

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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

The Committee on EDUCATION on Bill "An Act to Amend the Law Concerning Alternate Voting Procedures for School Budget Approval"

H.P. 1501 L.D. 2051

Reported that the same Ought to Pass in New Draft under same title (Emergency).

H.P. 1840 L.D. 2518

Comes from the House, with the Report READ and ACCEPTED and the Bill in NEW DRAFT PASSED TO BE ENGROSSED.

Which Report was READ and ACCEPTED, in concurrence.

The Bill in NEW DRAFT READ ONCE.

The Bill in NEW DRAFT TOMORROW ASSIGNED FOR SECOND READING.

The Committee on JUDICIARY on Bill "An Act to Provide Immunity from Civil Liability for Certain Emergency Medical Service System Participants"

H.P. 1070 L.D. 1453

Reported that the same Ought to Pass in New Draft under same title.

H.P. 1841 L.D. 2519

Comes from the House, with the Report READ and ACCEPTED and the Bill in NEW DRAFT PASSED TO BE ENGROSSED.

Which Report was READ and ACCEPTED, in concurrence.

The Bill in NEW DRAFT READ ONCE.

The Bill in NEW DRAFT TOMORROW ASSIGNED FOR SECOND READING.

The Committee on LABOR on Bill "An Act to Increase Work Incentive in the Unemployment Insurance Partial Benefit Structure"

H.P. 1545 L.D. 2105

Reported that the same Ought to Pass in New Draft under same title.

H.P. 1839 L.D. 2517

Comes from the House, with the Report READ and ACCEPTED and the Bill in NEW DRAFT PASSED TO BE ENGROSSED.

Which Report was READ and ACCEPTED, in concurrence.

The Bill in NEW DRAFT READ ONCE.

The Bill in NEW DRAFT TOMORROW ASSIGNED FOR SECOND READING.

Senate

Ought Not to Pass

The following Ought Not to Pass Report shall be placed in the Legislative Files without further action pursuant to Rule 15 of the Joint Rules:

Bill "An Act to Remove the Issue of Parental Rights and Responsibilities from the Divorce Monetary Settlement Process"

S.P. 801 L.D. 2102

Ought to Pass As Amended

Senator WHITMORE for the Committee on BUSINESS LEGISLATION on Bill "An Act to Expand and Clarify the Jurisdiction of the Maine State Pilotage Commission"

S.P. 821 L.D. 2143

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-339).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-339) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Divided Report

The Majority of the Committee on LABOR on Bill "An Act to Promote the Prompt and Peaceful Settlement of Labor Disputes" (Emergency)

S.P. 866 L.D. 2255

Reported that the same Ought to Pass in New Draft under same title (Emergency).

S.P. 956 L.D. 2531

Signed:

Senators:

DUTREMBLE of York

ANDREWS of Cumberland

Representatives:

RUHLIN of Brewer

MCHENRY of Madawaska

RAND of Portland

HALE of Sanford

JOSEPH of Waterville

TAMMARO of Baileyville

The Minority of the same Committee on the same subject reported that the same Ought Not to Pass.

Signed:

Senator:

COLLINS of Aroostook

Representatives:

WILLEY of Hampden

BEGLEY of Waldoboro

HEPBURN of Skowhegan

ZIRNKILTON of Mount Desert

Which Reports were READ.

Senator DUTREMBLE of York moved to ACCEPT the Majority OUGHT TO PASS IN NEW DRAFT Report.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Aroostook, Senator Collins.

Senator COLLINS: Mr. President and members of the Senate. I would urge you to vote against the pending motion. This is an item that I think we have discussed many times in this Chamber during the past year. Unfortunately, I don't think we have yet arrived at a solution to the problem. As you know, this deals with a definition of what a professional strike breaker is. In this attempt we have tried or the Committee has tried to determine how that best be done. They have suggested in this legislation that it be done by determining whether a firm had, during the last five years, supplied a hundred or more employees to an employer involved in the labor dispute. It seems to me that this is pretty difficult a method of making a determination. For example, we don't know whether we are talking about in this country or in the world, or whether we can document satisfactory the idea that there were that many employees involved. Sometimes we are not at all sure whether the duties that they might be performing were exempt. For example, security positions are exempt and maintenance positions are exempt and it seems to me that it does not narrowly focus on the definition which is the key to this determination.

I understand, Mr. President, that there is in the wings another bill that offers an alternative to this and I guess I would prefer to wait until we can discuss that bill. In the meantime, I would hope that we would oppose the pending motion and defeat this Bill. Thank you Mr. President.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from York, Senator Dutremble.

Senator DUTREMBLE: Mr. President and members of the Senate. The good Senator from Aroostook, Senator Collins is correct when he says that we have seen

this issue many times before. I think that is where his being correct ends.

