

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Fifth
Legislature*

OF THE

STATE OF MAINE

Volume II

May 5, 1971 to June 15, 1971

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a more feasible in-depth evaluation of this matter.

The PRESIDENT: As many Senators as are in favor of the Senator from York, Senator Hichens, that this bill be indefinitely postponed will please say "Yes"; those opposed, "No".

A viva-voce vote being taken, the motion did not prevail.

Thereupon, the Ought to Pass in New Draft Report of the Committee was Accepted in concurrence and the Bill in New Draft Read Once. House Amendment "A" was Read and Adopted in concurrence and the Bill, as Amended, Tomorrow Assigned for Second Reading.

The President laid before the Senate the third tabled and specially assigned matter:

House Report — Ought to Pass in New Draft (H. P. 1329) (L. D. 1743) from the Committee on Veterans and Retirement on Bill, "An Act Relating to Service Retirement of Teachers Under State Retirement System."

Tabled — June 2, 1971 by Senator Anderson of Hancock.

Pending — Acceptance of Report.

Thereupon, the Ought to Pass in New Draft Report of the Committee was Accepted in non-concurrence, the Bill in New Draft Read Once and Tomorrow Assigned for Second Reading.

The President laid before the Senate the fourth tabled and specially assigned matter:

Senate Report — Ought to Pass in New Draft (S. P. 616) (L. D. 1801) from the Committee on Judiciary on Bill, "An Act Relating to Defenses for Holders of a Retail Installment Sale Agreement."

Tabled — June 2, 1971 by Senator Katz of Kennebec.

Pending — Acceptance of Report.

Mr. Tanous of Penobscot moved Acceptance of the Committee Report.

Mr. Schulten of Sagadahoc then moved that the matter be tabled and specially assigned for June 8, 1971, pending the motion by Mr. Tanous of Penobscot to Accept the Committee Report.

On motion by Mr. Berry of Cumberland, a division was had. Six

Senators having voted in the affirmative, and twenty-two Senators having voted in the negative, the tabling motion did not prevail.

Thereupon, on motion by Mr. Berry of Cumberland, tabled and Tomorrow Assigned, pending the motion by Mr. Tanous of Penobscot to Accept the Committee Report.

The President laid before the Senate the fifth tabled and specially assigned matter:

Senate Reports — from the Committee on Labor on Bill, "An Act Providing Notice or Severance Pay by Employers." (S. P. 155) (L. D. 424) Majority Report, Ought to Pass as Amended by Committee Amendment "A" (S-231); Minority Report, Ought Not to Pass.

Tabled — June 2, 1971 by Senator Moore of Cumberland.

Pending — Acceptance of Either Report.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Moore.

Mr. MOORE of Cumberland: Mr. President and Members of the Senate: I am quite concerned about this bill. I believe we had this same bill before us two years ago and it failed to become law.

I have been reading about it in the amendments, and they have amended it so it says "voluntarily", anyone who goes out of business voluntarily. I wonder if an establishment burns down and the owners say "Well, I am giving up; I am not going to try to rebuild", would that be voluntary? If a person has got a firm or business that isn't profitable, where they are losing money and go out of business, is that voluntary?

It seems to me that the purpose of unemployment compensation is to serve this purpose, that when a person is unemployed that they have their rights to go to the Unemployment Office and collect their unemployment, which should take care of it. I think it would be throwing a very unfair burden onto any firm going out of business. Most firms that go out of business go out of business for a good reason, that they are not making money or that it isn't feasible to continue. I am opposed

to this and I move indefinite postponement of the bill.

The PRESIDENT: The Senator from Cumberland, Senator Moore, moves that Bill, "An Act Providing Notice or Severance Pay by Employers," be indefinitely postponed.

The Chair recognizes the Senator from Kennebec, Senator Levine.

Mr. LEVINE of Kennebec: Mr. President and Members of the Senate: I don't agree with the Senator from Cumberland, Senator Moore. I think it is a good piece of legislation and it gives protection to people working in a plant that has over 100 employees. It doesn't include any seasonal workers. The only thing this bill does is give notice to the people that they are going to close the plant, and by doing so they don't have to pay any compensation. So it is just fair to the people who are working in the place to know when they are going to be laid off or when their livelihood will cease.

