

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Sixth
Legislature*

OF THE

STATE OF MAINE

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Index

KENNEBEC JOURNAL
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else's wife? Is your wife going to hire someone to wiretap your business phones so that they know where you are going? For those of the opposite sex, is it going to work the other way? Is your employer going to determine whether or not you are sound and as a result is going to wiretap your phone?

This four thousand percent increase certainly is not to protect the public from law and order or from one another. I have no qualms with the law enforcement per se. It has its proper role. It can be ordered now under federal law. Federal existing legislation allows for that when the court wants to allow it. That is the way it ought to be offered here in Maine. But can you dream of a possibility of how far we can go with wiretapping? To me there is no end.

I certainly hope, and I am not saying that this is the right bill, but it better be a vehicle for us to use so that we don't get caught in a situation where we presently are today. I am not worried, I am not married. But I think that we have to be concerned with what other groups are doing with wiretapping equipment. I certainly hope that you would not vote for indefinite postponement.

Mr. McTeague of Brunswick requested a roll call vote.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Standish, Mr. Simpson, that this Bill and all accompanying papers be indefinitely postponed in non-concurrence. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Baker, Berry, G. W.; Bither, Bragdon, B r a w n ,

Brown, Bunker, Cameron, Carey, Carrier, Carter, Chick, D a v i s , Donaghy, Dudley, Dunn, Emery, D. F.; Farnham, Farrington, Finemore, Flynn, Garsoe, Good, Hamblen, Haskell, Henley, Hunter, Immonen, Jackson, Kelley, Knight, MacLeod, Maddox, McCormick, McNally, Morton, M u r c h i s o n , Parks, Perkins, Pratt, Rollins, Ross, Shaw, Shute, Simpson, L. E.; Snowe, Soulas, Sproul, Stillings, Theriault, Trask, T r u m b u l l , Walker, White, Willard, Wood, M. E.

NAY — Albert, Berube, Binnette, Birt, Boudreau, Briggs, Bustin, Chonko, Churchill, Clark, Connolly, Cooney, Cottrell, Curtis, T. S. Jr.; Dow, Drigotas, Dunleavy, Farley, Faucher, F e c t e a u , Ferris, Gahagan, Gauthier, Goodwin, H.; Goodwin, K.; Hancock, Hobbins, Jalbert, Kelleher, Kelley, R. P.; Keyte, LaCharite, Lawry, LeBlanc, Lewis, E.; Lewis, J.; Lynch, Mahany, Martin, M a x w e l l , McHenry, McKernan, McMahan, McTeague, Merrill, Morin, L.; Morin, V.; Mulkern, M u r r a y , Najarian, Palmer, Peterson, Pontbriand, Rolde, Smith, D. M.; Smith, S.; Strout, Talbot, Tierney, Tyndale, Wheeler, Whitzell.

ABSENT — Berry, P. P.; Conley, Cote, Cressey, Crommett, Curran, Dam, Deshaies, Dyar, Evans, Fraser, Genest, Greenlaw, Herrick, Hoffses, Huber, Jacques, Kauffman, Kilroy, L a P o i n t e , Littlefield, Mills, Norris, O'Brien, Ricker, Santoro, Sheltra, Silverman, Susi, Tanguay, Webber.

Yes, 57; No, 62; Absent, 31.

The S P E A K E R : Fifty-seven having voted in the affirmative and sixty-two in the negative, with thirty-one being absent, the motion does not prevail.

Thereupon, the Bill was passed to be engrossed as amended and sent to the Senate.

The Chair laid before the House the eleventh tabled and today assigned matter:

Bill "An Act Relating to Severance Pay for Employees" (H. P. 228) (L. D. 308).

Tabled — June 8, by Mr. Martin of Eagle Lake.

Pending — Motion by Mr. Brown of Augusta to accept the Minority "Ought not to pass" Report.

The SPEAKER: The Chair recognizes the gentleman from Biddeford, Mr. Farley.

Mr. FARLEY: Mr. Speaker, I would ask for a division and would speak briefly.

The SPEAKER: The gentleman may proceed.

Mr. FARLEY: Mr. Speaker and Ladies and Gentlemen of the House: This is my bill and I would like to give you a few reasons why I submitted this legislation and the parts of the bill that work favorably both for the worker and the employers throughout the State of Maine.

Three years ago, in the City of Biddeford we had an industry that moved out of the State of Maine and 850 people were put out of work. And the economic turmoil that followed that act was the reason for my submitting this bill.

Under this bill, any industry that would leave the State of Maine, or relocate in 150 miles, they would be required to pay one week's severance pay for every year that the employee has worked in the industry. I mentioned that this would also help the employers in the State of Maine, employers who pay unemployment compensation, I would like to quote some figures here from the Department of Manpower Affairs.

