

MAINE STATE LEGISLATURE

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Legislative Record
House of Representatives
One Hundred and Nineteenth Legislature
State of Maine

Volume I

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\$5,000 per House member. It is certainly not something that would warrant appropriations. We have bills with \$50 million fiscal notes that go to Health and Human Services because that is the policy committee that deals with it. I believe this is a policy issue that first needs to be dealt with State and Local Government as to this is where we want to take it. If it is, it can go to Appropriations. Thank you.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Townsend.

Representative **TOWNSEND**: Mr. Speaker, Men and Women of the House. I ask you to oppose the pending motion. You obviously have a copy of L.D. 1389 and you can read on page 1, line 5, that it reads to establish a fund. On line 14, the Legislature shall appropriate money. Again on line 33, the Legislature shall appropriate money. On page 2, line 1, the Independent and Third-Party Fund must be used. This is clearly an appropriations matter. I ask you to oppose the pending motion.

The SPEAKER: The Chair recognizes the Representative from Auburn, Representative Gerry.

Representative **GERRY**: Mr. Speaker, Ladies and Gentlemen of the House. I sort of agree with Representative Townsend, but the funding of this bill is not supposed to come out of the General Fund. What the money will come out of is the Legislative Budget that funds all of us as legislators in the House. Right now, both parties have money appropriated to run their offices. If you are an unenrolled or nonparty, you are not treated with the same amount of funding. We have to go to either offices or to the Clerk's Office. What we are attempting with this bill was to figure out what the just amount of money per legislator was and let the unenrolled people use that money to hire whatever person we might need to help us with our constituent work. I feel this is a policy issue that should be taken up in State and Local Government because State and Local Government deals with legislative benefits, their per diems and so forth. I think that State and Local Government should have first crack at the bill. Thank you.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Townsend.

Representative **TOWNSEND**: Mr. Speaker, Men and Women of the House. Just to clarify the Legislative Budget, of course, it comes from the General Fund. The Legislative Budget is established in the Committee on Appropriations and Financial Affairs. I don't wish to debate the substance of the bill. That can happen in committee. It clearly belongs before the Committee on Appropriations and Financial Affairs.

The Chair ordered a division on the motion to **RECEDE AND CONCUR**.

Representative **GERRY** of Auburn **REQUESTED** a roll call on her motion to **RECEDE AND CONCUR**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: A roll call has been ordered. The pending question before the House is to Recede and Concur. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 25

YEA - Andrews, Belanger, Berry DP, Bowles, Bragdon, Bruno, Buck, Campbell, Carr, Cianchette, Clough, Collins, Cross, Daigle, Davis, Foster, Gerry, Gillis, Glynn, Gooley, Heidrich, Honey, Jodrey, Jones, Joy, Kasprzak, Labrecque, Lindahl, MacDougall, Mack, Marvin, McAlevy, McKenney, McNeil, Mendros, Murphy T, Nass, Nutting, O'Brien, Peavey, Perkins, Pinkham, Plowman, Richardson E, Rosen, Savage C,

Schneider, Sherman, Shields, Shorey, Snowe-Mello, Stanwood, Stedman, Tobin D, Tobin J, Trahan, Treadwell, True, Waterhouse, Weston, Wheeler EM.

NAY - Ahearne, Bagley, Baker, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bryant, Bull, Cameron, Chick, Chizmar, Clark, Colwell, Cote, Cowger, Davidson, Desmond, Dudley, Dugay, Duncan, Dunlap, Duplessie, Etnier, Fisher, Frechette, Fuller, Gagne, Gagnon, Goodwin, Green, Hatch, Jabar, Jacobs, Kane, Kneeland, LaVerdiere, Lemoine, Lemont, Mailhot, Matthews, Mayo, McDonough, McGlocklin, McKee, Mitchell, Murphy E, Muse, Norbert, O'Neal, O'Neil, Perry, Pieh, Povich, Powers, Quint, Richard, Richardson J, Rines, Samson, Sanborn, Savage W, Saxl JW, Saxl MV, Shiah, Sirois, Skoglund, Stanley, Sullivan, Tessier, Thompson, Townsend, Tracy, Tripp, Tuttle, Twomey, Usher, Volenik, Watson, Wheeler GJ, Williams, Winsor, Mr. Speaker.

