

MAINE STATE LEGISLATURE

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

VOLUME III

FIRST CONFIRMATION SESSION

August 21, 1987
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FIRST SPECIAL SESSION

October 9, 1987 to October 10, 1987
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SECOND SPECIAL SESSION

October 21, 1987 to November 20, 1987
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SECOND REGULAR SESSION

January 6, 1988 to March 24, 1988

Came from the Senate, Read and Referred to the Committee on Energy and Natural Resources.
Was Read and Referred to the Committee on Energy and Natural Resources in concurrence.

The following Communication:

STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE 04333

January 7, 1988

TO: The Honorable Members of the 113th Maine Legislature:

I am returning, without my signature or approval, H.P. 1415 - L.D. 1919, "AN ACT to Encourage Prompt and Peaceful Settlements of Labor Disputes." This legislation, in my opinion, does not alleviate the very real concerns which forced me to reject its predecessor, L.D. 1690.

My objections to this legislation are based upon the procedure by which it was enacted as well as upon its content. This bill was introduced and enacted without benefit of public input during a Special Session called restrictively for an unrelated purpose. Moreover, this bill was sent to me for signature without my being afforded an opportunity to address in advance my objections thereto.

Earlier today, I requested that this legislation be recalled to provide an opportunity for judicial review of my legal and constitutional objections, as well as to reconsider those provisions within the bill which I already have found to be unacceptable. Absent a recall, in my opinion, this legislation cannot be given the scrutiny which it deserves. Such an opportunity was not accorded.

This bill would prohibit the hiring of employees of any firm which, in the ordinary course of business, customarily or repeatedly offers for employment persons to perform the duties normally assigned to employees involved in a labor dispute, strike or lockout. This restriction would apply without consideration given to the intent or primary business purpose of the corporation. Thus, as was the case with its predecessor, this bill is unacceptably over-inclusive.

As I stated last June, I would accept so-called "anti-strikebreaker" legislation if such legislation were more narrowly defined, and if, in addition, the Maine Supreme Judicial Court ruled or advised that such legislation did not violate federal law. I stated then, and I repeat now, the key consideration for such a prohibition ought to relate to the business purpose of the firm. While I respect this bill's attempt to address my original concern, the hiring proscription, in my opinion, remains unacceptably overbroad.

I remain deeply concerned about the events at the International Paper Company's Jay, Maine, plant and the workers there who have been displaced. Additionally, I remain committed to do whatever I can to ameliorate that situation. I pledge to work with you to adopt legislation which will satisfy the intent to prohibit corporate strikebreaking activity without running afoul of our Constitution or of federal law. I cannot, however, endorse legislation which mandates improper state intervention in the private collective bargaining process at the expense not only of the principals but also of potentially innocent third parties.

Because of the reservations and objections outlined above, I am in opposition to L.D. 1919 and respectfully urge you to sustain my veto.

Sincerely,
s/John R. McKernan, Jr.

Governor
Was read and ordered placed on file.

The accompanying Bill "An Act to Encourage Prompt and Peaceful Settlements of Labor Disputes" (H.P. 1415) (L.D. 1919). (H. "A" H-435; H. "B" H-436)

The SPEAKER: The pending question before the House is, shall this Bill "An Act to Encourage Prompt and Peaceful Settlements of Labor Disputes" (H.P. 1415) (L.D. 1919). (H. "A" H-435; H. "B" H-436) become law notwithstanding the objections of the Governor?

On motion of Representative Diamond of Bangor, tabled pending reconsideration and specially assigned for Wednesday, January 13, 1988.

The following Communication:

BUREAU OF TAXATION
STATE OFFICE BUILDING
AUGUSTA, MAINE 04333

January 5, 1988

Honorable John L. Martin

Speaker of the House
State House

Augusta, Maine 04333

Dear Mr. Speaker:

Enclosed please find the annual report evaluating the loss due to the tax exemption on ethanol-blended fuel. This report is required by 36 MRSA §2915.

For the 1987 calendar year, the tax rate on ethanol-blended fuel was 12 cents per gallon. This rate reflects a 2 cent exemption from the 14 cent per gallon gasoline tax rate.

There were no reported sales of ethanol-blended fuel in Maine for this period. Therefore, there was no loss of highway fund revenue attributable to this exemption.

This report was prepared with the assistance of the Office of Energy Resources.

Respectfully submitted,
S/Anthony J. Neves,
State Tax Assessor
Bureau of Taxation

Was read and with accompanying report ordered placed on file.

The following Communication:

SPECIAL COMMISSION TO STUDY
TEACHER TRAINING IN THE
UNIVERSITY OF MAINE SYSTEM

January 8, 1988

President Pray

Speaker Martin

State House

Augusta, Maine 04333

Dear President Pray and Speaker Martin:

The Special Commission to Study Teacher Training in the University of Maine System is pleased to submit its report to the Legislature pursuant to Resolves 1986, c. 52.

Sincerely,
S/Rep. Stephen Bost,
Chair

Was read and with accompanying report ordered placed on file.

The following Communication: (H.P. 1488)

STATE OF MAINE
WORKERS' COMPENSATION COMMISSION
STATE HOUSE STATION 27