

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD
OF THE
One Hundred And Thirteenth Legislature
OF THE
State Of Maine

VOLUME II

FIRST REGULAR SESSION

May 26, 1987 to June 30, 1987

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The Chair laid before the House the following matter: Bill "An Act to Provide Civil Enforcement of the Anti-strikebreaker Law to Encourage the Settlement and Peaceful Resolution of Labor Disputes" (H.P. 1238) (L.D. 1690) (H. "A" H-211) which was tabled earlier in the day and later today assigned pending further consideration.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Sanford, Representative Hale.

Representative HALE: Mr. Speaker, Ladies and Gentlemen of the House: In regards to this strikebreaker bill, 1690 -- this certainly does not interfere with any employer's rights. The employer still has the right to replace employees. The only thing that this does is to prohibit professional strikebreakers from coming in and taking over the production jobs in any plant, irrespective of what plant it is.

Since I.P. is on strike, and I am calling on my retention, I have the bill here and haven't had a chance to really review as much as I would like to, but it does not stop any employer from advertising, it does not stop them from hiring replacements, it is required by law to inform them that the employees are on strike and that this could possibly be a temporary position. The strikebreaker part of it or the professional strikebreaker part are the people that come in under the auspices of maintenance. There is no one that can maintain, to my knowledge and my knowledge is limited and has to be based upon what was said before the Labor Committee -- this requires very specialized expertise. If I were a maintenance person, which I would almost have to be an engineer in order to fix these pieces of machinery, I certainly could not be teaching someone. This is where the difference of opinion is on what a strikebreaker is. There is no one learning to maintain machinery on the premises. I have been reading the paper, they have got about 250 people at I.P. right now.

All this says is "you shall not use professional strikebreakers." These are people that make it their business to go out and go into a company. Right now it happens to be I.P.; last year it was Boise Cascade. That is all it prohibits. I urge you to override the veto.

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

Representative MCHENRY: Mr. Speaker, Men and Women of the House: You know, I am very discouraged with the Governor. The first time I met him was fifteen years ago in my first term in the legislature. At that time and through the years, I always believed the man to be a good-hearted man, a man who was fair to the working people of the state. But I have been proven wrong, more than once, and I have been proven wrong again. I truly felt that this Governor would be at least halfway decent with the working people of this state. But every bill that we had to help -- in any way, shape or form -- the working people of this state, he saw fit to veto. I don't think he is doing right by the working people. I don't believe he is doing right by the Constitution, because this bill would have helped to stop injuries, which may very well occur.

We all remember what happened in Rumford and we are seeing something happening in Jay and I am very much afraid that I am going to see the same thing happen in Madawaska. We have companies today that do not -- absolutely in no way, shape or form -- care for the working people and that hurts me, it hurts the working people, and this state cannot stand by

and watch this happen and I don't believe that we should.

In his veto message he says, "We all suffer." But ladies and gentlemen of this House, nobody knows how much they suffer until they are in that picket line. I have been on a picket line, but when I was, I was fortunate not to be married. I was a single man, I could afford to live, but I assure you it broke my heart to see people hurting because they could not afford to bring food to the table. In those days, we had a Governor who did care, who did try to give us help for the working people. We still went under.

When the Governor says we have a fair balance, it is not a fair balance ladies and gentlemen, not at all. He says the working people have a very powerful tool, they can go out on strike. Well I submit to you, if he believes that that is a very powerful tool, I say he can leave his office and we will find a for a replacement for him in no time at all. That is the way my people feel. We feel very strongly that what he is doing here, a veto on every bill that helps the working people, is not good for the Republican party. We, the Democrats, have stuck together quite well, but we are not 100 percent for labor but we do help labor more than the Republican party and right now, we are showing our real colors.

I am happy in a way that the Governor is showing his real colors because I truly believed that he was a fair man. I did say to my people that I felt that he was a fair person.