ABSENT - Bumps, Lovett, Madore, Martin, Stevens.
Yes, 61; No, 84; Absent, 5; Excused, 0.

61 having voted in the affirmative and 84 voted in the negative, with 5 being absent, the motion to **RECEDE AND CONCUR FAILED**.

Subsequently, the House voted to **ADHERE**.

TABLED AND TODAY ASSIGNED

The Chair laid before the House the following item which was **TABLED** and today assigned:

SENATE DIVIDED REPORT - Majority (9) **Ought to Pass** - Minority (4) **Ought Not to Pass** - 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)

- In Senate, Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-17)**.

TABLED - March 10, 1999 by Representative **HATCH** of Skowhegan.

PENDING - Motion of same Representative to **ACCEPT** the Majority **OUGHT TO PASS** Report.

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

Representative **TREADWELL**: Mr. Speaker, Men and Women of the House. The current severance law provides for one week severance pay for each year worked for any employee that has been with a company for over three years. That only applies to companies with over 100 employees. What we are doing with this bill is removing the flexibility for those companies which are, in most cases, represented by union contract to begin with. We are removing the flexibility for those employers and employees from negotiating a contract, which, in some cases, they would be willing to exchange severance pay for current wages or benefits. What we are actually doing is tying their hands and telling them that the Legislature knows better how to handle those companies, the employee benefits, than they do themselves. I don't think that it is legislation that we need right now.

Representative **TREADWELL** of Carmel **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **OUGHT TO PASS** Report.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: The Chair recognizes the Representative from Skowhegan, Representative Hatch.

Representative **HATCH**: Mr. Speaker, Men and Women of the House. I would like to make a correction. The board is wrong. I had the Ought to Pass report yesterday. What the good Representative Treadwell said was right, in one respect. There is only a small group of people in the state that are covered under this. It is those employers who have 100 or more employees. Of those, a number of those are union people. Under the current law, yes, they can negotiate with their employer. Some of the contracts that are ratified when a company is in trouble and the unions may give some concessions. Like minimum wage, this law was put on the books to protect not only the workers, but their families and the communities that they live in. According to the Commissioner of Labor, \$11 million in the last three years has been collected by workers in severance pay. That is a lot in the last three years. That has helped workers and their families cope with a separation from a job. They only receive this if a plant closes down. We have had a lot of major plant closings in the last few years. I think if you look around this chamber, quite a few of us have been affected by these. Currently on your desk is a piece of information that came around in regards to a closing, a call center in Waterville. I am not sure just exactly how many people are involved in this and probably they are not covered by the severance pay law, but whether or not you pass this legislation, that severance law is still on the books. It will protect a lot of workers.

This only applies to a very small group who may have put this in their contract and a failing entity is leaving, like the Winslow Mill or whatever. When towns people, the unions, even the state have tried to help. I would ask you to pass this bill. It is a good bill. It won't change the law a lot. We desperately need this severance pay. I thank you.

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

Representative **TREADWELL**: Mr. Speaker, Ladies and Gentlemen of the House. I rise again to ask for you not to pass the pending motion. The Representative from Skowhegan brought out one of the points I think that would indicate that we do not need this legislation. At the present time, if we have a company that is about ready to close or relocate, the law allows the employees to negotiate with a new buyer who may be willing to come in and buy that company. Under present law, they can negotiate the severance pay benefits. All of those things are open to negotiation. If we pass this law, their hands are going to be tied. The unintended consequence is possibly that those companies will not find a rescuer to come in and buy them out.

Another point that I would like to make is that if we pass this law, it will be the first state in the country to have such a law on the books.

The **SPEAKER**: The Chair recognizes the Representative from Winslow, Representative Matthews.