Under this bill also, if a company goes out of business on account of a strike, it wouldn't have any effect on them either, so I feel it is just a fair bill that protects both sides. The only thing management has to do is let the people know that they are going to close and they wouldn't have to pay anything. It is just a humane bill. Thank you.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Marcotte.

Mr. MARCOTTE of York: Mr. President and Members of the Senate: The Senator from Cumberland, Senator Moore, posed some questions here before the Senate that weren't answered. The first was that if a place was burned whether this would take effect. This is not a voluntary closing so it would not take effect. Likewise in a bankruptcy case.

So, as was brought out by the Senator from Kennebec, the bill is to protect the people against those companies that wish to leave without any kind of notice, and we had that very recently in the State of Maine.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Tanous.

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: Perhaps you don't recall that three years ago in Lincoln and Brewer, Maine, which is in the President's district, we had two mills in those areas which, without notice, on Friday night told the employees that there would be no work Monday morning; they closed the mills down. I can tell you that Lincoln, Maine and Brewer, Maine were in a state of shock when this happened this quickly, without any notice of any kind. All of your businesses, your banks and everybody, were in a state of shock when they pulled the rug from underneath these establishments and closed them down overnight.

So all that this bill asks is that they give the employees a 30-day notice when they are going out of business. I think it is little enough to ask of the employers, especially those who employ a vast number of people and who would close their doors in the manner that we have experienced in our area. It certainly would help in a certain way to ease the shock of such a closing, and I certainly support the bill. Thank you.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Moore.

Mr. MOORE of Cumberland: Mr. President and Members of the Senate: I feel that, where they have got to have one month's notice under this bill, I feel that is quite a long period of time, but no one here has mentioned that they are eligible for unemployment after one week. That was the purpose of the unemployment insurance, to take care of people that were thrown out of work. If this was amended to a two-weeks notice before a firm went out of business, that would be another thing. But as it is, I think it is a very rough bill, especially when we are trying to get more industry to come to Maine. We are asking them to come in and we seem to be creating laws here that aren't conducive to new businesses coming into the state.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Levine.

Mr. LEVINE of Kennebec: Mr. President and Members of the Senate: The unemployment law was established so that if some company doesn't have work enough and lays off some of their people for that reason. It wasn't established to pay unemployment for companies that are closing.

I feel, like I mentioned before, that it is a fair law to give a man a month's notice. There are a lot of people who don't like to collect unemployment, a lot of people who have a lot of dignity, and they like to work. If you gave a man a month's notice then he has time to find another job. He can keep working at the same place and in the meantime find another job, and you don't disgrace him by having to go and sign up for unemployment.

It isn't wrong to draw unemployment for somebody who is laid off, but if you give a person a chance to be looking around for a job, nine times out of ten he is going to find a job. So the only thing you are doing here is giving him thirty days to look around to find another job and not draw unemployment, and I think it is a very good bill.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Quinn.

Mr. QUINN of Penobscot: Mr. President and Members of the Senate: I would like to take it a step further from what the good Senator from Penobscot, Senator Wakine Tanous, says relative to the closing in Lincoln and in Brewer. They closed overnight.

Now, many of those families had children in college who they were trying to give a college education to. Many of them were buying their homes on time. Now, they not only lost their jobs but they had to make a complete readjustment of their lives, and they ought to be given as much time as possible to do that. You and I would find ourselves in a very embarrassing position if we had the same kind of conditions.

The PRESIDENT: The Chair

recognizes the Senator from Aroostook, Senator Violette.

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: I think that most everything has been said here that can be said in support of this bill, but since it is my own bill I would say that what motivated me to file this legislation is exactly what has been said here by many members of this body who have got up and spoken in behalf of this bill.

