

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
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SECOND REGULAR SESSION

January 6, 1988 to March 24, 1988

On motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby L.D. 2493 was passed to be engrossed.

The same Representative offered House Amendment "A" (H-490) and moved its adoption.

House Amendment "A" (H-490) was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Winslow, Representative Carter.

Representative CARTER: Mr. Speaker, Men and Women of the House: Briefly, the purpose of this amendment is to allow the commissioner to promulgate rules that will permit the acceptance of out-of-state immunization certificates for rabies in the case of a dog vaccinated outside of the state. Under the present law, they are not recognized and they are forcing constituents to go see another veterinarian. The person merely tells the vet that he had the dog immunized outside of the state and he signs the paper and they take it back to the town clerk and it is legal. I think that is a poor way of doing business and this will force the adoption of rules to correct this.

I move the adoption of this amendment. I further move that, if it is adopted, it would be sent forthwith to the Senate.

Subsequently, House Amendment "A" was adopted.

The Bill was passed to be engrossed as amended by House Amendment "A" and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

BILL HELD

Bill "An Act to Provide Additional Appropriations to Continue the Dioxin Study" (S.P. 818) (L.D. 2138) - In House, Passed to be Engrossed on March 16, 1988. HELD at the request of Representative DIAMOND of Bangor.

Representative Diamond of Bangor moved that the House reconsider its action whereby L.D. 2138 was passed to be engrossed.

On further motion of the same Representative, tabled pending his motion and specially assigned for Friday, March 18, 1988.

The following items appearing on Supplement No. 1 were taken up out of order by unanimous consent:

SENATE PAPERS

RESOLVE, to Allow Joel Batzell of West Farmington to Bring Civil Action Against the State of Maine (S.P. 957) (L.D. 2540)

Came from the Senate, referred to the Committee on Legal Affairs and Ordered Printed.

Was referred to the Committee on Legal Affairs in concurrence.

Refer to the Committee on Human Resources

Report of the Committee on Appropriations and Financial Affairs on RESOLVE, to Fund Demonstration Projects for Day Care Services in Health Care Facilities (Emergency) (S.P. 835) (L.D. 2169) reporting that it be referred to the Committee on Human Resources.

Came from the Senate with the report read and accepted and the bill referred to the Committee on Human Resources.

Report was read and accepted and the bill referred to the Committee on Human Resources in concurrence.

(Off Record Remarks)

On motion of Representative Hickey of Augusta, Recessed until five o'clock in the afternoon in memory of Father Thomas Joyce of Augusta.

(After Recess)

The House was called to order by the Speaker.

The following items appearing on Supplement No. 2 were taken up out of order by unanimous consent:

SENATE PAPERS

The following Communication:
Maine State Senate
Augusta, Maine 04333

March 17, 1988
Honorable Edwin H. Pert
Clerk of the House
State House Station 2
Augusta, Maine 04333
Dear Clerk Pert:

Please be advised that the Senate today Insisted and joined in a Committee of Conference on the disagreeing action between the two branches of the Legislature on Bill "An Act to Establish the Strategic Training for Accelerated Reemployment Program" (Emergency) (S.P. 946) (L.D. 2494).

The President appointed on the part of the Senate the following:

Senator PRAY of Penobscot
Senator DUTREMBLE of York
Senator PERKINS of Hancock

Sincerely,
S/Joy J. O'Brien
Secretary of the Senate

Was read and ordered placed on file.

Divided Report

Majority Report 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) reporting "Ought to Pass" in New Draft (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

Minority Report of the same Committee reporting "Ought Not to Pass" on same Bill.

Signed:

Senator: COLLINS of Aroostook
Representatives: WILLEY of Hampden
BEGLEY of Waldoboro
HEPBURN of Skowhegan
ZIRNKILTON of Mount Desert

Came from the Senate with the Majority "Ought to Pass" in New Draft Report read and accepted and the New Draft passed to be engrossed.

Reports were read.

Representative McHenry of Madawaska moved that the House accept the Majority "Ought to Pass" Report.

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

Representative WILLEY: Mr. Speaker, Ladies and Gentlemen of the House: I think perhaps this is the fifth strikebreaker bill we have had before this body in the last several months. I don't know that I can honestly say that they are getting any better up to this point. The others, as you know, our Governor had to veto. They were passed by this body and the other body and the Governor vetoed them. He did put in a bill which is on the back of your calendar for today, it is supposed to be before the House tomorrow, which I sponsored for him, which has conditions in it under which he thinks it can pass. This one does not and I would like to briefly tell you why that I don't believe he will be interested in signing it.

In the first place, on page three of the bill, it defines what a professional strikebreaker would be. It says, "No person, partnership, union, agency, firm, corporation or other legal entity may perform strikebreaking activities if that entity has contracted on at least 3 occasions within the previous 5 years to supply 100 or more employees to an employer involved in a labor dispute to perform tasks normally assigned to employees involved in the labor dispute."