Representative **MATTHEWS**: Mr. Speaker, Men and Women of the House. This debate does directly impact me and the people that I represent in the Town of Winslow. We went through a very, very bitter period when we lost more than 300 jobs in the Kimberly Clark Mill, previously owned by Scott Paper. We had up to 700 people in our community. We are a small town. I can tell you the kind of disruption, dislocation and pain that it has caused the community that I represent. It has caused that pain in my own family, a member of my family. That particular member of my family worked 18 years in that mill. When Kimberly Clark pulled up shop so that they could send the jobs to Mexico, my brother-in-law got a very small portion of

what he was entitled to under the Maine Severance Law. Yes, it was because it was negotiated by union contract. I would urge each and every one of you members of this House to think about it. You have a company that is getting ready to leave, Scott Paper, and trying to find a way to get out because of some corporate decision made in Pennsylvania. They place the gun at the head, the company coming in, Kimberly Clark, places the gun at the head of the workers and says let's negotiate in a fair way. Negotiate your future for your kids and protections under the severance pay law and we will give you a little more money or maybe we will give you a job. That is not fair negotiations. That is what happens in these cases.

I was here before for 10 years. When we passed the severance pay law, we wanted the severance pay law to apply to everybody. For every year of service, one week of pay. Not 13 weeks maximum for a guy that worked 38 years in a mill. Thirteen weeks, see you later, have fun and good luck. In my community, the town I represent, the Town of Winslow has had to incur the trouble the Kimberly Clark and their legacy. If I had that article in our hometown paper, I would have it on your desk. When Kimberly Clark came to Winslow and said, "We will be here in the future, the next millennium. We want to be part of Winslow's community." They knew dog gone well what their plan was, I think. It has more to do with Wall Street than it has to do with Main Street. This could happen in your community. I would urge you to make this law apply as a floor for every worker in the state and for every business in the state. No exceptions. We do that with labor law. We have safety and health in the workplace. We have a minimum wage. You can't opt out of those. We have standards. We have child labor law protection. You can't opt out of that. Severance pay should be the same way.

This issue does mean a lot to me. It means a lot to the people that I represent. The people that have worked at that mill that now are trying to put their lives back together. It means a lot of the message we send to large corporations that want to do business in Maine. I support those tax breaks that we give business and I will do so later on. I want to see protections in there for the workers, health insurance benefits and other things and severance because we ultimately have to stand here and vote for the people that we represent, not one corporation. I urge you to support the good chair, the gentle lady from Skowhegan, Representative Hatch, and the majority members of the Labor Committee. Let's make the severance pay law the same for everybody. No exceptions and negotiations should be done in a truly fair way. Thank you Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from North Berwick, Representative MacDougall.

Representative **MACDOUGALL**: Mr. Speaker, Ladies and Gentlemen of the House. If this bill is passed as my good friend Representative Treadwell had shared with us, flexibility will be lost. I would point out both to the employer and the employee. For example, consider an investor contemplating the purchase of a failing plant. Should that new potential employer be allowed to negotiate with the current employees about possible severance pay liability or not. This current bill would take that flexibility away. If that current employer is bankrupt or otherwise judgment proof, the employees may prefer to have that new employer come in and save their jobs. They might, in a given context, be willing to give up some part of their severance package in order to maintain wages or perhaps even increase wages or benefits and to encourage that new employer to save the plant. The new employer may need to tailor their finances in such a way to consummate the purchase. Negotiating the

severance pay liability might be a vital link into consummating that deal.

The point to remember is that that flexibility is currently there, if required. Flexibility is really like a bridge. It is like a connector. It is like a network. We need as many of these bridges as possible to be available in today's economy. This LD would take away one of these bridges, the bridge of flexibility. If that new business can craft an economically sound venture, the better the chance that that organization will remain competitive and stable and be able to keep its promise to stay in the community for generations. That is vital for the community and for our working families, as my good friend from Winslow, Representative Matthews was sharing.

Yesterday, most of us were here. Chancellor Taggart mentioned that you can't read a newspaper within a week of hearing of some potential closing of some traditional industry in peril. That is the bad news. The good news is with our new economy, with R&D, initiatives and education through the university system and the technical college system and the community college concept. They are all good things. Developing the new technologies are going to create the new business opportunities of tomorrow.