When this industry moved out or started moving out in May of 1970, the cost percentage ratio of reserve funds in our state unemployment compensation fund, the employers in the state of Maine, were paying at a rate of 0.99. By the time the last unemployment check was drawn by these people who were laid off, the rate for every employer in the State of Maine had doubled, more than doubled and reserve ratio rates for every employer paying unemployment compensation was 2.08.

It would be wise for all of us here if we enacted this legislation here and protect both the employer, who is paying unemployment in this state, and the employee to give him the benefits for industry that has absconded the State of Maine and left us holding the bag.

The SPEAKER: The Chair recognizes the gentleman from Augusta, Mr. Brown.

Mr. BROWN: Mr. Speaker and Ladies and Gentlemen of the House: On the surface this looks like a very good bill. On the other hand, once we got into it and following our hearing, we determined that it needed something more. For example, this word "severance," when a business has left a community and severance pay might be available to employees, the question is that in some instances they may leave a skeleton crew in the community in that plant, which they had been operating when they moved.

Sometimes they might have a skeleton crew which would continue on for a goodly portion of the time. Generally, we found that that the employees had an awareness of when a company was going to move and had pretty good notices as a rule.

We also have two or three other situations which cropped up. One is when a company is going out of business or when a company is broke or when a company relocates only a portion of its business. There were several of these questions that did arise and which we did not feel were satisfactorily answered here in this legislation.

I might also say that it is my understanding from those that are proponents of the bill that this is inconsistent with other statutes on our books. And those who were proponents, in many instances, felt that further work was necessary. Therefore, I hope you will go with the motion of "ought not to pass."

The SPEAKER: The Chair recognizes the gentleman from Biddeford, Mr. Farley.

Mr. FARLEY: Mr. Speaker and Ladies and Gentlemen of the House: First of all, this legislation exempts any business that is bankrupt, and you can't get blood out of a turnip, I realize that. Subdivisions are taken care of — that is where units of an industry larger than 100 employees, but also have a subdivision working somewhere with 10 employees, if they should close, they are exempt from this legislation. And any business

relocating within 150 miles again is exempt.

I will make one more thing clear here and that is, under the severance pay plan, say a man received 20 weeks severance pay. He would not be able to get unemployment compensation until the 20 weeks have gone by and with this amount of severance pay, I think it would act as an incentive for this man to find a job in a hurry, rather than use up that kitty or that severance pay that he has. Thank you very much. I urge you to vote against the motion on the floor so we can accept the majority report.

The SPEAKER: The pending question is on the motion of the gentleman from Augusta, Mr. Brown, that the House accept the Minority "Ought not to pass" Report on L. D. 308. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

30 having voted in the affirmative and 66 having voted in the negative, the motion did not prevail.

Thereupon, the Majority "Ought to pass" report was accepted, the Bill read once and assigned for second reading tomorrow.

The Chair laid before the House the twelfth tabled and today assigned matter:

Bill "An Act Providing for Motor Vehicle Operator's License Classification" (S. P. 409) (L. D. 1211) (C. "A" S-201).

Tabled — June 8, by Mr. Martin of Eagle Lake.

Pending — Passage to be engrossed.

Mr. LeBlanc offered House Amendment "A" and moved its adoption

House Amendment "A" (H-537) was read by the Clerk.

On motion of Mr. Smith of Exeter, tabled pending the adoption of House Amendment "A" and tomorrow assigned.

The Chair laid before the House the thirteenth tabled and today assigned matter:

Bill "An Act Relating to Possession of Marijuana, Peyote or

Mescaline" (H. P. 1553) (L. D. 1986).

Tabled—June 8, by Mr. Simpson of Standish.

Pending — Passage to be enacted.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Connolly.

Mr. CONNOLLY: Mr. Speaker, Ladies and Gentlemen of the House: I have a couple of questions with this bill in the way that it was drafted. Apparently, the intent of the bill was to add onto the laws and the statutes of this state the crime of possessing marijuana with intent to sell. But the bill doesn't define how a court would determine what intent to sell is.

It would also make it possible for a person who had, for example one joint of marijuana on his person to be charged with the crime, first of all for possession and then secondly, with the crime of possession with intent to sell. It seems to me after the debate we had the other day when we were talking about the offenses and the penalties for marijuana related crimes, this is just a step in the wrong direction in making the laws too severe.

An amendment is being prepared, and I would like to ask at this time that this item be tabled for one day so that we might be able to deal with this bill tomorrow.

On motion of Mr. Brown of Augusta, tabled pending passage to be engrossed and tomorrow assigned.

The Chair laid before the House the fourteenth tabled and today assigned matter:

Bill "An Act Relating to Applicability of Workmen's Compensation Law to Employers" (S. P. 618) (L. D. 1934).

Tabled — June 8, by Mr. Garsoe of Cumberland.

Pending — Passage to be enacted.

On motion of Mr. McTeague of Brunswick, under suspension of the rules, the House reconsidered its action whereby the Bill was passed to be engrossed.