Well, if you read it casually, I guess maybe you would think it might work. But you have got to remember that this 100 employees that they are going to supply over a 5 year period is worldwide. Now, if you run a business, the employees strike -- say they are going on strike 10 days from now and you are trying to find some people to do this work and you have to check worldwide to see if they meet these requirements, if they don't happen to meet these requirements, the next section says, "Any person, corporation or labor organization with judicial standing may bring a civil action for injunctive or other relief to enforce this subchapter."

Well, you have to check pretty carefully or you are going to find yourself involved in a civil suit which can be horribly expensive, which can tie up the plant for a long time, plus civil penalties as well that may be invoked for the simple reason that you may have inadvertently hired somebody that doesn't meet the above qualifications and you simply were not able to check this condition out on a worldwide basis. We tried to get it nation wide. I even tried to get it strictly from New England so anybody would have the possibility of being able to check. But I wasn't successful in doing that, it is still worldwide. How on earth and how long would it take to see if somebody was involved in Australia five years ago? It is just a very impractical approach to the whole thing.

I urge that you defeat the motion before you so that we can consider the bill that will be before you tomorrow to see if that is somewhat more palatable.

The SPEAKER: The Chair recognizes the Representative from Brewer, Representative Ruhlin.

Representative RUHLIN: Mr. Speaker, Ladies and Gentlemen of the House: This bill before us tonight, I believe, is the ultimate compromise available on this issue. The good gentleman from Hampden has said it has been before us five times -- he has led me astray on counting before. I am not sure if it has been four or five times but certainly it has been before us enough so I don't think we have to go into the merits as such of the whole case, especially since it is quarter past five on St. Patrick's Day.

I think it is important that you recognize, every one of you, that both the D's and the R's of the Labor Committee spent hours and hours and hours attempting to reach a true compromise.

In that process, we attempted to answer all the objections of the Governor when he vetoed it. I as a member, and I think the majority of the members of the Labor Committee, felt that we had in fact done so. When we were ready for a vote on this bill and it came out eight to five along party lines, I recognized probably too late, and with a great deal of frustration that, in fact, I think the Chief Executive Officer on that coequal branch of the second floor does not want to compromise, does not in fact want to make a truly equal playing field, both for the employer and employees of this state.

To do anything less than this bill does today is to pull a cruel charade upon the workers of this state, is to do nothing more than to create a whitewash of a situation which has brought economic tragedy. It has split families, it has split neighborhoods, it has split communities in our state. This bill does not address that. What it does is it prevents it from happening in the future, or hopefully will prevent it from happening in the future. To do anything less than this is to open the spread of that cancer, if you will, throughout the State of Maine.

I think as a responsible Representative of the people we must do something to prevent that from happening. Tonight, here is your opportunity to do so. I hope you will join with me in voting with the Majority "Ought to Pass" Report.

Representative Willey of Hampden requested a roll call vote.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of more than one-fifth of the members present and voting. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken and more than one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question before the House is the motion of Representative McHenry of Madawaska that the House accept the Majority "Ought to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 207

YEA - Aliberti, Allen, Bickford, Bost, Boutilier, Brown, Carroll, Clark, H.; Clark, M.; Coles, Conley, Cote, Crowley, Daggett, Duffy, Erwin, P.; Gould, R. A.; Gwadosky, Hale, Handy, Hichborn, Hickey, Holt, Hussey, Jacques, Joseph, Ketover, Kilkelly, Lacroix, LaPointe, Macomber, Mahany, Manning, Martin, H.; Mayo, McGowan, McHenry, McSweeney, Michaud, Mitchell, Moholland, Nadeau, G. R.; Nutting, O'Gara, Paradis, J.; Paradis, P.; Paul, Perry, Pouliot, Ridley, Rolde, Rotondi, Ruhlin, Rydell, Sheltra, Simpson, Smith, Soucy, Stevens, P.; Strout, D.; Swazey, Tammaro, Tardy, Thistle, Tracy, Vose, Walker, The Speaker.

NAY - Anderson, Armstrong, Bailey, Begley, Bott, Bragg, Callahan, Curran, Davis, Dexter, Farnum, Farren, Foss, Foster, Garland, Glidden, Greenlaw, Hepburn, Higgins, Holloway, Jackson, Lawrence, Lebowitz, Look, Lord, MacBride, Matthews, K.; McPherson, Murphy, E.; Murphy, T.; Norton, Paradis, E.; Parent, Pines, Reed, Rice, Salsbury, Scarpino, Seavey, Sherburne, Small, Stevens, A.; Strout, B.; Telow, Tupper, Wentworth, Weymouth, Whitcomb, Willey, Zirnkilton.

ABSENT - Anthony, Baker, Carter, Cashman, Chonko, Dellert, Diamond, Dore, Dutremble, L.; Gurney, Hanley, Harper, Hillock, Hoglund, Jalbert, Kimball, Lisnik, Marsano, Melendy, Mills, Nadeau, G. G.; Nicholson, Oliver, Priest, Racine, Rand, Reeves, Richard, Stanley, Taylor, Warren, Webster, M..