It says in our Constitution in the preamble, "We the people of the state" -- it does not say, "We the corporation of the state." In Article 1, it says, "We the men" -- it does not say "We the corporation." They have the right to "pursue and obtain safety and happiness." Safety, ladies and gentlemen. What is happening right now at International Paper in Jay is not a safe situation. It is not a safe situation when you have people taking the bread out of your children's mouths, it is not a safe situation. The strike benefits that those people receive are very little. Do you think that they are high and happy and enjoying themselves? I assure you they are not because most of these people owe more than they can ever repay and the companies are asking them to sacrifice in a year that they made more profit than ever. It boggles the mind. Why? The greedy corporation.

It comes back to what I said before, we are sending out a message, come into the state, use our people, abuse our people, discard our people, trample on our people, the corporations have more. It isn't a fair balance, they have more than a fair balance because they continue to operate, we are not against that. Sure, we would like to shut them down and they wouldn't be able to operate, but we do not prohibit them from going out and using the people that they have in other companies. We do not prohibit them from employing new employees, but what we are trying to do here is prohibit them from hiring professional strikebreakers from out of state.

The Governor says he is not for it but he vetoed the bill. On technicalities? I for one and I am sure every member of the Labor Committee was willing to compromise and listen to the technicalities. We were not prohibiting any company that was not out there to purposely break strikes. We were not prohibiting them to come in and service these companies. If some attorney had found a way that we were doing this, we would have been willing to amend the bill to make it workable if the Governor was sincere in his statements. We would have worked with him but I don't believe that he was.

He also says in his message that he would be willing to sign legislation, if it goes through the court, then he would have no choice but to accept it. That is when he would accept legislation, after it had gone through the courts and proven that it is legal, proven that it is constitutional, proven everything, then he would accept it. Ladies and gentlemen, if that were the premise when we enact each and every piece of legislation, I don't think we would have any legislation. Maybe it would be best that way.

I certainly hope that you will vote green to override the veto.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Hampden, Representative Willey.

Representative WILLEY: Mr. Speaker, Ladies and Gentlemen of the House: It talks repeatedly in this bill about the professional strikebreaker. I think you have got to stop for a minute and think what a professional is. In this bill, it is defined as any person or corporation/company that is involved in a strike more than twice. I don't know but I suspect all of us have done a given thing at least twice that we would prefer not to be proud of. Does it make a professional if you do anything twice? I seriously doubt it.

One thing that this does is it goes far beyond the purpose of the bill. For instance, in the instance of a strike or a lockout, a company has to pay their bills, they also have to handle accounts receivable, generally they farm that out to somebody with a computer setup so it can be done outside. Many times, it is people that do this for the public. They do have to pay their bills, they do have to collect their money. It would prevent this sort of thing if one person on their payroll had been involved in this sort of activity more than once. It seems to me the most ludicrous part of this argument is that it applies to individuals -- you could not hire (under the provisions of this legislation) an individual to come to work for you if there were a strike, if he had been involved in that activity twice before, not necessarily to have been hired and been working on the job but simply to have made application. In that instance, you could go to court and get an injunction and close the place up. Believe me, the purpose of this bill is to force, to force, the companies to go to a lockout because that is the only alternative they would have.

How are you going to hire people, for instance, and ask them questions such as, "Have you ever been involved in a strike?" I suspect you wouldn't be able to get along with that because you can't even ask them how old they are, how could you possibly do that? Would you ask them if they belonged to the Lions or the Kawanis or any other activity such as that and you couldn't hire them? It would be discriminatory.

I don't think anybody has a lot of sympathy for professional strikebreakers. I would suspect that, if the bill had been worded that way in the Labor Committee, that it would have been acceptable to all of us.

I certainly hope that you will be able to sustain the Governor's veto because this goes far, far, far beyond what a professional strikebreaker is and the consequences in this state would be dramatic.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Waterville, Representative Joseph.

