

# 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

On motion of Representative Diamond of Bangor, tabled pending further consideration and later today assigned.

ORDERS

REPORTS OF COMMITTEES

Unanimous Ought Not to Pass

Representative SOUCY from the Committee on Transportation on Bill "An Act to Permit Exempt Railroad Crossings" (H.P. 1749) (L.D. 2398) reporting "Ought Not to Pass"

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

Unanimous Leave to Withdraw

Representative ZIRNKILTON from the Committee on Taxation on Bill "An Act to Establish a Packaging Tax to Minimize the Use of Nonbiodegradable Packaging Materials" (H.P. 1644) (L.D. 2243) reporting "Leave to Withdraw"

Representative ZIRNKILTON from the Committee on Taxation on Bill "An Act to Create Tax Incentives for Employers who Utilize the Services of Sheltered Workshops" (H.P. 1699) (L.D. 2332) reporting "Leave to Withdraw"

Representative SOUCY from the Committee on Transportation on Bill "An Act to Regulate Development Along Highways" (H.P. 1743) (L.D. 2389) reporting "Leave to Withdraw"

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

Ought to Pass in New Draft/New Title

Representative RYDELL from the Committee on Banking and Insurance on Bill "An Act to Amend the Maine Business Corporation Act and the Maine Nonprofit Corporation Act to Enable Maine Stock and Nonstock Corporations to Adopt Limits on Director Liability and to Modernize Indemnification Provisions" (Emergency) (H.P. 167) (L.D. 208) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Amend the Maine Business Corporation Act to Define the Liability of Directors and to Modernize Indemnification Provisions" (H.P. 1863) (L.D. 2549)

Report was read and accepted, the New Draft read once and assigned for second reading Monday, March 21, 1988.

Ought to Pass as Amended

Representative NADEAU from the Committee on Taxation on Bill "An Act to Provide a Sales Tax Exemption for Charitable Suppliers of Medical Equipment" (H.P. 1451) (L.D. 1962) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-495)

Report was read and accepted, the Bill read once. Committee Amendment "A" (H-495) was read by the Clerk and adopted and the bill assigned for second reading Monday, March 21, 1988.

Ought to Pass as Amended

Representative CASHMAN from the Committee on Taxation on Bill "An Act to Replace the Sales Tax with an Excise Tax on Jet Fuel Used by Turbine-Powered Aircraft Providing Commercial Air Service in Maine" (H.P. 1470) (L.D. 1981) reporting

"Ought to Pass" as amended by Committee Amendment "A" (H-496)

Report was read and accepted, the Bill read once.

Committee Amendment "A" (H-496) was read by the Clerk and adopted and the bill assigned for second reading Monday, March 21, 1988.

Divided Report  
Tabled Unassigned

Majority Report of the Committee on Labor reporting "Ought Not to Pass" on Bill "An Act to Prohibit Strikebreaking Activity" (Emergency) (H.P. 1560) (L.D. 2124)

Signed:

Senators:

DUTREMBLE of York  
ANDREWS of Cumberland  
McHENRY of Madawaska  
HALE of Sanford  
RUHLIN of Brewer  
RAND of Portland  
JOSEPH of Waterville  
TAMMARO of Baileyville

Representatives:

Minority Report of the same Committee reporting "Ought to Pass" on same Bill.

Signed:

Senator:

COLLINS of Aroostook

Representatives:

WILLEY of Hampden  
HEPBURN of Skowhegan  
ZIRNKILTON of Mount Desert  
BEGLEY of Waldoboro

Reports were read.

Representative McHenry of Madawaska moved that the House accept the Majority "Ought Not to Pass" Report.

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

Representative DIAMOND: Mr. Speaker, Men and Women of the House: As some of you might have heard this morning, it was announced by International Paper Company that they will be resuming or renewing negotiations with their four striking unions nationally, effective March 27th. I think this is a very positive step and a major breakthrough in the problems that we in Maine know very well as a result of the labor dispute taking place over in Jay right now.

As we all know when we discussed this issue in the past, there has been a lot of rhetoric from both sides that have dealt directly with the situation in Jay, even though the legislation that we are discussing now and in another matter coming later on, on our calendar, would not address the problem today. It would only address subsequent problems involving strikebreakers.

Because of that history, because we know that we invoke the name of Jay and invoke the name of International Paper when we debate these issues, we feel that it is important that we not do anything that can only inflame the situation or jeopardize any resolution. For that reason, we are encouraging this body not to take any action on either report on this proposal nor on any report of the subsequent proposal coming up later until such time as discussion on the floor is more appropriate.

Again, we don't want to do anything that is going to jeopardize what seems to be a very positive step toward a final resolution. The union's believe that it will take approximately three weeks to deal with the questions that they are about to enter into on March 27th. So, I am going to be asking somebody, preferably my seatmate next to me, to move that this bill be tabled unassigned until such time that it is appropriate to deal with it.

On motion of Representative Gwadosky of Fairfield, tabled unassigned pending the motion of Representative McHenry of Madawaska that the House accept the Majority "Ought Not to Pass" Report.

