

MAINE STATE LEGISLATURE

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the premium contribution and set up some other competing system within Social Security. I rather think that the Resolution, lengthy as it is, says that, and only that, and is a valuable message to deliver to our four members of Congress. Thank you, Mr. President.

THE PRESIDENT: A Roll Call has been ordered. The pending question is the Adoption. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#34)

YEAS: Senators: ABROMSON, AMERO, BENNETT, BENOIT, BERUBE, CAREY, CASSIDY, CATHCART, DAGGETT, DAVIS, DOUGLASS, FERGUSON, GOLDTHWAIT, HARRIMAN, KIEFFER, KILKELLY, KONTOS, LAFOUNTAIN, LONGLEY, MACKINNON, MICHAUD, MILLS, MITCHELL, MURRAY, NUTTING, O'GARA, PARADIS, PENDLETON, PINGREE, RAND, RUHLIN, SMALL, TREAT, THE PRESIDENT - MARK W. LAWRENCE

NAYS: Senators: None

EXCUSED: Senator: LIBBY

34 Senators having voted in the affirmative and no Senator having voted in the negative, with 1 Senator being excused, the motion by President LAWRENCE of York to ADOPT, PREVAILED.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (3/2/99) Assigned matter:

SENATE REPORTS - from the Committee on LABOR on Bill "An Act to Prohibit the Negotiation of Severance Pay Lower than the State Minimum"

S.P. 156 L.D. 476

Majority - **Ought to Pass** (9 members)

Minority - **Ought Not to Pass** (4 members)

Tabled - March 2, 1999, by Senator DOUGLASS of Androscoggin.

Pending - **ACCEPTANCE OF EITHER REPORT**

(In Senate, March 2, 1999, Reports READ.)

Senator DOUGLASS of Androscoggin moved the Senate **ACCEPT** the Majority **OUGHT TO PASS** Report.

THE PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Douglass.

Senator DOUGLASS: Mr. President, women and men of the Senate, Maine protects workers at establishments of one hundred or more employees when the employer relocates or terminates business. These protections are contained in the Severance Pay Law, Title 26, Section 625B. Four exemptions to the Severance Pay Law exists. The first is physical calamity. The second is expressed contract with the employee. Third is in the case that the employee excepts employment at a new location. And, fourth is when the employee has been with the employer for less than three years. This Bill affects agreements as they are exempted from our Severance Pay Law. It clarifies our intent to exempt only those agreements that protect workers at the same level as our state law or greater than the Maine Severance Pay Law. As we know, many of our communities rely on a small number of large employers. They are devastated when these employers leave. The Maine Severance Pay Law was enacted to protect those workers. Many of those employees at those locations invest their entire working lives and careers with one employer. In this day of mergers and acquisitions, the express agreement provision may currently allow severance pay at less than the state minimum. We must not allow this situation to continue. Meeting Maine's Severance Pay Law is the cost of doing business in the State of Maine that must be preserved in our law. We owe this protection to our natural citizens who invest so much in corporate citizens. I urge you to accept the Labor Committee Majority Ought To Pass recommendation.

THE PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Mills.

Senator MILLS: Mr. President and women and men of the Senate, I rise in opposition to the pending motion for these reasons. I think it's useful to have this law and I support the policy behind the law fundamentally. I mean the law that we are seeking to Amend, in that when a large company leaves the state there is a provision in the state law that says they have to pay 1 week of pay for each year of service to all the employees who lose their jobs within the year of the wind-down or the closing of the plant. There is an exception and the intent of this Bill is to eradicate that exception. The exception says that if there is a bargaining agreement entered into freely between a bargaining unit, on the one hand, and management on the other and in the course of that collective bargaining the parties agree to a somewhat lesser severance pay standard, perhaps in recognition of retirement benefits or increases in pay or extensions of service or other items that may be on the table. This Bill, if you pass it, will deprive both the union and management of the opportunity to bargain away this right that we have created in the state law. It seems to me that we're over controlling or that the Bill attempts in a way to over control the negotiations between management and labor. There are those who say severance pay simply shouldn't be on the table and we can take it off the table by depriving the parties of the opportunity to contract for alternate provisions. Well what does that do? All it does is move the negotiations to another phase somewhere, to some other issue, to some other concern, some other financial concession. Just seems to me that, while I agree with the intent of the Severance Pay Law, the idea that organized labor with sophisticated representation is somehow incapable of watching out for its own best interests at the negotiation table over an issue like this is over protective

legislation creating something that we might characterize as a "Nanny State", trying to govern and control every aspect of the relationship between labor and management. For that reason I do oppose the pending motion and I ask that we have a Division on the issue Mr. President.

