

# 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  
Index

**FIRST SPECIAL SESSION**

October 9, 1987 to October 10, 1987  
Index

**SECOND SPECIAL SESSION**

October 21, 1987 to November 20, 1987  
Index

**SECOND REGULAR SESSION**

January 6, 1988 to March 24, 1988

s/Charles A. Morrison  
Commissioner

Was read and with accompanying papers ordered placed on file.

PETITIONS, BILLS AND RESOLVES  
REQUIRING REFERENCE

The following Bills were received and, upon the recommendation of the Committee on Reference of Bills, were referred to the following Committees, Ordered Printed and Sent up for Concurrence:

Human Resources

Bill "An Act to Clarify the Authority of Local Health Officers" (H.P. 1540) (L.D. 2095) (Presented by Representative WEBSTER of Cape Elizabeth) (Cosponsors: Senators GILL of Cumberland, THERIAULT of Aroostook, and Representative CHONKO of Topsham) (Submitted by the Department of Human Services pursuant to Joint Rule 24)

Bill "An Act Pertaining to Hospital Blood Donorship Policies" (H.P. 1542) (L.D. 2097) (Presented by Representative GWADOSKY of Fairfield) (Cosponsor: Senator KANY of Kennebec) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Bill "An Act to Provide that Places of Public Accommodation Install Bathroom Stalls in Conformance with the American National Standards Institute Standards" (H.P. 1543) (L.D. 2098) (Presented by Representative JALBERT of Lisbon) (Cosponsors: Representative HOLLOWAY of Edgcomb, Senators GILL of Cumberland and BUSTIN of Kennebec) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Ordered Printed.

Sent up for Concurrence.

State and Local Government

Bill "An Act to Allow Plowing of Private or Public Ways or Roads by Municipalities" (H.P. 1541) (L.D. 2096) (Presented by Representative GREENLAW of Standish) (Cosponsors: Representatives TRACY of Rome, PARADIS of Old Town, and Senator BLACK of Cumberland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Ordered Printed.

Sent up for Concurrence.

Transportation

Bill "An Act to Amend the Law Requiring Motorists to Stop for School Buses" (H.P. 1544) (L.D. 2099) (Presented by Representative RACINE of Biddeford) (Cosponsors: Representatives SHELTRA of Biddeford and Senator CLARK of Cumberland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

Ordered Printed.

Sent up for Concurrence.

Legal Affairs

Bill "An Act to Clarify Late Charges for Residential Dwelling Units" (H.P. 1539) (L.D. 2094) (Presented by Representative PRIEST of Brunswick) (Cosponsor: Senator KANY of Kennebec) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

(The Committee on Reference of Bills had suggested reference to the Committee on Utilities.)

On motion of Representative Vose of Eastport, was referred to the Committee on Legal Affairs, ordered printed, and sent up for concurrence.

REPORTS OF COMMITTEES

Unanimous Leave to Withdraw

Representative RYDELL from the Committee on Banking and Insurance on Bill "An Act to Amend the Workers' Compensation Rating Laws" (H.P. 540) (L.D. 724) reporting "Leave to Withdraw"

Was placed in the Legislative Files without further action pursuant to Joint Rule 15 and sent up for concurrence.

ORDERS OF THE DAY  
TABLED AND TODAY ASSIGNED

The Chair laid before the House the first tabled and today assigned matter:

Bill "An Act to Provide Elderly Mental Health Service Needs" (Emergency) (S.P. 742) (L.D. 2001)  
- In House, Referred to the Committee on Human Resources.

- In Senate, that body having Adhered to its former action whereby the Bill was referred to the Committee on Appropriations and Financial Affairs in non-concurrence.

TABLED - January 19, 1988 by Representative MANNING of Portland.

PENDING - Further Consideration.

On motion of Representative Manning of Portland, retabled pending further consideration and specially assigned for Thursday, January 21, 1988.

(At Ease)

The House was called to order by the Speaker.

The Chair laid before the House the second tabled and today assigned matter:

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)

TABLED - January 19, 1988 by Representative GWADOSKY of Fairfield.

