

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Sixth
Legislature*

OF THE

STATE OF MAINE

Volume III

June 6, 1973 to July 3, 1973

Index

KENNEBEC JOURNAL
AUGUSTA, MAINE

and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

Enactors

The Committee on Engrossed Bills reported as truly and strictly engrossed the following:

An Act Relating to the Cost of Operation of and Venue in the Superior Courts. (S. P. 603) (L. D. 1897)

(On motion by Mr. Sewall of Penobscot, placed on the Special Appropriations Table.)

An Act Revising the Motor Vehicle Dealer Licensing Law. (H. P. 478) (L. D. 629)

An Act Relating to Commitment of Juvenile Offenders. (H. P. 1203) (L. D. 1542)

An Act to Amend the Employment Security Law. (H. P. 1212) (L. D. 1574)

(On motion by Mr. Berry of Cumberland, tabled and Tomorrow Assigned, pending Enactment.)

An Act Relating to Family Planning Services. (H. P. 1367) (L. D. 1823)

(On motion by Mr. Sewall of Penobscot, placed on the Special Appropriations Table.)

An Act Relating to Access and Egress to Great Ponds. (H. P. 1417) (L. D. 1855)

An Act to Amend the Workmen's Compensation Act to Make Compensation for Permanent Partial Incapacity Coextensive with the Duration of Disability. (H. P. 1409) (L. D. 1849)

(On motion by Mr. Richardson of Cumberland, tabled and Tomorrow Assigned, pending Enactment.)

An Act Relating to Severance Pay for Employees. (H. P. 1585) (L. D. 2012)

(On motion by Mr. Huber of Knox temporarily set aside.)

An Act to Establish a State Mortgage Assistance Program. (H. P. 1586) (L. D. 2013)

An Act Providing for Fine or Suspension under Liquor Laws. (H. P. 1595) (L. D. 2019)

Which, except for the tabled matters, were Passed to be Enacted and having been signed by the President, were by the

Secretary presented to the Governor for his approval.

The President laid before the Senate the matter temporarily set aside at the request of Mr. Huber of Knox:

An Act Relating to Severance Pay for Employees. (H. P. 1585) (L. D. 2012)

Pending — Enactment.

The PRESIDENT: The Senator has the floor.

Mr. HUBER: Mr. President and Members of the Senate: An Act Relating to Severance Pay for Employees. How would you like to meet a new industry coming to town at the town line and say to them, "We propose to negotiate severance pay for all employees for the day when you decide to leave town?" If we decide to put this law on the books, it will be actually a little bit worse than that because it will become compulsory. It won't be a negotiable item at all and what we are talking about right now is L. D. 2012, a redraft of L. D. 308, and in part it reads: "Whenever a person, firm or corporation which employs or which has employed at any time during the preceding 12-month period 100 or more persons in any one establishment or place of business, relocates that establishment or place of business in an area more than 150 miles from the present location shall pay to each employee an amount equal to the employee's gross weekly income at the time of relocation, multiplied by the number of years the employee has been employed." Now if you can enforce this type of legislation it is quite conceivable that this might be the straw that tips the scale in favor of some locations other than the State of Maine for new industry or new business or expansion. Maine is seeking to create a favorable, industrial and business climate; has been now for several years. And there is a continuing effort in this thing. This kind of legislation is not going to help the cause in any way. An outsider is very apt to look upon this law as a sort of premeditated retaliation. Mr. President, I move indefinite postponement of L. D. 2012 and ask for a division.

The PRESIDENT: The Senator from Knox, Senator Huber, moves that An Act Relating to Severance Pay for Employees, be indefinitely postponed. A division has been requested.

The Chair recognizes the Senator from Aroostook, Senator Kelley.

Mr. KELLEY: Mr. President and Members of the Senate: I take exception with my good friend the Senator from Knox, Senator Huber, who served with me in Labor Committee on this bill, having signed opposite himself and would oppose his motion. This bill does provide for weekly severance pay times the number of years the employee has worked for a particular company only if the employee has worked more than five years for the company and only if there is not a legal binding pension plan already in effect for the employee. I do not think that this would be the straw that breaks the camel's back. I think it is a good piece of legislation. I think there are some instances, I believe around the Bangor area, where there was great problems posed to employees once a plant decided to move. There is another restriction which I think the good Senator pointed out, which was that this bill would not apply also in the event that the company moved either within or without the State of Maine a distance of less than 150 miles away from where it was located. So I think it is an important piece of legislation and hope you would vote against his motion.

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

Mr. BRENNAN: Mr. President and Members of the Senate: As I understand it, too, in regard to discouraging new industry, I don't believe industry comes up here with the plan of leaving within a few years. I think they intend to stay here. And, of course, if they intend to stay here this thing doesn't become operative at all. Again, as Senator Kelley pointed out, it doesn't become operative until there is somewhere like five years. I would ask for a roll call on this. I would also ask if the Secretary of the Senate would read the Committee Report.

The PRESIDENT: A roll call has been requested and the Secretary will read the committee report.

The SECRETARY: The Ought to Pass in New Draft was signed by Senator Kelley, Senator Tanous, Representatives Hobbins, Rollins, Farley, Chonko, and Flynn. The Ought Not to Pass Report was signed by Senator Huber, Representatives Brown, McNally, McHenry, Garsoe, and Binnette.

The PRESIDENT: A roll call has been requested. In order for the Chair to order a roll call it requires the affirmative vote of at least one-fifth of those Senators present and voting. Will all those Senators in favor of ordering a roll call please rise and remain standing until counted.

Obviously more than one-fifth having arisen, a roll call is ordered. The pending motion before the Senate is the motion of the Senator from Knox, Senator Huber, that An Act Relating to Severance Pay for Employees, L. D. 2012, be indefinitely postponed. A "Yes" vote will be in favor of indefinite postponement; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Berry, Huber, Olfene, Schulten, Sewall, Shute, Wyman, MacLeod.

NAYS: Senators Aldrich, Brennan, Cianchette, Clifford, Conley, Cox, Cummings, Danton, Fortier, Graffam, Greeley, Hichens, Joly, Katz, Kelley, Marcotte, Minkowsky, Morrell, Peabody, Richardson, Roberts, Speers.

ABSENT: Senators Anderson, Cyr, Tanous.

A roll call was had. Eight Senators having voted in the affirmative, and 22 Senators having voted in the negative, with three Senators being absent, the motion did not prevail.

Thereupon, the Bill was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

Emergency

An Act to Amend the Elderly Householders Tax Relief Act. (H. P. 1265) (L. D. 1641)