Why remove a bridge of flexibility that can be used as a tool for replacing a dying or in peril industry at this point in time? It can be replaced with a new and promising technology. Why remove something that may prove to be a barrier? The bill before you today removes a vital bridge necessary for both investors and for workers. If there isn't a company there producing or servicing something, there will be no paychecks for anybody. That bridge can make the difference between good jobs or no jobs. Working families cannot afford for this bridge, this flexibility, to be removed. I ask you to vote against the pending motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Livermore, Representative Berry.

Representative **BERRY**: Mr. Speaker, Men and Women of the House. I want to express my support for the words of the Representative from Winslow earlier. I want to tell you that I look here and I have heard some of the debate. When I hear the word flexibility, I cringe. What flexibility means to the worker, I struggle to come up with a way of telling you what I think about it. I can't do it in mixed company. It is not a positive thing for us. I will tell you. You think you can go for a win, win solution. I will tell you every time the worker loses. What are you going to do? Strike. This guy is going out of business. The plant is closing. I might have a union. I might not have a union. Who negotiates. Is it a handful of employees picked by the employer? It is a good law. I am not afraid of being number one, the only one in the nation. I hope it leads others to do the same thing.

When we talk about negotiations and flexibility, what is going to happen is we are going to start at that level where you see severance pay and that is what we are entitled to. You are going to negotiate down for the employees. I don't believe anything different is going to happen. I know I have heard other comments. I would ask you to support the pending motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Jay, Representative Samson.

Representative **SAMSON**: Mr. Speaker, Men and Women of the House. I stand in support of LD 476. I echo the words that Representative Matthews has said. I will take it a step further. I know this is happening and it is going to happen in the future. A company knows they are going to shut the plant down.

Of course they don't tell the employees. A contract negotiation comes up and they negotiate with the employees over the terms of the contract. A company wants a lesser severance package or no severance whatsoever. The workers reject that and continue to reject that. Eventually an impasse is declared by the employer and they implement the contract on the employees. The employees have to live by that contract that has been implemented. Shortly thereafter the company shuts its doors. The employees have no severance package or a lesser severance package. This bill corrects the loophole in the law. I believe the intent of this law was that the minimum standard be one week per year of service. I will stand by that. Thank you.

The SPEAKER: The Chair recognizes the Representative from Standish, Representative Mack.

Representative **MACK**: Mr. Speaker, Right Honorable Men and Women of the House. I urge you to defeat the pending motion and vote with the Minority Ought Not to Pass Report. The important thing to remember about the existing severance pay bill is to go under the state minimum, it is voluntary. Both sides have to voluntarily agree to do that. This does not just apply to sick or dying businesses, a plant that may close. This applies to vibrant and healthy businesses as well. If you are in a company that is thriving and doing well and in negotiations with your employer, you may very well say, hey, we are going to be here a while. I would rather have better health benefits and a higher salary so I can provide for my family now. As a tradeoff, give up possible severance pay down the line if a healthy company some day is not doing as well.

Also, we are all trying desperately here to attract new businesses to Maine and keep the ones we have. Maine is currently the only state in the nation with such a severance pay law on the books, which is another deterrent for businesses to come to Maine. This existing way that law is written at least gives the employees and the employers the ability to negotiate severance pay in exchange for other benefits. The employees are not forced to give away this benefit. They do it voluntarily and willingly in exchange for higher wages and other benefits. This flexibility helps the employees. They get more pay and more benefits for years. They get the benefits of the higher pay. What this bill would do is take that ability away, take the ability to negotiate for higher pay and higher benefits in exchange for giving up possible severance in the future. Remember, this is a voluntary measure. It hurts Maine businesses if we even more strictly enforce this. Besides it hurts the employees who will lose higher wages and higher benefits. I urge you to vote against the pending motion.

The SPEAKER: The Chair recognizes the Representative from Gardiner, Representative Colwell.