CONSENT CALENDAR

Second Day

In accordance with House Rule 49, the following items appeared on the Consent Calendar for the Second Day:

(H.P. 1811) (L.D. 2479) Bill "An Act to Require Audit Review of the Bureau of Capitol Security in 1989"

(S.P. 771) (L.D. 2028) Bill "An Act to Appropriate Funds for Structural Repairs to the Woodbury Pond Dam" (C. "A" S-337)

(H.P. 1724) (L.D. 2367) Bill "An Act to Amend the Charter of the Portland Water District" (Emergency) (C. "A" H-487)

No objections having been noted at the end of the Second Legislative Day, the Senate Paper was Passed to be Engrossed as amended in concurrence and the House Papers were Passed to be Engrossed or Passed to be Engrossed as Amended and sent up for concurrence.

(S.P. 821) (L.D. 2143) Bill "An Act to Expand and Clarify the Jurisdiction of the Maine State Pilotage Commission" (C. "A" S-339)

On motion of Representative Soucy of Kittery, was removed from the Consent Calendar, Second Day.

Subsequently, the Report was read and accepted, the Bill read once.

Committee Amendment "A" (S-339) was read by the Clerk and adopted and the Bill assigned for second reading Monday, March 21, 1988.

(H.P. 1550) (L.D. 2110) Bill "An Act to Conform the Hospital Care Financing System to Certain Federal Requirements Concerning the Civilian Health and Medical Program of the Uniformed Services" (C. "A" H-491)

(H.P. 1652) (L.D. 2260) Bill "An Act to Promote Solid Waste Research" (C. "A" H-492)

(H.P. 1713) (L.D. 2352) Bill "An Act to Amend the Waldoboro Sewer District Charter" (C. "A" H-493)

(H.P. 1750) (L.D. 2399) Bill "An Act to Revise the Laws Concerning Cost Sharing for Maintenance of Railroad Grade and Highway Bridge Crossings"

No objections having been noted at the end of the Second Legislative Day, the House Papers were Passed to be Engrossed or Passed to be Engrossed as Amended and sent up for concurrence.

PASSED TO BE ENGROSSED

Bill "An Act to Reform Provisions of the Civil Justice System" (S.P. 952) (L.D. 2520)

Was reported by the Committee on Bills in the Second Reading, read a second time, the Senate Paper was Passed to be Engrossed in concurrence.

PASSED TO BE ENGROSSED

Bill "An Act to Include Certain Prisoners Within the Provisions of the Workers' Compensation Act" (S.P. 953) (L.D. 2525)

Was reported by the Committee on Bills in the Second Reading and read a second time.

The SPEAKER: The Chair recognizes the Representative from Gorham, Representative Hillock.

Representative HILLOCK: Mr. Speaker, I would like to pose a question to the Chair of this committee.

As I see this bill, it would allow convicts in our state facilities to receive workers' compensation -- I think it is new ground that they would be able to receive that. We have had legislation here before on it. My question now is, if a convict is on work release and injures himself escaping, would the state or the Workers' Compensation Insurance have to pay for his injury?

The SPEAKER: Representative Hillock of Gorham has posed a question through the Chair to anyone who may respond if they so desire.

The Chair recognizes the Representative from Brewer, Representative Ruhlin.

Representative RUHLIN: Mr. Speaker, Ladies and Gentlemen of the House: We are talking about prisoners who are on legitimate work release, I don't think the question is very pertinent.

The SPEAKER: The Chair recognizes the Representative from Mt. Desert, Representative Zirkilton.

Representative ZIRNKILTON: Mr. Speaker, Ladies and Gentlemen of the House: As I understand the current law, people who are on work release are in fact entitled to compensation.

The purpose of this bill is not to break new ground and offer Workers' Compensation to convicted incarcerated prisoners but rather to allow the State of Maine to participate in a new federal program which would enable employers to employ incarcerated prisoners in the State of Maine. In order for us to be eligible for the program, we have to conform with the federal guidelines which very clearly specify that these employees who are prisoners must in fact be eligible for Workers' Compensation under the statute in order to participate in this program. We felt this program was worthwhile and, therefore, a prudent thing for us to pursue.

Subsequently, the Bill was passed to be engrossed in concurrence.

PASSED TO BE ENGROSSED

Bill "An Act to Ensure Family Medical Leave in the State" (H.P. 1851) (L.D. 2534)

Were reported by the Committee on Bills in the Second Reading and read a second time.

Representative Hepburn of Skowhegan offered House Amendment "A" (H-497) and moved its adoption.

House Amendment "A" (H-497) was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Skowhegan, Representative Hepburn.

Representative HEPBURN: Mr. Speaker, Ladies and Gentlemen of the House: The bill before us, "An Act to Ensure Family Medical Leave in the State" has a very laudable intent and that is to provide time for people who have an illness or birth or adoption in the family to take time off from their work. Unfortunately, our bill is far too restrictive as it is written. It is very mandative and very punitive to the employers to the job climate in the State of Maine.

What House Amendment "A" would do would require that all employers have a policy on family leave in their place of employment. It is very much similar to the legislation we passed on smoking in the workplace a few years ago whereby we started with legislation and decided that that would be too strong and that the best route to take would be to require that employers have a policy.

There are problems with the bill as it is written. There are a tremendous number of costs that