

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 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

tabled earlier in the day and later today assigned pending further consideration.

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

Representative ERWIN: Mr. Speaker, Ladies and Gentlemen of the House: In watching the news very closely as to what is happening in Jay at the I.P. mill, I can see the same scenario developing as we had at Boise in Rumford. Unfortunately, BE & K will take its toll in Jay. My greatest fear is that that community will be dealt the same blow as we had in Rumford.

I urge you to vote to override.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Lisbon, Representative Jalbert.

Representative JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I have never been known as either pro-labor or pro-management. I am not a union worker now, it has been many years since I worked in a factory. I know what it is like to work in a factory because, as a young man going to college, I worked in them.

I always felt that labor laws were made so that people could sit down and talk over and bargain differences like gentlemen. Equal footing on each side, both labor and management. It has always been the policy that things would be at a standstill until the situation was resolved. But when you can have one side or the other be able to use tactics whereby they will not be inconvenienced while these negotiations are going on, is not fair.

I shall close with one statement — you wouldn't have any unions today if management behaved themselves in the first place.

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

Representative MCHENRY: Mr. Speaker, Ladies and Gentlemen of the House: In 26 days from now, it will be 27 years that I have been working for my employer and I have seen the mill operating and shutting down on Sundays as was alluded by the good Representative from Milo, Representative Hussey. I recall those days because on Saturday, the mill would shut down and we really enjoyed working and we really enjoyed being out on Sunday. We had the maintenance crew come in every Sunday. It cost a great deal of money for shutting down. It cost a great deal of money to the company. In those days, paper was selling for, I believe, five to fifteen cents a pound. I was earning \$1.86 an hour. Today, if I don't lose one hour of work, I get that \$30,000 that was mentioned earlier but if I want more than \$30,000, I am going to have to put in a heck of lot more hours. You have to work on shifts plus the company implemented the 7 day operation — you people don't realize what it is like to work on 7 day operations. You work backwards, your meals can't be digested, it isn't healthy for a human being. It has been proven psychologically that it is not good for you. Physically, it is not good for you. Mentally, it is not good for any person to work in reverse. When the company did implement working every Sunday, the company offered the working people double time on Sunday. They offered that, we didn't ask for it. They wanted it and we gave it to them, not really willingly but we did give it to them because we wanted to work. We always talk about the welfare people — well, we the workers in the paper industry, are not welfare people but it appears that there is a group of certain people in the state that would love to see everybody on welfare so they could govern as to when we go to bed, when we get up, when we go to the bathroom, when we work, when we don't work — we, the people of Maine, do not have to stand for that.

I, for one, am not very happy with the attitude of this state right now. I have worked here with the majority of the Republicans in this House, the majority of the Republicans in the other body, a Democratic Governor and I assure you, I felt good because we could negotiate. Today, we negotiate but it ends up with a veto. I understand that in the other body there is a bill, chemical testing, drug testing, if you will — another veto. This will be the third veto on that subject and that bill was to let the people tell us but Mr. Veto says, no, veto the people. Let's veto the people. I don't know where he comes from, I tried to figure out what it is that he has in mind. The previous Governor to him, I couldn't understand where he came from for the last three years because he did a complete 180 degree turn on the working people — now this person, like I said before, I believed that he was fair and for a Republican, I expected him to be a little anti-labor but not this much so I figured I will ask — maybe it is something else that he has in mind, maybe he is running for the Senate, I don't know. I asked, where does the money come from for his campaign? Maybe there is a reason for it. I understand there was \$35,000 from the paper industry and maybe \$3,000 from unions outside the State of Maine and I am not implying or implicating that he was bought off. I am not suggesting that but maybe the union didn't give enough, I don't know.

Anyhow, like I said, I am a working person that works on the shifts. I know what it is like to have this hanging over my head, a complete, unfair balance.

They say, the chicken and the egg, the company and the workers — I assure you, I know who I represent, I don't represent the corporation, I will help the corporation any time that I can without injuring the working people. I have done that and my company knows that. I have saved them money but they also know that when I come down here that I represent the people. I am not here to represent the corporations but I will help the corporations if I am not hurting the people in doing so. They know it, my people know it. I believe that the duty of a Representative is to represent the people and not the corporation, we, the people of the State of Maine, not we, the corporation of the State of Maine.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Kennebunk, Representative Murphy.

