

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

Index

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

that the bills or accounts receivable will not be paid. If they have other plants, they may utilize those services of the existing employees within the plant.

I think perhaps watching on television the last few days the strike on NBC, their concerns are the concerns of the working people of all of the State of Maine but specially at this point, using I.P. as an example, job security -- that is what they want more than anything else, a commitment from management for job security and that is what this is all about.

I urge you to override the Governor's veto.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Mt. Desert, Representative Zirkilton.

Representative ZIRNKILTON: Mr. Speaker, Ladies and Gentlemen of the House: There have been a number of comments today, some dealing with the bill, some not dealing with the bill, some going back to what has happened on a number of vetoes that we have debated here in the past and that has been personal attacks on our Governor and whether or not he has been acting in the best interest of the people of the State of Maine.

Representative Hale in earlier comments said that she did not feel that this bill was an attempt to restrict the available options that are now available to employers. Clearly it is, as she stated just a moment ago.

Representative McHenry has stated that his primary concern is the issue of safety. If that is true, and I assume it is, then I question whether or not the safety of the workplace is going to be enhanced by whether an employer brings in a collective group of people to take over an operation or whether those employees are hired individually on a one to one basis. Either way, they are going to need training. Either way, the safety of the workplace is not going to be as great as it normally is when the regular and normal people are working in their places.

The fact of the matter is, as Representative Hale pointed out a moment ago, if they had their opportunity, they would in fact shut the company down during a strike. They are looking for job security. Clearly this bill is not going to provide that any more than job security has existed prior to enactment of this bill, if indeed, it does take place.

The purpose of this bill basically is to make it more difficult for a company to be able to hire replacement workers. If you take away the option that is presently available to them to contract a company or some outfit, regardless of whether or not they operate outside of the State of Maine or inside the State of Maine, if you limit their option to bring in this group that comes in and takes over running the machinery or whatever it is, depending on what corporation we might be talking about at a given time, then we limit that company's opportunity to fulfill their contractual obligations with their clients and that puts more pressure on the company and that is exactly what the strikers obviously would like to see, more pressure on a company to give in to the demands of the striking workers. That, in my opinion, is the bottom line of why this legislation does upset, however slight it might be, why it upsets and tips the scale of the balance of the collective bargaining process, one more direction in that way.

We have every sympathy for the striking workers, for the people on the picket line. No one here ever said that standing in a picket line is a fun place to be. No one here is that naive. No one in the State of Maine wants us to have collective bargaining disagreements that result in long strikes. It is not

healthy for the workers, it is not healthy for the company, it is not healthy for Maine's economy and we should do everything we possibly can to avoid that. But taking away the incentives to come together is not going to be the answer.

This bill, as I said just a moment ago, is an attempt to tip those scales and for that reason, I would urge you to sustain the Governor's veto.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Rumford, Representative Erwin.

Representative ERWIN: Mr. Speaker, Ladies and Gentlemen of the House: Representative Joseph of Waterville has mentioned that a commercial was run on television which she saw today. I, too, saw that television commercial last night. It ran at least three times in an hour's period. The ad made it sound as though all strikers make at least \$37,000 a year and should be satisfied with that. Many of the strikers have worked at these mills for anywhere from 20 to 40 years and also worked from 40 to 60 hours each week. They earn every cent they get. I certainly would not begrudge a millworker the right to try to provide a decent living for the family.

If a bill such as this had been in effect when the Boise Cascade strike was on, our community would not be in the condition it is today.

One of the professional strikebreakers brought into the Jay mill found unsafe conditions with inexperienced workers and left the state. The company already has the right to hire while a strike is on and, as most of you know, many, many ads have been in the paper from almost the very beginning of this strike.

As I have stated before, I believe the Governor is sending the wrong message to the majority of the citizens of this state, the working people. I urge you to vote to override this veto.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Milo, Representative Hussey.

Representative HUSSEY: Mr. Speaker, Ladies and Gentlemen of the House: I think we all know what people go into business, they go into business to make money. They contract with people and they put out a product and they make money on that product. But, who makes the product for that person, it is the people that they hire to make that product.

Now, over the years, they try to get as many contracts as they possibly can get to make more money for themselves. How many times have these companies come to the people that work for them and say we have some extra contracts, we are making a little bit extra money, we are going to give you a little bit -- not once have they ever done this and that is why we have a union. We have a union that negotiates with the company to pick up a little bit for the working man.

Understandably, the working man can't expect to make all the money from the companies either because they are the ones that have not started the businesses, they are not the ones negotiating all the contracts and keeping them going and make sure their production is there but they do deserve a little bit because they do go the distance, they do spend their time working the midnights and the four to twelve shifts and the day shifts and they do try a little harder to make the quality there for the company.