PENDING - Reconsideration (Returned by the Governor without his approval)

The SPEAKER: The pending question before the House is shall L.D. 1919 become a law notwithstanding the objections of the Governor? According to the Constitution, the vote shall be taken by the yeas and nays.

The Chair recognizes the Representative from Madawaska, Representative McHenry.

Representative MCHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I have no illusions as to what is going to happen but I certainly would like to see this House vote to override the Governor's veto. The people in Maine do not like this process that we are going through. I know that I personally have experienced the effects of this strikebreaker situation in my own workplace.

I can tell you how it works because I went through a strike myself several years ago (1971) and it took us a couple of years to find out the reason behind the strike. The reason for that particular strike (maybe it is true, maybe it isn't but I intend to believe that it is true) was that the company had a great big project that they were going to undertake. That project meant closing the plant for

almost ten weeks. At that time, they forced the labor unions into a strike. You say, "why should they do this?" The answer to that is, if you have your labor force on strike, you do not have to pay unemployment and you can also reap the benefits of claiming an x-million dollar loss in production. I really believe that the federal government had better wake up and look into these companies that are doing this. They are claiming a whole bunch of losses -- they deduct it on their income taxes -- and there is always a reason behind it.

It is possible that that is not what happened in my particular case but the last contract that we were offered, which was just in November, the company gave us a contract that I, for one, was sure that nobody would accept but they did. Lo and behold, just as soon as that contract was signed, we found out that they have a \$55 million project in Madawaska that they want to do. Wouldn't it have been nice if the work force had been out on strike and they could have had BE&K (which were already hired) come in and work. They could do that construction work, we would be out of the way, they wouldn't have to pay unemployment, and they could claim millions and millions of dollars worth of loss. It is a great deal that they have.

It is possible that I am wrong but these are things that I have heard and things that I have seen with my own eyes. When you see a plant so ready for it, it is unbelievable. They even put in new sewer lines, they hired carts to put into the plant so people could sleep in the plant. Then they ask you to vote on a contract -- we are human beings and we do not want to lose our jobs and we want to work. I don't know why people want to work but they do. The few of us who are left that want to work and aren't totally controlled by government -- we are trying to squeeze them right out of the system. We are trying to squeeze those people so hard that they will have no other choice but to go on welfare.

What goes around comes around. I believe that and when we start treating our people with disrespect, it will come around to us. The big corporations are greedy, we all know that. They are out there to make a buck, that is fine, but when government also comes behind them and helps them out, I certainly do not like it and the majority of the working men and women of the state don't like it.

This does not mean just unionized people -- I have had letters, many letters, from people who have nothing at all to do with unions, wouldn't even think of joining a union, but are criticizing the methods used by big corporations.

Our standard of living has improved because of organized labor. They used to have the sweatshops, they used to have 12 year old kids working 16 hours a day and if it were not for organized labor, ladies and gentlemen, we would still have them today. If we keep going with this trend, we are going back to them. We will be going back to the day where the elderly people, 70 year old people, will be working instead of our young people because it will be easier to get them on the job.

I really believe that the Governor should have let this bill in, go into law without his signature if he didn't like it and I honestly believe if he is honest with his statement that he made where he did everything he could and will do everything that he can to help the people out of work in Jay -- I think he should have let that bill go into law. It is not as tight as he would like. I understand that he has a bill that will be coming up before us sometime in the future (I cannot debate the bill, I have no idea as to what it is) and I can only hope that the bill

is not so tight that it will let a company like BE&K come into this state. You know, there are no such firms in the United States of America and if that's what it is, we may as well have nothing because there is no firm whose prime purpose is to provide strikebreakers. The most professional strikebreaking firm that I know of is BE&K but their prime purpose is not to provide strikebreakers, their prime purpose is to provide construction workers.

Ladies and gentlemen, I would hope that we could override the Governor. I know that we will not be able to because, as usual, the Republicans are all going to vote together as will the Democrats so -- thank you.

