

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred And Fifteenth Legislature

OF THE

State Of Maine

VOLUME II

FIRST REGULAR SESSION

House of Representatives
May 20, 1991 to July 10, 1991

The Chair laid before the House the following matter: Bill "An Act Concerning Smoking in the Workplace" (S.P. 716) (L.D. 1907) which was tabled earlier pending the motion of Representative McHenry of Madawaska that L.D. 1907 be referred to the Committee on Labor.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Portland, Representative Manning.

Representative MANNING: Mr. Speaker, Ladies and Gentlemen of the House: I don't want to debate this too long. As I said earlier, every piece of legislation dealing with this particular subject including issues dealing with negotiations have come out of the Committee on Human Resources, not the Committee on Labor. The Committee on Human Resources has dealt with every piece of legislation dealing with the workplace and it should be heard in the Committee on Human Resources and not the Committee on Labor.

I would hope that we would defeat this so we could go on to have this referred to the Committee on Human Resources.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Brewer, Representative Ruhlin.

Representative RUHLIN: Mr. Speaker, Ladies and Gentlemen of the House: I usually agree very much with the astute gentleman from Portland, the Chair of the Human Resources Committee. All those items that refer to smoking usually and properly go before that committee. However, I would like to point out that in this particular bill it refers to collective bargaining, it refers to the department as the Department of Labor, it refers to the Commissioner of Labor and it refers to employers, it refers to bargaining positions and it mentions establishing a Joint Commission of Labor and Management, it sets up a grievance procedure — these are all labor terms, this is a labor bill and that is where it belongs on the Committee on Labor.

I would hope you would go along with the motion to refer to the Committee on Labor.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Portland, Representative Manning.

Representative MANNING: Mr. Speaker, Ladies and Gentlemen of the House: If it was such a labor bill, why didn't, first of all, labor bring the bill in earlier and second, why didn't labor (I didn't say anybody else) present the same identical amendment to us three or four weeks ago? The identical bill was presented to our committee in reference to a bill that will be coming out within the next week, the identical bill because we looked at it and did not go along with it and it is now coming in here under a labor bill and going to the Committee on Labor, word for word, it is the same bill. The committee, unanimously, turned that bill down.

I would hope that this bill would then come back to the Committee on Human Resources where we heard it before as an amendment, identical bill.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Scarborough, Representative Pendexter.

Representative PENDEXTER: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to add to what Representative Manning has said in that environmental tobacco smoke is a public health issue and public health issues belong in the Human Resources Committee.

I would like to pose a question to the Chair.

Would it be in order to make a motion to indefinitely postpone this bill?

The SPEAKER PRO TEM: The Chair would answer in the affirmative.

Representative PENDEXTER: Mr. Speaker, I move that we indefinitely postpone this bill.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Millinocket, Representative Clark.

Representative CLARK: Mr. Speaker, Ladies and Gentlemen of the House: I hope you don't vote this evening to indefinitely postpone this bill. I am sorry that it is here a little late, we had a problem back in our workplace in Millinocket and I can't understand why it is here as late it is. There are major problems, particularly in a Georgia-Pacific plant in Millinocket.

I can understand what the good Representative is going through chairing his committee but I am asking as cosponsor of the bill, that if we are going to keep this bill, please send it to the Committee on Labor. I think that is where it belongs. I have always supported the bills that go to the other committee but it has been told to you this evening why we want that bill put into the Labor Committee and I hope when you vote that you don't vote to indefinitely postpone the bill because we really need it. We have a problem in my area. The reason why it is so late, we have been working on this for some time, we still have a major problem and I hope we can put this bill in the Committee on Labor where it belongs.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Thomaston, Representative Mayo.

Representative MAYO: Mr. Speaker, Ladies and Gentlemen of the House: I urge you to vote against the pending motion. Even though I don't agree with the provisions in this bill personally, I think it is inappropriate for this legislature, at this time, to start killing bills on reference. We have a lot of work left to do, this bill should be sent to a committee and be given its proper hearing like every other bill in this session. If we start doing things like this, we are going to deteriorate very rapidly around here so I urge you to vote against the pending motion. I request a Division.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Portland, Representative Manning.

Representative MANNING: Mr. Speaker, Ladies and Gentlemen of the House: I echo the Representative from Thomaston's remarks that, as much as I would have in past years would have said to go along with indefinitely postpone, I think this bill should have its hearing even though it did have another hearing and it should have its hearing in Human Resources. I would hope that you would not go along with indefinite postponement so that we could then move that this bill referred to the Committee on Human Resources.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Fryeburg, Representative Hastings.

Representative HASTINGS: Mr. Speaker, I would like to pose a question through the Chair.

To anyone in the House and particularly to Representative Manning — did I understand him to say that this identical bill verbatim had a public hearing and had been voted out of his committee a short time ago, had come to the House floor in about a week?

The SPEAKER PRO TEM: The Representative from Fryeburg, Representative Hastings, has posed a

question through the Chair to anyone who may respond if they so desire.

The Chair recognizes the Representative from Portland, Representative Manning.

Representative MANNING: Mr. Speaker, Ladies and Gentlemen of the House: The bill, as an amendment, was presented by the AFL-CIO to another bill dealing with workplace. The bill, I think it is L.D. 1134, is making its way through the Revisor's Office and is on its way here. I would suspect that it will be here for debate sometime within the next week and, therefore, we have already seen this. I think we should take a look at this again in Human Resources.