When we dealt with this issue this past time in the Committee, we threw around many different options to try to come up with something that everybody could live with but at the same time would address the concerns of what is happening in the state today. The language that is finally put down in the Bill that we are voting on today, there is no question in my mind that it is fair and it is the right thing to do. I must say that I was a little bit more than disappointed when the members on the other side of the aisle signed the jacket the way they did because I felt that the Bill was truly fair and truly the right thing to do. The Bill does say that to be considered a strike breaking company, or to be considered a strike breaker, you would have had to offer one hundred employees or more in a particular labor dispute to a particular employer three times in the previous five years. That does not include Kelly Services, that does not include IBM, that does not include maintenance workers which were exempted in the Bill, that does not include security workers which were exempted in the Bill, that does not exclude anybody who had a contract with the company before the strike which is covered in the Bill, but it specifically was aimed at a company like B.E.N.K. The problem we are having here is, is the issue really one of language or is it one of philosophy? Maybe it is about time that the people who are opposing this come out and say that we just don't want this to be covered. We don't want this to change. Then maybe we can put the issue to rest instead of coming back here over and over again trying to find language that we feel will address the situation, but at the same time make everybody happy.

The good senator suggests that there is another bill waiting in the wings. Frankly, I am sick of the issue because the bill now that we are talking about that is waiting in the wings doesn't do a thing. It wouldn't even cover B.E.N.K. and I.P. if a company like B.E.N.K. would want to come in again. Again, I ask the question, if we are serious about taking care of a situation that has happened in the State of Maine like B.E.N.K. coming in from the south and taking Maine jobs, then lets say it and lets do it. But if it is a philosophical difference and we don't want to do it, then come out and say it because frankly, taking the time of this Legislature just to talk about nothing a waste of taxpayers money. Yes it is true that a company would have to show that they had been on strike three times maybe all over the country. But that is not up to the employer to prove. It wouldn't have been up to I.P., it would have been up to the labor organization or an employee and they would have to prove it in a court of law, prove it before anything is done and before an impartial judge. It wouldn't be the Legislature, it wouldn't be the Democrats or the Republicans or the Governor, it would be an impartial judge and that is why this Bill is fair and that is why it was the right thing to do. I would hope that you would support the Majority Ought to Pass Report.

Senator WEBSTER of Franklin requested a Division.

THE PRESIDENT PRO TEM: The pending question before the Senate is the motion of Senator DUTREMBLE of York, to ACCEPT the Majority OUGHT TO PASS IN NEW DRAFT Report.

A Division has been requested.

Will all those Senators in favor of the motion of Senator DUTREMBLE of York, to ACCEPT the Majority OUGHT TO PASS IN NEW DRAFT Report, please rise in their places and remain standing until counted.

Will all those opposed please rise in their places and remain standing until counted.

17 Senators having voted in the affirmative and 15 Senators having voted in the negative, the motion by Senator DUTREMBLE of York, to ACCEPT the Majority OUGHT TO PASS IN NEW DRAFT Report, PREVAILED.

The Bill in NEW DRAFT READ ONCE.

The Bill in NEW DRAFT TOMORROW ASSIGNED FOR SECOND READING.

SECOND READERS

The Committee on Bills in the Second Reading reported the following:

House

Resolve, to Name the New Bridge Between the Communities of Bucksport and Verona the "Dr. Edward Thegan Memorial Bridge"

H.P. 1669 L.D. 2287

Which was READ A SECOND TIME and PASSED TO BE ENGROSSED, in concurrence.

Off Record Remarks

House As Amended

Bill "An Act to Provide for Retail Inspection of Potatoes"

H.P. 1447 L.D. 1958

(C "A" H-477)

Bill "An Act to Provide for Child Care and Child Development Training for Student Parents"

H.P. 1575 L.D. 2150

(C "A" H-474)

Bill "An Act to Increase the Effectiveness of the Public Utilities Commission through Computerization and to Provide Certain Exceptions from the Annual Regulatory Fund Assessment and from Filing Annual Reports and Certain Other Changes"

H.P. 1630 L.D. 2225

(H "A" H-479 to C "A" H-470)

Bill "An Act to Appropriate Funds for Replacement of Real Estate Tax Validation Machines in County Registries of Deeds"

H.P. 1638 L.D. 2237

(C "A" H-476)

Which were READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended, in concurrence.

Senate

Bill "An Act to Reform Provisions of the Civil Justice System"

S.P. 952 L.D. 2520

Bill "An Act to Include Certain Prisoners Within the Provisions of the Workers' Compensation Act"

S.P. 953 L.D. 2525

Which were READ A SECOND TIME and PASSED TO BE ENGROSSED.

Sent down for concurrence.

Senate As Amended

Bill "An Act to Appropriate Funds for Structural Repairs to the Woodbury Pond Dam"

S.P. 771 L.D. 2028

(C "A" S-337)

Which was READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended.

Sent down for concurrence.