You talk about these companies running and this really bothers me in the Governor's veto -- "Employees can provide considerable incentive to resolve disputes by means of a very powerful weapon, the strike." Tell me, and tell the working people of this state, how effective that strike is when that company is still running and management and the people that own that company are still putting

dollars in their pocket and you are not putting any in yours. How effective is that strike? It is not effective at all, there is no delicate balance there, the balance is on the company's side.

I can understand the company running like the Great Northern or Jay with people in management bringing them from other mills. I cannot understand them bringing in people from Texas and California and Florida and Mississippi. All these people do is wait for some company to go on strike and they come in on these jobs because they know they can make all kinds of money. They don't have to live here, they are only going to be here a few months and there is all kinds of overtime there because the mill is on strike or the place is on strike and somebody has to do that work and they are more than willing to do it because, in a few months, they can make \$25,000, \$30,000 or \$40,000 and get out of here. I don't feel that is right to the people out there trying to negotiate for a good contract.

Now these contracts that they are trying to negotiate for -- I want you to understand that back years ago the papers companies shut down every single week and they said, we can make more money if we run -- now, we are going to offer you something, we are going to offer you double time on Sunday if you will stay here and work, if you will leave your family on Sunday instead of going to church and having a nice meal with them after church and spending Sunday with your family, we will pay you double time. Granted, the people took that. Now, all of a sudden, these companies want to take that away from you but they still want you to work on Sunday to make the bucks. You tell me, who is really benefiting from this? Is it the poor fellow out on the street that is working, trying to make a decent wage or is it the man that owns that company?

The SPEAKER PRO TEM: The Chair recognizes the Representative from Mt. Desert, Representative Zirkilton.

Representative ZIRNKILTON: Mr. Speaker, Men and Women of the House: I don't know what we are going to settle here today by trying to negotiate a company's contract for them in terms of whether or not their people work on Sunday or not, I don't think that is really the issue here today.

With regard to the reference as to the chicken or the egg story is (what I like to call it) because a famous member of this body Edie Beaulieu used to always give us the story of the chicken or the egg, which came first, the company or the employee? You can't have one without the other. For that reason, that is why we have that careful balance. You don't have employees without employers and vice versa, the same thing holds true.

Is the gentleman insinuating that there is not one company in this state that offers bonuses? I think that is what he is referring to, if they have a few extra contracts, things are going well, the economy is expanding, the company is making money, is he insinuating that this company not once, not ever, offers anything in the way of bonuses to their employees for a job well done? I doubt that very seriously. I would be interested to see documented evidence that that company or any company in this state on that level, that size, has never once given anything in the way of a bonus to their employees. I just don't believe that is true.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Milo, Representative Hussey.

Representative HUSSEY: Mr. Speaker, Ladies and Gentlemen of the House: I have worked for the Great Northern Paper Company for 15 years and I have yet to receive my bonus.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Oakland, Representative Lacroix.

Representative LACROIX: Mr. Speaker, Men and Women of the House: In response to the Representative from Mt. Desert, let me say that when we had our little problem up at Keyes-Fibre, our people at the Keyes-Fibre took \$1.36 an hour cut when they went to work with that \$1.36 an hour cut, management was given a raise for the good job they did and don't you ever forget it.

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

Representative CLARK: Mr. Speaker, Men and Women of the House: I don't think today we are going to change too many votes as shown in the vetoes that we have spoken on earlier while we were in session. A message has been sent out by the Governor and I want to tell you the message, veto, veto, veto, veto, veto. That is the message that the Governor is sending to the working people of this state.

You talk to many of these people that work in our state that go outside of the state and these people that hire these people are very appreciative of the work force that we have in this state.

For 12 long years, while I negotiate contracts for the employees at Great Northern Paper Company, I didn't care how much they made for a profit at Great Northern because with all the money they made, I know I made a good wage. Without unions, do you honestly think that the companies would give you the wage that you are making today? You talk about balance, what balance do we have in the workplace today for the worker? What balance have you got? If you elect to go on strike, look out the door, there is busload after busload waiting to come in and take your job, just waiting to take a job -- just like a vulture out there on a bench. You call that balance? Some of you should not take a walk out there in the halls and the rotunda and talk to some of the lobbyists. Go into the workplace and see what it is like, take some time and go to the workplace.

Veto, veto, veto, that is all we hear. We have a good work force in this state -- don't cripple it.

When you vote today, I hope you vote with the green lights.

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

Representative WILLEY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to read you just one little paragraph of the bill. It is on the second page, line 34, "Prima facie evidence that a person or an entity customarily and repeatedly acts to offer himself or others for employment, to perform the duties normally assigned to employees involved in a labor dispute, strike or lockout, if that person or entity, at least two times before, has provided or offered to provide himself or other persons to perform the duties normally assigned to employees involved in a labor dispute, strike or lockout." Does that sound to you as though that were aimed at some big outfit in Alabama? That is aimed at the individuals that you might hire -- which is entirely legal at this time -- to come in and replace struck workers on a temporary basis.