Representative MURPHY: Mr. Speaker, Men and Women of the House: I have remained in my seat throughout this debate hoping that the issue would remain narrowed as the bill was and as the Governor's message was. I have gotten further confused — I have heard the good gentleman from Madawaska, first of all, indicate displeasure with our current Governor and then his displeasure with the state, then with the former Governor, then my party, and I am afraid that if we continue to debate this too much longer, there really wouldn't be too many people left in the state that he is pleased with.

I must disagree with his comments — I understand the good politics of it but I have to disagree because of the record of this Governor — he has tried to picture this Governor as being anti-worker, I think we here in this House and the other body have joined in a partnership with this Governor in terms of returning hard earned Maine tax dollars back to Maine working people. We have provided child care tax credits in the budget that we just passed, job training programs, we have enacted job opportunity zone pilot sites, which will begin to bring jobs to some of the areas of this state that are distressed, we have consolidated the state's economic development efforts into one department developing one plan

playing out steps that can move Maine toward the top of the New England economy rather than occupying the cellar.

I think the other thing that disturbs me in terms of some of the comments was that in vetoes with the former Governor, at no time did members of my party ever deviate from the issues, that there never was a personal attack upon Governor Brennan and I am distressed with the personal attack from last week before we recessed as well as the personal attacks that we have heard today.

We have seen a strike and we have got to remember that with this current strike that this legislation has no impact effect upon what is happening in Jay. We are seeing a strike that probably is one of the most emotional in recent Maine history. We have seen a strike that is unusual because both sides have hired public relation firms and advertising agencies to carry their message out to the people. I think our responsibility here in this chamber is to maintain that balance that was enacted by the federal Congress in the 1930's in creating a balance so that collective bargaining will work.

We have debated issues that are involved in this current strike and issues that could be involved in strikes down the road. This is not the place -- our responsibility is Maine's collective bargaining laws as they mesh with federal law and the Governor has indicated he feels very strongly that this proposed bill is in conflict with existing federal law.

We have heard talk about an effort to reach a compromise -- the Governor in his message here very clearly has said, that if a proper bill was drafted and sent to his desk, he would sign that bill. There has been no effort to bring a reasonable bill to this body and to his desk.

I appreciate the good Representative from Waterville giving us an education as to what it is like to be out on strike and having been a person who worked with my hands and being a worker who was involved in a very bitter railroad strike, I understand the personal hardships and the financial costs of those strikes. My sympathy goes out to any Maine working man or woman involved in a strike.

As we stated in our Joint Resolution, we would like to have this strike and any other potential strikes resolved as quickly as possible but this is not the bargaining table here. Our efforts here actually delay that process from beginning and I would urge the members of this House to sustain the Governor's veto.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Bangor, Representative Diamond.

Representative DIAMOND: Mr. Speaker, Men and Women of the House: I wish it were as simple to dismiss this issue as just one difference of opinion between the Chief Executive and members of the legislature, at least the majority party in the legislature. I think the gentleman from Kennebec would like to do that but, unfortunately, that can't be the case. As the gentleman from Madawaska pointed out quite well, there has been a pattern that emerged over the past few months and it ties in directly with the piece of legislation that we are being asked to override today.

Over the past few months, we have seen labor issue after labor issue defeated by this Governor through his veto pen. The word "veto" has become a four letter word to many people here and I think it is one that is more and more difficult to accept. The frustration of those vetoes is apparent in the debate today and it has been clear for the last hour and a half that many members of this body feel like saying "enough is enough."

Every issue that we have dealt with pertaining to the Labor Committee and the compromises that have been tried and tested here have been squashed by the folks on the second floor. I think it is fair to say that they have not come into this bill nor have they entered into the debates on other bills with a spirit of compromise. It has been unfortunate. All we have heard, through the course of this debate, is that they appreciate the efforts, they appreciate the concerns and they appreciate the concepts but they can't them pass into law.