Representative JOSEPH: Mr. Speaker, Men and Women of the House: It was not my intention to speak on this bill today but I have heard that, if a person offers themselves twice to be a professional strikebreaker that he or she, then, under this bill,

cannot be part of a group that would be contracted to assist in the time of employment.

If you believe that the Labor Committee arbitrarily passes out a bill because it is a management bill or because it is a labor bill, you are dead wrong. We negotiated what you just heard and we negotiated the words customarily or repeatedly. Now, I don't think repeatedly says that it is once, twice, or 25 times, but I do think that would be a judgment and an interpretation by those persons wanting to enforce this particular bill.

I am very concerned about this bill because if all of us, as was just stated by Representative Willey, are concerned and dislike the fact or abhor or hate the fact that professional strikebreakers today are working in our state and takes the place of men and women whose jobs it is normally to run a particular paper mill, then I believe that we should override this veto.

If you believe that this particular bill is unconstitutional or illegal, that too was discussed in committee, and opinions were sought to find out if it worked and I have not seen anything written as far as that is concerned. I consider this playing politics with peoples lives. I consider this playing politics with peoples livelihoods. I find this playing politics with the ability of the men and women of this state to make a living to support their families. If you believe that they are full of joy and happiness as they walk the picket line in Jay, Maine, you are dead wrong.

I talked with them last week, when there were 1,000 of them here along with other sympathizers, and I asked them what monetary arrangement is agreed upon when you go on strike because you hear that these people are very happy to be on strike, by different sources, they get \$55 a week on strike. I think this is a despicable act as far as this veto is concerned.

We discussed this bill in committee and the last day, one Friday morning prior to session, we decided that this bill would deal with the issue at hand, that it would prohibit strikebreakers, professional strikebreakers, to come into our state. And, as usual, trying to find the compromise, trying to negotiate the provisions, we asked around the room for those committee members who were there you will remember, "How do you feel about this bill?" Business persons said, in that particular committee room, "We have no problems with the bill but we don't like it." Of course, they don't like it, but that is the nature of the Labor Committee. There is a black and there is a white and if you come out with a piece of gray legislation, where everybody is a little bit unhappy, you know that we have done our job.

What really bothers me about this particular veto and the effect that it has on the present day strike is that I believe in this state where we do believe in the collective bargaining system, where we do believe in negotiating for wages, we also believe in negotiating for benefits and all of those provisions, that we are now encouraging two classes of people, the have's and the have not's. I am very much concerned when I see half page newspaper ads at a cost that I couldn't even quote to you, when I see a quarter page ad in the Sunday paper, actually talking about one side or the other, and we know where the money is, but I think I was particularly disenchanted, disappointed, discouraged this morning in a segment, a television ad which said, "We all care about the paper workers in the State of Maine. I am concerned about what is happening in Jay, but do you realize that those paper workers make X-number of dollars per hour? Think about it." This was a 15

second or 30 second ad, that doesn't come for nothing, folks.

I would like to say to you, how much do management persons make? They make an average of \$50,000 a year, \$1,000 a week. Do I see another ad on television that says, "Oh, those poor folks, those poor folks, they can't seem to manage well but they are still making \$50,000 a year." I am very concerned about this.

I hope that you will send a message out there to those workers that we are not going to allow professional strikebreakers to come into this state who customarily, who repeatedly, offer themselves for this purpose.

We have negotiated this bill in order to allow companies to bring in persons to continue operations while negotiations continue or while the strike lasts. Please, for all of those persons who do work, please vote to override this veto, it is the right thing to do.

On motion of Representative Diamond of Bangor, retabled and later today assigned pending further consideration.

The following items appearing on Supplement No. 2 were taken up out of order by unanimous consent:

ORDERS OF THE DAY

BILLS RECALLED FROM GOVERNOR

(Pursuant to Joint Order - House Paper 1375)

An Act to Implement the Recommendations of the Driver Education Evaluation Program Study (Emergency) (H.P. 962) (L.D. 1291) (H. "A" H-393 to C. "B" H-389)

-In House, Passed to be Enacted on June 18, 1987.