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

Representative BEGLEY: Mr. Speaker, Men and Women of the House: I wish to share some facts with you and at the outset I need to stress that I have these facts because I asked for them.

I wish to paint you another side to this picture of what has been happening in Jay, not with broad, sweeping emotional strokes, but clear and concise strokes by using the following facts. Do you know how many placement workers at Jay are from out-of-state? Very, very few. Out of 1,030 workers presently there, 858 are from the State of Maine. I would repeat this -- of the 1,030 workers, 858 are from the State of Maine. That is 83.3 percent. That 83.3 percent lives in about a 30 mile radius of the mill.

Now some facts about the economics concerning the plant at Jay -- in 1983, the company in Jay was approaching a 15 percent return. In 1986, the company was down to less than 5 percent, in 1987 in the first five months, the company was down to less than 1 percent. Each IP facility expected to make changes to remain competitive and a large company does not have long-ranged plans to retain plants that are not competitive. Workers at five IP plants planned a group strike. In fact, Jay workers voted to go on strike before they had a contract offer. True, about the fifth day of their notice, they were offered a contract and turned it down. I understand the membership has not voted again in the past several months.

Now, how would Maine be affected if this mill were to close? The first and most obvious result would be the loss of over a thousand jobs. The ripple effect would be far more reaching. 170 independent wood contractors in Maine help supply this mill, some of those live in my area on the coast -- does and did IP have a good work force? Of course it did as evidenced by the impressive fact that the average worker to retire at IP had well over 30 years.

Change is affecting many companies -- the paper companies in Maine are now facing stiff competition. For example, new technology is present in the south to enable them to be very competitive with this state and the quality of the paper produced.

The average paperworker in this state receives \$13.25 an hour and at IP that is \$13.55 an hour -- the average total pay at IP for a worker is about \$37,000.

I have attempted to give you some facts and if anyone knows that I have given false information, I would be glad to correct it. I repeat, I sought this information to try to bring some balance to the discussion of this strikebreaker bill. I have said before on the floor of this House and will repeat, I do not believe it is our role as legislators to be asked or expected to settle labor/management disputes. Knowing now that 83.3 percent of the workers now at Jay are from Maine, I have no problems

sustaining the Governor's veto and I urge you to vote red on this question.

The SPEAKER: The Chair recognizes the Representative from Brunswick, Representative Priest.

Representative PRIEST: Mr. Speaker, Men and Women of the House: I would like to pose a question through the Chair to the Representative from Waldoboro, Representative Begley.

You cited a number of statistics and I would like to ask you the source of those?

The SPEAKER: The Representative from Brunswick, Representative Priest, has posed a question through the Chair to the Representative from Waldoboro, Representative Begley, who may respond if she so desires.

The Chair recognizes that Representative.

Representative BEGLEY: As I indicated earlier, I would be very happy to talk to any legislator and if you would like to see me afterward, I would explain to you the course of action of where I got my facts. I would be very happy to do that.

The SPEAKER: The Chair recognizes the Representative from Brunswick, Representative Priest.

Representative PRIEST: I would like to pose another question through the Chair to the Representative from Waldoboro, Representative Begley.

Because the statistics you cited, especially in terms of the number of replacement workers who are Maine residents as opposed to outside people may have some influence on the outcome of the debate today, I think the House would appreciate knowing the source of those statistics at this point rather than having to wait until a later time.

The SPEAKER: The Representative from Brunswick, Representative Priest, has posed a question through the Chair to the Representative from Waldoboro, Representative Begley, who may respond if she so desires.

Representative BEGLEY: As I indicated earlier, I had been concerned that we had not had anything in this discussion of any balance at all and I sought the information from the management people at IP and I was given the information from two different people through management at IP. It came directly from there so I believe it is correct information. There were 112 people from out of the state, 60 union people who chose to leave the union and go back so when you talk the 800 and some odd people, I think you actually could add the 60 people to that to be correct. As far as I know, that information is correct. If it is not, I would be glad to be corrected.