Representative **COLWELL**: Mr. Speaker, Men and Women of the House. We are on shaky ground, very, very shaky ground when we even consider allowing state law to be negotiated in any kind of contract. I realize there is a loophole in the current statute, but imagine if there were loopholes in the family leave laws and we start allowing them to be part of negotiations. We start negotiating frequency of pay laws in the workplace. We start negotiating workplace safety laws and on and on and on. We are on very shaky ground here. Just because there is a loophole in this current law doesn't mean we ought to allow it to continue. Let's do the right thing here for Maine's workers and let's support the Majority Ought to Pass Report.

The SPEAKER: The Chair recognizes the Representative from Biddeford, Representative Twomey.

Representative **TWOMEY**: Mr. Speaker, Men and Women of the House. I rise in support of this LD. I come from a family or my father came home one day and the mill was closing. I know all too well what it was when my father came home and told my mother that he would be out of a job. I come from a town in Biddeford where John Roberts Clothing Manufacturing closed down. Those men and women had no bridge. They needed that severance pay. This isn't charity. This is something they earned. They worked for that. This is their right to that severance pay. I support that right and I support the workers and I am proud to rise in support of this. I urge my fellow legislators to support this as well. Thank you.

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Cote.

Representative **COTE**: Mr. Speaker, Men and Women of the House. I rise today in favor of this bill. I urge all my fellow colleagues to vote for it due to the fact that I personally speak in favor of this. I was in the situation where I never received severance pay. I have worked for many companies in Lewiston and Auburn and never received severance pay. I was never notified when we were going to get laid off or when the place was going to be sold or shut down. I had to go home and tell my little boy that daddy wasn't working any more. Daddy couldn't put food on the table because there was no severance pay. I had to go and tell every person that I owed money to. I had to tell everyone that I owed bills to that I have to prolong it until I get some kind of funds coming in. It is harder on the one person who brings in the income in the home. They deserve to get their severance pay. They worked for it. They worked hard for it. I worked many years for different companies and never got a penny on severance pay when they shut down. I urge all my fellow colleagues to vote for this bill. Thank you.

The SPEAKER: The Chair recognizes the Representative from Penobscot, Representative Perkins.

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

The SPEAKER: The Representative may pose his question.

Representative **PERKINS**: Mr. Speaker, Men and Women of the House. One of the previous speakers mentioned the number of employees that this would impact in the companies. I wonder if I could get a clarification. I don't see anything in the bill, maybe he is talking about the current law, minimum employees number. Another speaker mentioned something about companies that get tax breaks. I wonder if that is also referring to current law or something in this bill that I haven't happened to see.

The SPEAKER: The Representative from Penobscot, Representative Perkins has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Skowhegan, Representative Hatch.

Representative **HATCH**: Mr. Speaker, Men and Women of the House. To answer that question, I am not sure if he wanted the total number of workers that this would involve. The only numbers that we have is 100 or more employees in industry that they have to pay severance pay to.

I would like to say one other thing, along with the supposed answer to this question. Earlier today before we came to this, we passed legislation enabling the Department of Labor to secure payments for workers, unpaid wages and severance. We have had times when companies have shut down and just totally shut down. They couldn't afford to pay their bills. Unlike banks, who can sell off whatever property they had, we have no

way of collecting these unpaid wages and severance pay. Over the last few months you have read in the paper where places have closed down and people got pennies on a dollar when they had worked at a factory for 30 some years. This isn't consistent today to actually vote for this bill. As a matter of fact, it only strengthens what you have already said. It is good and we should be doing it. I would encourage you to vote for this bill. If the good Representative needs more information, maybe he could restate the question and we could get him more information. I don't have the total number of employees in the state that this would effect, only those employees who are at factories with 100 or more employees.

The SPEAKER: The Chair recognizes the Representative from Medway, Representative Stanley.