We have been very patient, most members that is, and I think for the most part, we have been very kind to the Governor. There has been a lot of talk about an extended honeymoon period with the Governor and I think we were quite generous in extending that but with every relationship, something has to give at some point and I think that many members in this body understand full well that they have an obligation to the people of their districts and they have to be sensitive to the people of their districts, a sensitivity that this Governor does not have. It is one that he doesn't appreciate.

I think everything that we have done this session has addressed the concerns of the have's and very little of the have not's. Probably the most notable issue was the debate over the minimum wage and the Governor's veto on that.

With this issue, we are talking about a very volatile situation in Jay, a situation that may grow throughout this state. It is one that this legislature anticipated, it is one that the sponsors anticipated, and while it doesn't deal directly with this question, it deals with all subsequent situations and I think it is one that deserves our attention.

In the Governor's veto message, he said he, too, shares the concern and appreciates our efforts but he cannot sign it into law. He finds fault with it and says that if the legislation presented to him, which regulates these firms whose sole business was to provide replacement employees, were different and deleted the so-called anti-strikebreaker provision, he could sign it into law, if it were watered down a little bit. He appreciates that, he would support that; yet, he hasn't done anything about it. If he, in fact, supports the concept, why isn't he presenting us, right now, with legislation to deal with it in a way that better suits his purposes and his intentions and would accommodate our concerns as well.

We are here for a variety of purposes, we have three Governor's bills (at least three before us today) that deal with legislation that was sent to his desk that wasn't quite the way he liked it that could cause problems down the road -- he asked us to amend those. We have been interrupting debate this morning for that very purpose. If he truly believes that the workers of Jay and the workers of Maine deserve the protections called for in this bill, he would have presented us with one but he hasn't done it and I think that speaks for itself.

We can say all we want about how kind and forgiving and concerned and compassionate this Governor is but the record speaks for itself. If you look at how he has dealt with a lot of these labor issues, the issues that mean a lot to the working people of this state, both union and non-union, I think it is a pretty sad state of affairs. This is not a personal attack on the Governor, this is reality and I think if we override his veto, we will be sending him a message that is very real as well.

The SPEAKER PRO TEM: The Chair recognizes the Representative from St. George, Representative Scarpino.

Representative SCARPINO: Mr. Speaker, Ladies and Gentlemen of the House: I normally don't speak on labor issues. I have been sitting here listening and one thing has become very clear -- either the majority of the people in this House do not understand this issue or do not wish to understand this issue or have taken a position that does not enable them to see all the ramifications of this issue.

I have sat here and heard labor maligned, I have sat here and heard management maligned, I have yet to hear one person succinctly state what the relationship between labor and management is. It is a symbiotic relationship, one cannot exist without the other. Without management, you cannot have a labor force and without labor, you cannot have an operating business.

If we look at the history of labor-management relations and go back to the 20's and 30's you will find a very one-sided situation where management was feeding off of labor and doing it in a very destructive way. Luckily varying states and the federal government have taken action over the 50 years to correct that problem. We are now faced with another problem. As in all things, the pendulum is swinging and is now swinging to a far position that will put labor in the exact same position that management was in 50 years ago would have labor feeding off of management to the detriment of both parties, just as was occurring in the 1920's.

I have held cards in three unions, Local #1 of the Common Laborers & Hod Carriers Union, when it was still the CIO, the National Association of Broadcast Engineers & Technicians (and if you have read the newspapers, they are now out on strike in New York), the National Maritime Union -- you know what good my NMU card is, folks? It's not even worth the money to light a cigarette with it because the union, through negotiations and through laws, has created a situation where American companies can't afford to own and sail American vessels anymore. They now sail Liberian and English, believe it or not, that is also a flag of convenience.