On motion by Senator **RAND** of Cumberland, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

THE PRESIDENT: The Chair recognizes the Senator from York, Senator LaFountain.

Senator **LAFOUNTAIN:** Thank you, Mr. President. Men and women of the Senate, I too rise today and ask you to support the Majority Ought To Pass Report. What we learned in the Committee process was that the current law has been in effect since 1979. I think that the Committee heard enough testimony about the change in the landscape in the Maine business community, about the number of mergers, acquisitions and buy-outs that we are seeing and the number of industries out there who are negotiating in a late hour essentially with concessionary contracts between management and union and how basically the union is caught in an unfair position of either we move out or you take what we offer. What we're seeking to do here is just provide Maine workers with what we provide everyone else, union or not, and that is the basic severance package which is one week per year. What the Committee heard was some troubling testimony and that was the issue of Kimberly-Clark and what we heard there is that there had been people who had spent their lives working at that plant, one man working 35 years. But as a result of a concessionary contract, he would be receiving ½ week per year up to a maximum of 13 weeks. So for a gentleman who had worked 35 years to receive only 13 weeks of severance pay was really a slap in the face. I encourage you to support the Majority.

THE PRESIDENT: Is the Senate ready for the question? A Roll Call has been ordered. The pending question before the Senate is **ACCEPTANCE** of the Majority **OUGHT TO PASS** Committee Report.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#35)

YEAS: Senators: BERUBE, CAREY, CATHCART, DAGGETT, DOUGLASS, GOLDTHWAIT, KILKELLY, KONTOS, LAFOUNTAIN, LONGLEY, MICHAUD, MURRAY, NUTTING, O'GARA, PARADIS, PENDLETON, PINGREE, RAND, TREAT, PRESIDENT - MARK W. LAWRENCE

NAYS: Senators: ABROMSON, AMERO, BENNETT, BENOIT, CASSIDY, DAVIS, FERGUSON, HARRIMAN, KIEFFER, MACKINNON, MILLS, MITCHELL, SMALL

ABSENT: Senator: RUHLIN

EXCUSED: Senator: LIBBY

20 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 1 Senator being absent, and with 1 Senator being excused, the motion by Senator **DOUGLASS** of Androscoggin to **ACCEPT** the Majority **OUGHT TO PASS** Report, **PREVAILED**.

READ ONCE.

TOMORROW ASSIGNED FOR SECOND READING.

The President requested the Sergeant-At-Arms escort the Senator from Knox, Senator **PINGREE** to the rostrum where she assumed the duties as President Pro Tem.

The President retired from the Senate Chamber.

The Senate called to order by President Pro Tem **CHELLIE PINGREE** of Knox County.

The Chair laid before the Senate the following Tabled and Later (3/2/99) Assigned matter:

HOUSE REPORT - from the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Repeal the Law Requiring Retailers to Post Motor Vehicle Fuel Prices"
H.P. 339 L.D. 455

Report - Ought to Pass

Tabled - March 2, 1999, by Senator **PINGREE** of Knox.

Pending - **ACCEPTANCE OF THE REPORT**, in concurrence

(In House, February 25, 1999, Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.)

(In Senate, March 2, 1999, Report **READ**.)

The Chair ordered a Division.

On motion by of Senator **LAFOUNTAIN** of York, supported by a Division of at least one-fifth of the members present and voting, a Roll Call was ordered.

At the request of Senator **RUHLIN** of Penobscot, Report **READ**.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#36)

YEAS: Senators: ABROMSON, AMERO, BENNETT, BENOIT, BERUBE, CASSIDY, CATHCART, DAGGETT, DAVIS, FERGUSON, GOLDTHWAIT, HARRIMAN, KONTOS, LONGLEY, MACKINNON, MILLS, MITCHELL, MURRAY, NUTTING, SMALL