There was mention of the Standard Packaging plants in Brewer and Lincoln just a few years ago. And there was also, I know, within the past six months another example of a plant in Lisbon Falls, which was the old Worumbo Mills and which employed between two and three hundred people. Again, it closed its doors without notice to any of its employees. Now, there has to be some compassion and some justice in allowing a business to go out of business for whatever reason it may choose. But I think that these businesses, many of which today are not owned and controlled by Maine business people, they have become subdivisions of major national corporate conglomerates, and as these people sit at their desks in the offices in Boston, New York or other parts of the nation, they push a button and say this is going to be closed, and all of a sudden without notice we have some of our Maine people out of work.

I think that certainly this is a reasonable bill. Any business that knows what it is doing, for whatever reason it may want to close, and which is closing voluntarily, should certainly know thirty days from the time it is going to close its doors that that is what it has to do or plans to do. I think it is small notice indeed to give 30 days to their employees to let them know that they are going to close the plant and that these people will be out of employment.

Certainly the matter of unemployment compensation, which is one of the major factors we have today in assisting our people who find themselves out of work, was not in any sense meant and

enacted to take the place of or to fill the void where a major business goes out of business without notice and throws its people on the unemployment rolls. I hope the Senate would accept this bill because I think it is a reasonable bill, and I think it gives some degree of protection to our Maine workers.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Moore.

Mr. MOORE of Cumberland: Mr. President and Members of the Senate: This bill has been before us like many others, it has never been debated, and I find the best way to get a bill debated is to make this motion.

There is one thing I would like to say in regard to the statement of the good Senator from Kennebec, Senator Levine. Of the hundreds of men that I have employed, I have never seen any of them at all hesitant about signing up for unemployment, but I will withdraw my motion.

The PRESIDENT: The Senator from Cumberland, Senator Moore, withdraws his motion.

Is it now the pleasure of the Senate to accept the Majority Ought to Pass Report of the Committee on Bill, "An Act Providing Notice or Severance Pay by Employers"?

Thereupon, the Ought to Pass as Amended Report of the Committee was Accepted and the Bill Read Once. Committee Amendment "A" was Read and Adopted and the Bill, as Amended, Tomorrow Assigned for Second Reading.

The President laid before the Senate the sixth tabled and specially assigned matter:

SENATE REPORTS — from the Committee on Appropriations and Financial Affairs on Bill, "An Act to Authorize Bond Issue in the Amount of \$19,145,000 for the Construction and Renovation of Higher Education Facilities at the University of Maine." (S. P. 129) (L. D. 376) Report "A", Ought to Pass in New Draft Under New Title: "An Act to Authorize Surplus Appropriation for the University of Maine for Renovations, Expansion, and Land Acquisition." (S. P. 617)

(L. D. 1802); Report "B", Ought to Pass as Amended by Committee Amendment "A" (S-232); Report "C", Ought Not to Pass.

Tabled — June 2, 1971 by Senator Dunn of Oxford.

Pending — Acceptance of Any Report.

Mr. Sewall of Penobscot moved that the Senate Accept the Ought to Pass in New Draft Report "A" of the Committee.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY of Cumberland: Mr. President and Members of the Senate: This is one of those well debated jewels that came from the Committee on Appropriations and, as one of the signers of Report "B", it would be my hope that the Senate would reject, at least temporarily this morning, Report "A".

Unfortunately, one who signs a report can't sign more than one because it would have been my feeling in the Appropriations Committee really, if I had the chance, that I would like to have signed both Report "A" and Report "B".

Report "A" takes a little over a million dollars out of surplus to give to the University to help them with their physical plants, to help renovate and restore them.

Report "B" is a bond issue for \$8,600,000 for establishing new buildings on most of the campuses throughout the state.

Now, if we can recall back to the early days of the session, when the University of Maine's bond issues first came in, I noticed that the good Senator from Sagadahoc, Senator Schulten, was the proud possessor of a \$27 million bond issue for the University. I was also the sponsor of a bond issue for the University of a little over \$19 million. It seems to me that since the beginning days of the session that this legislature has not been overly generous in its dealings with the University, and I know that I, for one, feel that there could be some tightening up, that perhaps the University itself really has not used its muscle and thoughts and wisdom in trying to more streamline the running of the University. Perhaps they should be able to coordinate their