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

Representative MCHENRY: Mr. Speaker, Men and Women of the House: If we want to talk facts and figures, why don't we take into consideration here — I have an article here from the Portland Press Herald and it says that IP reported primarily for a year's net earning in 1987 of \$407 million dollars or \$3.68 per share with net sales of \$7.8 million, which is up 33 percent over 1986.

Ladies and gentlemen, that same company told the 1250 workers that they had to let go 500 workers. They forced these people on strike, they asked for concessions and then they turned around and hired a 1,000 workers and they are anticipating another additional 500. Does that make sense to you? Is that negotiating in good faith? Are these people honest? I have the answer if you don't.

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

Representative WILLEY: Mr. Speaker, Ladies and Gentlemen of the House: I had hoped we wouldn't

debate this thing to death today because we already have on two different occasions. I can't imagine us changing a single vote, no matter what we do.

I hope that you will vote no on the motion. One of the reasons why I suggest you do that is that it is true that the Governor does have a bill which should be ready for signature about noon time, which does address his problems with the legislation we are debating now.

I hope that this bill will go as it should — before the Labor Committee and have a public hearing and proper debate there so when it comes to the floor, we won't have so much of a problem here.

Please vote no on the motion.

The SPEAKER: The Chair recognizes the Representative from South Portland, Representative Anthony.

Representative ANTHONY: Mr. Speaker, Ladies and Gentlemen of the House: I have stood and spoken on numerous bills in my first session here but never before on a Labor bill. It is not an area of my expertise and it is not, I guess, (what I am generally thought of as a legislator) something I have a special interest in. However, our state is being disseminated by another labor dispute that has never been discussed, as far as I can tell, in the course of this. I think it is important to reflect on that as well and I am talking about the railroad strike.

I left here last week, the day of the lengthy debate regarding recalling this bill from the Governor's desk, went to my home district and spoke with some of the people on the picket line standing in single digit weather with a brisk wind blowing. While I was there, I noticed a car with a Pennsylvania plate drive through the picket line, go on in, and report for work. This labor dispute is affecting, not just our laborers, it is affecting all of our business enterprises in the state. This is a serious problem for the whole economy, a serious problem for employers, for the whole paper industry, those who are hard at work and all of Maine business. It appears to me that this whole area of strikebreakers is an area where we simply must reach resolution, resolution between this body and the other body at the other end of the hall and the second floor.

I think it is important to put this bill in perspective. This bill arises from a previous bill where the previous bill required that there be a fairly broad prohibition on strikebreakers. When it reached the Governor's desk, the Governor's message stated, (I am quoting here from his statement of June 19th) "If legislation was presented which regulated firms whose sole business was to provide replacement employees for striking workers and the Maine Supreme Judicial Court ruled or advised that such legislation did not violate federal law, I would accept legitimate, so-called "anti-strikebreaker" legislation."

In response to that, this body came forth with this bill which provides that, whoever customarily and repeatedly in the normal course of business, offers himself or others for employment to perform the duties normally assigned to employees in a labor dispute strike or lockout would be defined as a strikebreaker and could not be hired. Whoever customarily and repeatedly in the normal course of business offers himself to work. Now, that is a very limited definition. That is very narrow, it appears to me. However, it was this bill that the Governor then stated the hiring proscription (and again I quote from the Governor's message of January 7th), "the hiring proscription, in my opinion, remains

unacceptably overbroad." Unacceptably overbroad to say whoever customarily and repeatedly in the normal course of business offers to perform duties normally assigned to employees in a labor dispute, I find it very difficult to call that overbroad.

However, my basic message here today is that we simply must reach a resolution in this whole area. It appears to me that what we have offered to the Governor for signature is reasonable. If this is not satisfactory, there has to be some compromise position that can be agreed to by both sides. That compromise has to be a bill that has some teeth in it. It has to be a bill that has some teeth in it if we are going to save the economic vitality of this state, ladies and gentlemen, because if we don't, we are going to continue to have labor disputes throughout this state including the transportation industry that is going to cripple our economy. There must be some accommodations made on both sides. I am tired of sitting through long debates in which there is one side and then the other side but no accommodations made. It appears to me, based on history, that there has been (by the Democrats) an effort to reach an accommodation. The response back is simply a veto rather than some other language thus far.

