

MAINE STATE LEGISLATURE

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One Hundred and Twenty-Ninth Legislature
State of Maine

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First Regular Session
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MADIGAN of Waterville
MEYER of Eliot
PERRY of Calais
STOVER of Boothbay
TALBOT ROSS of Portland

Minority Report of the same Committee reporting **Ought Not to Pass** on same Bill.

Signed:
Representatives:
 GRIFFIN of Levant
 JAVNER of Chester
 O'CONNOR of Berwick

READ.

On motion of Representative HYMANSON of York, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-158)** was **READ** by the Clerk and **ADOPTED**.

Under suspension of the rules, the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-158)** and sent for concurrence.

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-155)** on Bill "An Act To Clarify That Petitions for Certiorari to the Supreme Court of the United States Are Included within the Definition of Indigent Legal Services"

(H.P. 418) (L.D. 574)

Signed:
Senators:
 CARPENTER of Aroostook
 BELLOWS of Kennebec

Representatives:
 BAILEY of Saco
 BABBIDGE of Kennebunk
 CARDONE of Bangor
 EVANGELOS of Friendship
 HARNETT of Gardiner
 RECKITT of South Portland
 TALBOT ROSS of Portland

Minority Report of the same Committee reporting **Ought Not to Pass** on same Bill.

Signed:
Senator:
 KEIM of Oxford

Representatives:
 CURTIS of Madison
 DeVEAU of Caribou
 HAGGAN of Hampden

READ.

On motion of Representative BAILEY of Saco, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-155)** was **READ** by the Clerk and **ADOPTED**.

Under suspension of the rules, the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-155)** and sent for concurrence.

Majority Report of the Committee on **LABOR AND HOUSING** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-149)** on Bill "An Act To Protect Jobs in the State by Requiring Advance Notice of Closure of Call Centers"

(H.P. 164) (L.D. 201)

Signed:
Senators:
 BELLOWS of Kennebec
 LAWRENCE of York

Representatives:
 SYLVESTER of Portland
 CARNEY of Cape Elizabeth
 CUDDY of Winterport
 DOORE of Augusta
 PEOPLES of Westbrook
 RYKERSON of Kittery

Minority Report of the same Committee reporting **Ought Not to Pass** on same Bill.

Signed:
Senator:
 GUERIN of Penobscot

Representatives:
 AUSTIN of Gray
 BRADSTREET of Vassalboro
 LOCKMAN of Bradley
 MORRIS of Turner

READ.

Representative SYLVESTER of Portland moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

The **SPEAKER**: The Chair recognizes the Representative from Portland, Representative Sylvester.

Representative **SYLVESTER**: Thank you, Madam Speaker. The first thing to know about this bill is that despite the title on the original bill, it no longer has anything to do with call centers. What it is is it's a rewriting of the WARN Act, which is an act which affects businesses which either relocate out of a municipality or which close down. And what they are -- this bill seeks to do is to take a bill which did not in any way stop a business from giving no notice to make sure that the municipality has notice that the business is going to close, that all of the functions of the state that try to help workers find new jobs, that work with communities to make sure that communities are able to, you know, best deal with the damage of a company leaving a town, and we all know towns -- I grew up in Lewiston, you know, in the sort of aftermath of the closing of the mills. And so what this bill seeks to do is to mitigate that by doing two things; one, for businesses which employ over 100 people they must now have 90-day notice, you know, that they are intending to close their business and, if not, it moves the fine for that from a one-time \$500 fine to a \$500 a day fine. If they give the full 90-day notice, there is obviously no fine for

failure to notify. And the big part of this bill is that the company has to pay the pieces that they owe -- may owe workers first before the Department of Labor collects any fines. So what we're seeking to do here is to give municipalities the most notice as possible that a business is intending to close or to relocate out of state and it also, you know, makes sure that workers receive the money that are intended to be paid to them under the law. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Vassalboro, Representative Bradstreet.

Representative **BRADSTREET**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I rise today in opposition to the pending motion.