Representative **STANLEY**: Mr. Speaker, Men and Women of the House. I stand before you today because I come from a company that is going to lay off 300 people. I come from a company that may shut down or trying to sell one of the mills they own up in the Millinocket area. I just experienced what is going on up in Pinkham. My main concern is we need this severance pay because of people. The other concern I am worried about is what they call an asset sale. In this asset sale, anything that is negotiated opens up everything with the new company. These companies that I am employed with and a lot of other people are employed with through the state are not from the Millinocket area. The company I work for, their headquarters are in South Carolina and more and more companies are doing this. They are being bought out by companies all over the country that are moving into Maine and taking over land and everything else.

The problem I have is the way these people are coming in. You are dealing with somebody from Wall Street. You are not dealing with the guy that lives across the road from you. This person is coming out of Wall Street. He knows the ins and outs. They incorporate in different states and abide by different laws and do different things. When we are talking asset sales. We are talking something all together different. It is not a business sale. It is not a corporation sale. It is a sale of different kind all together. It is something that can really devastate the people that have been employed when you go from one seller to a different buyer. It is a situation that is going to affect a lot of people in our communities. You look at the communities we have today, take Millinocket, Winslow, Rumford, Woodland or Wiscasset. Take all your big places that have been bought out be different corporations based in different parts of the country.

We have to take a real hard look at it. What these people have is something that they negotiated. When you go with an asset sale, that asset sale throws away what you negotiated right out the door. I think it is something that I think we, as a state, should take a hard look at. I tell you what. We got good jobs, but we are going to lose the good jobs. The reason why we are losing the good jobs because of the way we are going about these big businesses come and take care of the way we have lived our life the last 100 years. I think that we should support the pending motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Rumford, Representative Cameron.

Representative **CAMERON**: Mr. Speaker, Men and Women of the House. As most of you know, I live in Rumford. Rumford has a paper mill. Rumford is a classic one-horse town. I don't think that that is that unusual in the case of employers that employ over 100 people. Many, many of the employers around the state that employ that number of people are in small rural communities. Why I mention this is because I think it is

important that you recognize that when people get laid off in these communities, they can't go next door and get another job. It isn't just about the money. In many cases we are talking about people having to uproot and move their families and their children out of the schools and move to other parts of the state or, unfortunately, out of the state. It is a very traumatic period for everybody involved.

Take an employee who has been in a facility for 25 or 30 years. They have become comfortable in that community. They have become a part of that community, an integral part of that community. They become an integral part of the success of that company. If they lose that job after 30 years and let's say that made \$500, \$600 or \$700 a week. They are excellent jobs. There is no denying that. Let's say it was \$500 a week and they had 30 years. That is only \$15,000. They have got a mortgage. They have a car payment and they have got a family. Maybe they have got a couple of kids in college. That \$15,000 isn't going to get them very far, folks, until they get somewhere else. Let's say it was \$1,000 a week. That is \$30,000 for 30 years of service. I don't think that that is unreasonable. In many cases, as you have heard here already today, due to NAFTA and a number of other issues that have occurred in this country, these companies are leaving this country. They are not going out of business. Some are truly going out of business, but some are leaving this country to send their products back into this country for the good prices. I think it is important to remember that the folks who we are talking about are Maine citizens and many, many of them are in rural communities that don't have many other opportunities. It is a little different in more of the urban parts of Maine, let's face it, there aren't many urban parts of Maine. When you get in the urban areas of Maine many of the employers are not 100 plus employees. They are not even covered to begin with, if I understand the present law correctly. I would urge you to support this motion as it is and remember Dirigo stands for being in the lead. We are not the first on. We are the first one, that is a good thing and not a bad thing. I would urge you to support the pending motion.

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative Duplessie.

Representative **DUPLESSIE**: Mr. Speaker, Ladies and Gentlemen of the House. I rise in strong support of the pending motion. I feel there has been some misrepresentation here this morning. This is not a new law. This is only correcting a loophole in the law that has been on the books since 1979. This law was challenged by business and industry in this state. It goes back to an area that is continuing to be hard hit. My business is closing. In the mid '80s it was a chicken processing plant in Winslow, Maine that closed. The law was challenged. It went to the highest court of this land, the Supreme Court. The Supreme Court did not say this was bad law. The Supreme Court ruled that this law was constitutional and was a just law. I ask everyone to please support this pending motion. We have an obligation to the citizens of our communities, not to the investors of the corporations. Thank you.