-In Senate, Passed to be Enacted on June 18, 1987.

On motion of Representative Manning of Portland, under suspension of the rules, the House reconsidered its action whereby L.D. 1291 was passed to be enacted.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby L.D. 1291 was passed to be engrossed as amended by Committee Amendment "B" (H-389).

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "B" (H-389) as amended by House Amendment "A" (H-393) thereto was adopted.

The same Representative offered House Amendment "B" (H-405) to Committee Amendment "B" (H-389) and moved its adoption.

House Amendment "B" to Committee Amendment "B" was read by the Clerk and adopted.

Committee Amendment "B" as amended by House Amendment "A" and "B" thereto was adopted.

The Bill passed to be engrossed as amended by Committee Amendment "B" as amended by House Amendment "A" and "B" thereto in non-concurrence and sent up for concurrence.

(Pursuant to Joint Order - House Paper 1376)

An Act to Establish Greater Communication in the Rule-making Process and to Provide Better Standards for the Adoption of Rules (H.P. 1210) (L.D. 1651) (S. "A" S-256)

-In House, Passed to be Enacted on June 18, 1987.

-In Senate, Passed to be Enacted on June 18, 1987.

On motion of Representative Carroll of Gray, under suspension of the rules, the House reconsidered its action whereby L.D. 1651 was passed to be enacted.

On further motion of the same Representative, the Bill was recommitted to the Committee on State and

Local Government in non-concurrence and sent up for concurrence.

By unanimous consent, all matters having been acted upon requiring Senate concurrence were ordered sent forthwith to the Senate.

At this point, the rules were suspended for the purpose of removing jackets for the remainder of today's session.

The Chair laid before the House the following matter: Bill "An Act to Provide Civil Enforcement of the Anti-strikebreaker Law to Encourage the Settlement and Peaceful Resolution of Labor Disputes" (H.P. 1238) (L.D. 1690) (H. "A" H-211) which was tabled earlier in the day and later today assigned pending further consideration.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Waldoboro, Representative Begley.

Representative BEGLEY: Mr. Speaker, Men and Women of the House: I rise in support of the Governor's veto and I would just like to make a few comments.

This is another example of how far our government should not interfere with the collective bargaining process. I would like to remind you that the U.S. Supreme Court has ruled in a landmark decision that an employer has the right to hire and maintain replacements for striking employees. This is from the National Labor Relations Board versus McKay, Radio and Telegraph.

The Governor has stated that he would also oppose any legislation that attempted to allow an employer to fire a striking worker or any attempt to regulate in any manner a striking worker's right to seek other employment. This whole article and bill is a question of balance in the collective bargaining process. I encourage you to sustain the Governor's veto.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Sanford, Representative Hale.

Representative HALE: Mr. Speaker, Ladies and Gentlemen of the House: On paragraph 2, page 3 of the Governor's veto, you will notice in lines 6 - 9, "This bill goes beyond acceptable limits and beyond the apparent legislative intent to prohibit professional strikebreaking activities." This bill certainly does not go beyond that. As far as the Labor Committee -- we fully understood what the bill was doing, we certainly worked it and worked it and worked it.

Go to paragraph 3, the first three lines: "This bill would expand upon current statutory restrictions prohibiting a struck employer from contracting with a company that previously has offered its services to other companies involved in labor disputes, strikes, etc." Then it goes on, "without regard." This is true as far as production but as far as a contract for services, for maintenance of equipment or any contract prior to the strike, it does not affect if they have used the services.

You go to the last paragraph 4, we knew about this and our state law now does address this. It may have been a landmark decision at some time or other but we knew that every employer has a right to (in labor disputes and lockouts) hire people on a temporary or even a permanent basis.

This bill does not prohibit a conglomerate from bringing in people from other parts of the state to fill in on the production lines. There is no way