Believe me, the entire purpose, if this thing were aimed (and may well be) -- but it goes far beyond that -- to only affect those who were professional strikebreakers, I wouldn't have any problem with it. I have a new car that I bought yesterday and the sucker broke down this morning and I think it was probably put together by a professional strikebreaker, but this thing is not aimed at a professional strikebreaker, it is aimed at

the individual that you hire off the street on a temporary basis to keep the plant going.

They either have that alternative or they are going to have to shut the plant down. I suggest that any community is far better off having the plant operate than it is to have the thing shut down. If an individual comes in and applies for a job, say you hire him, and later on somebody proves that he offered himself for employment to a struck outfit, twice before, you can get a court injunction and close the place down. That goes far beyond professional strikebreaker status. This is what the big problem is all about.

I sincerely hope that we can sustain the Governor's veto in this matter. Otherwise, we are certainly going to unbalance the system to a great deal.

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

Representative CLARK: Mr. Speaker, Ladies and Gentlemen of the House: I am glad now that the Representative from Hampden is beside me, not behind me, I can grab over and get his information.

I grant you that this bill may not be a tool that we are advocating here today but the companies themselves are using it to their advantage.

I might have been a little emotional before but I know what the workers have to go through. I know what they go through, day in and day out. I just came back from work -- I spent 10 days back in the plant, while we were out in recess, and the workers are really upset. Maybe some of them voted for the Governor but they know what they are getting today. Some just can't believe it.

We talk about balance. A lot of times they accept a contract today, when they negotiate the contract, they are not accepting the contract per se because they like the contract, they are accepting it because they want to work. They know if they don't go to work, they are going to be out on the bricks and be out of a job. A lot in Rumford today are still unemployed. These people are good people in this state. Let's not put them down like they were 50 years ago. Our father's, our grandfather's, worked for everything that we have today. You think we want to lose those overnight?

I will give you an example. If you worked where I work and you took my job and maintained it as a pipefitter, you go on the job with a third of the wages that I make today and you don't have the benefits that I have. You honestly believe that that is fair to the work force of this state, knowing that this is happening to the workers out there today? We have to give some credit to these people -- for instance, I had a person out in the hallway tell me as late as last week -- you sound like the union people back in Millinocket. Of course, I sound like the union people back in Millinocket -- what do you think I do for a living?

I hope today when you vote you vote to override the Governor's veto.

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

Representative JOSEPH: Mr. Speaker, Men and Women of the House: I can offer something new in this debate and I guess it is almost an internal debate because it is from the Labor Committee.

The evidence that Representative Willey just gave to you -- that it does mention two times is only when, through this piece of legislation, through this law, through this proposed statute, that someone is brought into court that that would be considered evidence. That would be the definition of the

customarily and the repeatedly offenses that this person has committed.

This bill, if you think it is controversial, is really a simple piece of legislation. I really am angry by the fact that someone would say that we are not targeting this towards BE & K because we are targeting it towards BE & K because all of us realize, if you were in Rumford as Representative Erwin was, if you are near the Jay area, that you know that there is a mini war going on there, that you know that none of those occurrences had occurred prior to the importation of the BE & K professional strikebreakers. Just ask the people from Boise Cascade.

I wonder why there seems to be an underlying suspicion here, that workers do not want to work. Why is there doubt that persons want to go back to work? It seems to me that when you all talk or we all talk about sympathy for the strikers, sympathy for the workers, when we talk about two Maine's, when we talk about two classes of people -- all of us very easily say that we understand, that we care, that we sympathize -- let me tell you folks, these people cannot eat sympathy. They need their jobs, they want their jobs, they want to go to work, they are not asking for outrageous concessions, they are simply asking for the ability to negotiate peacefully with labor-management.

It was said by somebody, far more eloquent than myself, and it was Lee Iacocca in his autobiography -- he said, "What is good for the worker is good management is good for investors." All of us talk about economic development, all of us talk about providing jobs, we believe that heavy industry, we believe that manufacturing is a basis for economic development and jobs in this state. Maine people want to work these jobs, they simply do not want people to come in here and stir the pot and create the kind of friction and divisions that are created today even as we speak.

I am asking you, don't vote because you are a Democrat, don't vote because you are a Republican, to override or to sustain this veto -- vote because you care. This is a challenge and a chance for you and your bluff to be called.

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

The following item appearing on Supplement No. 3 was taken up out of order by unanimous consent:

PASSED TO BE ENACTED
Emergency Measure

An Act to Clarify the Applicability of Social Worker Licensure Requirement to State Employees (H.P. 1377) (L.D. 1876)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 125 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker pro tem and sent to the Senate.

By unanimous consent, ordered sent forthwith to the Senate.

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