The SPEAKER: The Chair recognizes the Representative from Hampden, Representative Plowman.

Representative **PLOWMAN**: Thank you Mr. Speaker. Point of order. A question perhaps and then a point of order. Has this bill currently before us, the bill that was printed, has it arrived here without any changes?

The SPEAKER: In response to the Representative's question, the pending motion is acceptance of the Majority Ought to Pass Report. That is LD 476. If this motion does

prevail, the next consideration before the body would be adoption of Senate Amendment "A" to LD 476.

The Chair recognizes the Representative from Hampden, Representative Plowman.

Representative **PLOWMAN**: Mr. Speaker, Men and Women of the House. In examining current law and comparing it with LD 476, LD 476 seeks to amend Section 2 of 26 MRSA 625-B, Subsection 3-A. That subsection under current law reads, "Mitigation of severance pay liability, there shall be no liability for severance pay to an eligible employee if, a relocation or termination of a covered establishment is necessitated by a physical collimate." This should, if you are seeking to change when there can be negotiation, it should address Subsection 3-V. I would therefore ask for a ruling as to whether this bill is out of order.

Representative **PLOWMAN** of Hampden, asked the chair to rule if the Bill was properly before the body.

The SPEAKER: The Chair understands the Representative has requested a ruling as to whether this item is out of order. The Chair would require to the Representative from Hampden, Representative Plowman, as to what rule she is referring to.

Representative **PLOWMAN**: Mr. Speaker, the legislation proposed does not address the section of law, which is asked to be changed. I would not know the rule number, but I would point out to you that the section of law quoted in the bill, is not the section of law which deals with the negotiation of severance pay. It is the section of law which provides that there is no liability if a plant or a business closes due to physical climate. We are discussing a change to the wrong section of law. I would be glad to approach the rostrum in showing you.

The SPEAKER: The Chair would rule that the matter is properly before the body. The title of the bill is not what is before the body. It is the substance of the bill and that is what is being debated today. If there is, as the Chair has pointed out, a further amendment that will be offered if this motion does pass. The Chair finds this matter is properly before the body.

The Chair **RULED** the Bill was properly before the body.

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

ROLL CALL NO. 26

YEA - Ahearne, Bagley, Baker, Berry RL, Bolduc, Bouffard, Bowles, Brennan, Brooks, Bryant, Bull, Cameron, Carr, Chick, Chizmar, Clark, Colwell, Cote, Cowger, Davidson, Davis, Desmond, Dudley, Dugay, Dunlap, Duplessie, Etnier, Fisher, Frechette, Fuller, Gagne, Gagnon, Gerry, Goodwin, Green, Hatch, Jabar, Jacobs, Kane, LaVerdiere, Lemoine, Lemont, Mailhot, Martin, Matthews, Mayo, McAlevey, McDonough, McGlocklin, McKee, Mendros, Mitchell, Murphy E, Muse, Norbert, O'Neal, O'Neil, Perkins, Perry, Pieh, Povich, Powers, Quint, Richard, Richardson J, Rines, Rosen, Samson, Sanborn, Savage W, Saxl JW, Saxl MV, Shiah, Sirois, Skoglund, Stanley, Sullivan, Tessier, Thompson, Townsend, Tracy, Tripp, Tuttle, Twomey, Usher, Volenik, Watson, Wheeler GJ, Williams, Mr. Speaker.

NAY - Andrews, Belanger, Berry DP, Bragdon, Bruno, Buck, Bumps, Campbell, Cianchette, Clough, Collins, Cross, Daigle, Duncan, Foster, Gillis, Glynn, Gooley, Heidrich, Honey, Jodrey, Jones, Joy, Kasprzak, Kneeland, Labrecque, Lindahl, MacDougall, Mack, Marvin, McKenney, McNeil, Murphy T, Nass, Nutting, O'Brien, Peavey, Pinkham, Plowman, Richardson E, Savage C, Schneider, Sherman, Shields, Shorey, Snowe-Mello,