I certainly understand the stress that people go -- undergo when a business is suddenly closed without a whole lot of notice. But I'd like to point out that most of these businesses are closing because they have to. They are more than willing to work with the public and with the towns and with the Department of Labor to try to rectify anything that might happen, do the best that they can. I do believe that some of the penalties are too Draconian, but more than that I think, you know, we need to look at this from a broader perspective. We need to think about what we can do as a state to attract investment into the State of Maine. If we go too far with these bills, particularly one like this, it casts a culture of doubt over people who are looking to invest. What we need to do is create a culture of -- a positive culture that will invite investment for most people who are looking throughout the whole country, sometimes even other countries, about where they're going to try to have their businesses. So, anyway, I do hope that you would follow my light and I do ask for a roll call. Thank you, Madam Speaker.

The same Representative **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass as Amended Report**.

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 Acceptance of the Majority **Ought to Pass as Amended Report**. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 59

YEA - Ackley, Alley, Austin B, Babbidge, Beebe-Center, Berry, Brennan, Bryant, Caiazzo, Cardone, Carney, Cloutier, Collings, Cooper, Craven, Crockett, Cuddy, Daughtry, Denk, Dodge, Doore, Doudera, Dunphy, Evangelos, Farnsworth, Fecteau R, Foley, Gattine, Gramlich, Grohoski, Handy, Harnett, Hepler, Hickman, Hobbs, Hymanson, Jorgensen, Kessler, Kornfield, Landry, Madigan C, Martin J, Martin R, Mastraccio, Matlack, Maxmin, McCrea, McLean, Melaragno, Meyer, Moonen, Morales, Nadeau, O'Neil, Paulhus, Pebworth, Perry A, Perry J, Pierce T, Pluecker, Reckitt, Riley, Riseman, Roberts-Lovell, Schneck, Sharpe, Sheats, Stanley, Sylvester, Tepler, Terry, Tipping, Tucker, Verow, Warren, White B, Zeigler, Madam Speaker.

NAY - Andrews, Arata, Austin S, Bickford, Blier, Bradstreet, Campbell, Cebra, Corey, Costain, Curtis, DeVeau, Dillingham, Dolloff, Drinkwater, Faulkingham, Fecteau J, Foster, Haggan, Hall, Hanington, Hanley, Head, Javner, Johansen, Keschl, Kinney, Kryzak, Lockman, Lyford, Mason, Millett, Morris, O'Connor, Ordway, Perkins, Pickett, Prescott, Reed, Rudnicki, Sampson, Skolfield, Stearns, Stetkis, Stewart, Strom, Swallow, Theriault, Tuell, Wadsworth, White D.

ABSENT - Babine, Bailey, Blume, Brooks, Fay, Griffin, Grignon, Harrington, Higgins, Hubbell, Hutchins, Ingwersen,

Marean, Martin T, McCreight, McDonald, Peoples, Rykerson, Stover, Talbot Ross.

Yes, 78; No, 51; Absent, 20; Excused, 1.

78 having voted in the affirmative and 51 voted in the negative, with 20 being absent and 1 excused, and accordingly the Majority **Ought to Pass as Amended Report** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-149)** was **READ** by the Clerk and **ADOPTED**.

Under suspension of the rules, the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-149)** and sent for concurrence.

Majority Report of the Committee on **LABOR AND HOUSING** reporting **Ought Not to Pass** on Bill "An Act To Allow Flexibility in Residential Rental Agreements"

(H.P. 358) (L.D. 473)

Signed:

Senators:

BELLOWS of Kennebec
LAWRENCE of York

Representatives:

SYLVESTER of Portland
CARNEY of Cape Elizabeth
CUDDY of Winterport
DOORE of Augusta
PEOPLES of Westbrook
RYKERSON of Kittery

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-150)** on same Bill.

Signed:

Senator:

GUERIN of Penobscot

Representatives:

AUSTIN of Gray
BRADSTREET of Vassalboro
LOCKMAN of Bradley
MORRIS of Turner

READ.

On motion of Representative SYLVESTER of Portland, the Majority **Ought Not to Pass Report** was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **LABOR AND HOUSING** reporting **Ought Not to Pass** on Bill "An Act To Prohibit the Imposition by Municipalities of General Restrictions on Rents and Rental Properties"

(H.P. 379) (L.D. 522)

Signed:

Senators:

BELLOWS of Kennebec
LAWRENCE of York

Representatives:

SYLVESTER of Portland