I know there is a bill coming forth. I would hope and implore that all the members of this body work together on this issue so we can get past our partisan points of view on this thing because we have got to reach a resolution. If we don't reach a resolution in this area, we are going to further cripple Maine's economy.

I would ask that the leadership of this body and the leadership on the second floor work diligently to come forth with something or other that we can all unite behind because we simply must.

The SPEAKER: The Chair recognizes the Representative from South Portland, Representative Nicholson.

Representative NICHOLSON: Mr. Speaker, Members of the House: What else is new? I believe that the people of Maine accept the process concerning this bill. I also believe, as I listened to my colleague from Madawaska when he gave his reasons for vetoing this bill, that in 1971 as stated, Fraser Paper had a capital investment of \$10 million. The workers decided to strike because of a capital investment and a loss that was an advantage to the company concerning taxes and its benefits. There were no payrolls to meet and it helped or assisted in offsetting the \$10 million capital investment.

Now, in 1987 at Fraser Paper, the company had another capital investment. At the same time, the workers accepted a contract and the capital investment program, I presume, is going on. So, we have one story on this hand and another story on this hand from one of our largest paper mills.

Forcing people at age 70 back to work to me is just unbelievable -- that will not happen. Forcing people, our young people at the age of 16 to go back to the sweatshops, that won't happen. At the age of 16, I was in a union in a sweatshop and I know what the unions did for us, the workers, back in the mid and late 1930's. We needed the unions and I appreciated the unions. I have appreciated what the unions have done for the working force. For example, to give men and women in those days, a week or maybe two weeks vacation. Unheard of. Unheard of. And, all the benefits that were derived from the efforts of our union and our union leaders, I go along with that but, at the same time, as was pointed out today, the profits of International Paper have dipped from 15 percent or thereabouts down to 1 percent. Any of

us that are in business to stay in business have to make a profit.

I say to you, the members of this legislature, that sweatshops are out in 1988. Good paying jobs are in and as we continue to develop the programs for jobs throughout this state, I urge you to vote red on L.D. 1919.

The SPEAKER: The pending question before the House is, shall this bill, L.D. 1919, become a law notwithstanding the objections of the Governor? Pursuant to the Constitution, a two-thirds vote of the members present and voting is necessary to override the objections of the Governor. According to the Constitution, the vote will be taken by the yeas and nays. Those in favor of this bill becoming law notwithstanding the objections of the Governor will vote yes; those opposed will vote no.

ROLL CALL NO. 186V

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

NAY - Anderson, Bailey, Begley, Bragg, Callahan, Curran, Davis, Dellert, Dexter, Farnum, Farren, Foss, Foster, Garland, Glidden, Greenlaw, Harper, Hepburn, Higgins, Hillock, Holloway, Jackson, Kimball, Lawrence, Lebowitz, Look, Lord, MacBride, Marsano, Matthews, K.; McPherson, Murphy, E.; Murphy, T.; Nicholson, Norton, Paradis, E.; Parent, Pines, Reed, Rice, Salisbury, Seavey, Sherburne, Small, Stanley, Stevens, A.; Stevenson, Strout, B.; Strout, D.; Taylor, Telow, Tupper, Wentworth, Whitcomb, Willey.

ABSENT - Armstrong, Bott, Boutilier, Duffy, Dutremble, L.; Hanley, Holt, Mills, Nadeau, G. G.; Reeves, Rolde, Ruhlin, Scarpino, Warren, Webster, M.; Weymouth, Zirkilton.

Yes, 79; No, 55; Absent, 17; Paired, 0; Excused, 0.

79 having voted in the affirmative and 55 in the negative with 17 being absent, the veto was sustained.

(Off Record Remarks)

On motion of Representative Mayo of Thomaston, Adjourned until Thursday, January 21, 1988, at ten o'clock in the morning.