There was no mention of a problem in the mills in Millinocket; however, I understand there is no problem in the mill in East Millinocket. East Millinocket has no problem but yet Millinocket has a problem and the same company owns it.

The SPEAKER PRO TEM: The Chair will order a vote. The pending question before the House is the motion of Representative Pendexter of Scarborough that L.D. 1907 and all accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

21 having voted in the affirmative and 90 in the negative, the motion did not prevail.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Madawaska, Representative McHenry.

Representative MCHENRY: Mr. Speaker, Ladies and Gentlemen of the House: The last thing I want is another bill but I have to fight for what is right and what belongs to my committee. I realize that the good Chairman of the Human Resources Committee has probably dealt with the same issue but I also deal with issues — you know, Workers' Compensation deals with a lot of health issues and I would love to send them all over to Human Resources but we can't do that. These issues that we are talking about are labor issues and they should be dealt with in the Labor Committee.

The SPEAKER PRO TEM: The Chair will order a vote. The pending question before the House is the motion of the Representative from Madawaska, Representative McHenry, that L.D. 1907 be referred to the Committee on Labor. Those in favor will vote yes; those opposed will be voting no.

A vote of the House was taken.

Representative McHenry of Madawaska requested a roll call.

The SPEAKER PRO TEM: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of more than one-fifth of the members present and voting. Those in favor will vote yes; those opposed will vote no.

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

The SPEAKER PRO TEM: The Chair will order a vote. The pending question before the House is the motion of the Representative from Madawaska, Representative McHenry, that L.D. 1907 be referred to the Committee on Labor. Those in favor will vote yes; those opposed will be voting no.

ROLL CALL NO. 91

YEA - Aliberti, Anderson, Bailey, H.; Boutilier, Cahill, M.; Clark, H.; Cote, Crowley, DiPietro, Dore,

Duffy, Dutremble, L.; Erwin, Farnum, Farren, Foss, Gould, R. A.; Graham, Gray, Gurney, Hale, Hoglund, Holt, Jacques, Jalbert, Joseph, Ketover, Ketterer, Kontos, LaPointe, Libby, Lipman, Luther, Macomber, Mahany, Martin, H.; McHenry, McKeen, Michaud, Murphy, Paradis, P.; Paul, Pineau, Plourde, Rand, Reed, G.; Reed, W.; Rotondi, Ruhlin, Saint Onge, Sheltra, Simpson, Small, Strout, Swazey, Tamaro, Townsend, Waterman, Whitcomb.

NAY - Adams, Aikman, Anthony, Ault, Bailey, R.; Barth, Bennett, Butland, Carleton, Carroll, D.; Carroll, J.; Cathcart, Clark, M.; Coles, Constantine, Daggett, Donnelly, Duplessis, Farnsworth, Garland, Gean, Goodridge, Greenlaw, Handy, Hanley, Hastings, Heeschen, Heino, Hepburn, Hichens, Kilkelly, Larrivee, Lawrence, Lebowitz, Lemke, Look, Lord, MacBride, Manning, Marsano, Marsh, Mayo, Melendy, Merrill, Mitchell, E.; Mitchell, J.; Nadeau, Nash, Norton, Nutting, O'Gara, Oliver, Ott, Pendexter, Pendleton, Pines, Poulin, Powers, Richards, Richardson, Rydell, Salisbury, Savage, Simonds, Spear, Stevens, A.; Stevens, P.; Stevenson, Tardy, Tracy, Treat, Tupper, Vigue, Wentworth.

ABSENT - Bell, Bowers, Cashman, Chonko, Gwadosky, Hichborn, Hussey, Kerr, Kutasi, Morrison, O'Dea, Paradis, J.; Parent, Pfeiffer, Pouliot, Ricker, Skoglund, The Speaker.

Yes, 59; No, 74; Absent, 18; Paired, 0; Excused, 0.

59 having voted in the affirmative and 74 in the negative with 18 being absent, the motion did not prevail.

Subsequently, L.D. 1907 was referred to the Committee on Human Resources in concurrence.

The Chair laid before the House the following matter: Bill "An Act to Amend and Clarify the Definition of Earnable Compensation in the Maine State Retirement System Laws" (S.P. 443) (L.D. 1187) (Came from the Senate, with the report read and accepted and the Bill passed to be engrossed as amended by Senate Amendment "A" (S-186) which was tabled earlier in the day and later today assigned pending the motion of Representative Jalbert of Lisbon to reconsider adoption of Senate Amendment "A".

Subsequently, Representative Jalbert of Lisbon withdrew his motion to reconsider adoption of Senate Amendment "A" (S-186) and the Bill was assigned for second reading Tuesday, June 4, 1991.

The Chair laid before the House the following matter: Majority Report of the Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-427) on Bill "An Act to Amend the State Ballot Laws" (H.P. 1014) (L.D. 1482) and Minority Report of the same Committee reporting "Ought Not to Pass" on same Bill which was tabled earlier in the day and later today assigned pending the motion of Representative Lawrence of Kittery that the House accept the Majority "Ought to Pass" Report.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Lewiston, Representative Handy.

Representative HANDY: Mr. Speaker, Members of the House: I move that L.D. 1482 and all accompanying papers be indefinitely postponed.