This bill, as it is currently written, adds to that problem. What I see is an intransigence on both sides. I heard the Majority Leader stand up and say, we would love to compromise but the other side isn't willing to. Apparently, his definition of compromise is "give me exactly what I want or it is not compromise." That is capitulation, not compromise. I heard some people say, "that it is the Governor's responsibility, why hasn't he changed the bill." My goodness, would you care to give the Governor all of the legislative responsibility and just let him write the bills? I thought that was what we were here for. I hear people complaining about the veto process -- that is part of the checks and balances. If we don't do it right, he can say, "You didn't do it right, either correct it or override me." The burden is on us, not on the second floor. It is the legislature that couldn't come to a reasonable compromise. It is the legislature that hasn't been able to come up with a bill that would satisfy management, labor, and the second floor. Put the responsibility where it belongs, put it on us.

It is very obvious we are in a position where nobody is willing to move. That leaves us two options. One, we can either override or sustain the veto and we all know what is going to happen with the veto. We can talk here for hours, we can talk for another five hours and we all know it is not going to

change one vote because both sides have taken totally intransigent positions, just like what is going on with this strike and is no more capable of being resolved rapidly than that strike. It is no different in here than it is out there. Everybody is locked in cement, this veto will be sustained, you know it and I know it. Nobody is going to compromise, nobody is going to move.

If you want to deal with this, sustain the veto and come back next time in the spirit of compromise not in the spirit of confrontation, not in the spirit of conflict. That is all I have seen here -- I haven't been involved in this in any way other than to listen in the retiring room, in the hall, and on the floor of this House -- people talking compromise and meaning confrontation to people talking movement and meaning intransigence.

Let's end this, get it over with, sustain the veto, and come back next time and do it right. I have more important things to do with my life than listen to what I have been listening to here with the full knowledge and with all of your full knowledge that it is not going to accomplish a thing but get your name in the paper. Let's resolve this, get it over with, go home, come back, and do it right.

The SPEAKER PRO TEM: The pending question before the House is, shall this 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) become law notwithstanding the objections of the Governor? Pursuant to the Constitution, the vote will be taken by the yeas and nays. This requires a two-thirds vote of the members present and voting. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 165V

YEA - Aliberti, Allen, Anthony, Bickford, Bost, Boutlier, Brown, Carroll, Carter, Cashman, Chonko, Clark, H.; Clark, M.; Coles, Conley, Cote, Crowley, Diamond, Dore, Duffy, Dutremble, L.; Erwin, P.; Gould, R. A.; Gurney, Gwadosky, Hale, Handy, Hickey, Hوجلund, Holt, Hussey, Jacques, Jalbert, Joseph, Ketover, Kilkelly, Lacroix, LaPointe, Lisnik, Macomber, Mahany, Manning, Martin, H.; Mayo, McGowan, McHenry, McSweeney, Melendy, Michaud, Mills, Mitchell, Moholland, Nadeau, G. G.; Nadeau, G. R.; Nutting, O'Gara, Paradis, J.; Paradis, P.; Paul, Perry, Pouliot, Racine, Rand, Richard, Ridley, Rotondi, Rydell, Sheltra, Simpson, Smith, Soucy, Stevens, P.; Swazey, Tamaro, Tardy, Thistle, Tracy, Vose, The Speaker.

NAY - Anderson, Armstrong, Bailey, Begley, Bott, Bragg, Callahan, Curran, Davis, Dellert, Farnum, Farren, Foss, Foster, Garland, Greenlaw, Hanley, Harper, Hichborn, Higgins, Holloway, Ingraham, Kimball, Lawrence, Lebowitz, Lord, MacBride, Marsano, Matthews, K.; McPherson, Murphy, E.; Murphy, T.; Nicholson, Norton, Paradis, E.; Parent, Pines, Reed, Rice, Salsbury, Scarpino, Seavey, Small, Stanley, Stevens, A.; Strout, B.; Strout, D.; Taylor, Telow, Wentworth, Weymouth, Whitcomb, Willey, Zirkilton.

ABSENT - Baker, Dexter, Hepburn, Hillock, Jackson, Look, Priest, Reeves, Rolde, Ruhlin, Sherburne, Stevenson, Tupper, Walker, Warren, Webster, M..

Yes, 79; No, 54; Absent, 16; Vacant, 2; Paired, 0; Excused, 0.

79 having voted in the affirmative and 54 in the negative with 16 being absent and 2 vacant, the veto was sustained.