FURTHER RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENGROSSED**.

On further motion of the same Representative, the rules were **SUSPENDED** for the purpose of **FURTHER RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-161)** was **ADOPTED**.

The same Representative **PRESENTED House Amendment "A" (H-401)** to **Committee Amendment "A" (H-161)** which was **READ** by the Clerk.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Westbrook, Representative Usher.

Representative **USHER**: Mr. Speaker, Ladies and Gentlemen of the House. This is a technical amendment that was found when it was on the Governor's desk and we had to turn this back and put an amendment on it. Thank you.

Subsequently, **House Amendment "A" (H-401)** to **Committee Amendment "A" (H-161)** was **ADOPTED**.

Committee Amendment "A" (H-161) as Amended by **House Amendment "A" (H-401)** thereto was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED** as Amended by **Committee Amendment "A" (H-161)** as Amended by **House Amendment "A" (H-401)** thereto in **NON-CONCURRENCE** and sent for concurrence.

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

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

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.

An Act To Eliminate the Social Security Offset for Unemployment Benefits

(H.P. 657) (L.D. 880)
(C. "A" H-146)

TABLED - May 15, 2003 (Till Later Today) by Representative **RICHARDSON** of Brunswick.

PENDING - PASSAGE TO BE ENACTED. (Roll Call Ordered)

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

Representative **TREADWELL**: Mr. Speaker, Ladies and Gentlemen of the House. We have already debated this bill once. I will be very brief. The result of passage of this bill would be in the next fiscal year approximately \$2.7 million increase in the assessment or the taxes that are levied upon the employers in the State of Maine. I remind you again that all of the Unemployment Trust Fund money is employer money. The employees do not contribute to that fund.

The result in the year 2006 if this passes could be as much as \$12.9 million. I know it is very difficult to say that we don't want to

see our seniors get more money or people who are retired to get more money, but the question that you have to ask yourself is, can the businesses of the State of Maine afford to pay that additional money. I would urge you to vote against the pending motion.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Van Buren, Representative Smith.

Representative **SMITH**: Mr. Speaker, Ladies and Gentlemen of the House. The data that the good Representative from Carmel is referring to is based on the fiscal note that was dated April 11, 2003. That addresses the fact that the \$2.7 million in benefits would change the contribution schedule from B to C and result in the collection of another \$12.2 million. However, the more recent information that we have, which was by a memorandum from Laura Boyette, dated April 17, says differently. We are going to change into the different schedule anyway. There is not going to be any increase to the employers that would not otherwise happen. She says, "Initially we projected that costs would cause an increase in the tax rate schedules from B to C in 2005, however, our economic assumptions for the rate schedules for that year show numbers so close to the threshold between schedules B and C that we couldn't guarantee the rate schedule will remain at B." In fact, the labor market division has rerun the numbers using a more current economic figures and the unemployment, which changes our earlier projections, they now project the tax rates in 2005 will go to C anyway.

This will not change the rate schedules. The basis of this law is still there. We have our elderly population receiving social security. They should not be deprived of their unemployment simply because they are receiving social security. I ask you to vote in favor of this.

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

Representative **CAMPBELL**: Mr. Speaker, Ladies and Gentlemen of the House. Fourteen years ago I was fortunate to retire at age 56, but there are a lot of senior citizens that cannot do that. If they are willing to work after age 65 and they have their health and they are willing to work, I see no reason in the world that they have to get laid off. They should be treated like everybody else in their twilight years and be able to collect social security. Thank you.

The **SPEAKER PRO TEM**: A roll call having been previously ordered. The pending question before the House is Enactment. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 128

YEA - Adams, Andrews, Barstow, Bennett, Blanchette, Bliss, Brannigan, Breault, Brown R, Bull, Bunker, Campbell, Canavan, Carr, Clark, Collins, Cowger, Craven, Cummings, Dudley, Dunlap, Duplessie, Duprey G, Earle, Eder, Faircloth, Fischer, Gagne-Friel, Gerzofsky, Goodwin, Grose, Hatch, Hotham, Hutton, Jackson, Jennings, Kaelin, Kane, Ketterer, Koffman, Landry, Laverriere-Boucher, Lemoine, Lessard, Lundeen, Mailhot, Makas, Marley, Marraché, McCormick, McGlocklin, McGowan, McKee, McLaughlin, Mills J, Moore, Norbert, Norton, O'Brien L, Paradis, Patrick, Percy, Perry A, Perry J, Pineau, Pingree, Piotti, Richardson J, Rines, Sampson, Saviello, Simpson, Smith N, Smith W, Sullivan, Suslovic, Tardy, Thomas, Thompson, Twomey, Usher, Walcott, Watson, Wheeler, Wotton, Mr. Speaker.

NAY - Annis, Austin, Berry, Bierman, Bowen, Bowles, Bruno, Bryant-Deschenes, Churchill E, Clough, Courtney, Cressey, Crosthwaite, Curley, Daigle, Davis, Glynn, Heidrich, Honey, Jodrey, Joy, Ledwin, Maietta, McKenney, McNeil, Millett, Mills S, Moody, Murphy, Muse, Nutting, O'Brien J, Peavey-Haskell,