

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred And Thirteenth Legislature

OF THE

State Of Maine

VOLUME IV

SECOND REGULAR SESSION

March 25, 1988 to May 5, 1988

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HOUSE & SENATE LEGISLATIVE SENTIMENTS

December 3, 1986 to December 6, 1988

task, the task of, in January of next year, coming together and understanding as much as they can about the certification process, holding public hearings to talk about the costs. The costs are very, very high. We have not yet determined what the cost is going to be, it certainly is higher than the \$100 per teacher that we are giving to the schools. The costs need to be looked at.

We are also going to be holding a hearing with the University of Maine to find out how they are doing in gearing up to deal with the many, many teachers that would need to return to the classroom for courses.

Going back to some earlier testimony that I had, if you have a rural teacher that has a secondary certificate and did not major in any of the three subjects they may be teaching right now, that person may have to go back for 18 credit hours in each of those, which means it will put a tremendous burden on the university.

At the end of the first year, the information will be gathered, at the end of the second part of the term, the Committee will be presenting legislation and, hopefully, dealing with some of the issues that have been raised. For the third year of this delayed implementation, the department and the State Board of Education would be specifically charged with getting information out into the field so that we don't end up with this crisis situation and this crisis atmosphere that has been constant in teacher certification. It is important that there be time for people to understand what their requirements are. Three years is not too long to wait. Three years is a reasonable amount of time given that there is a very strong plan of action for that three year period. I would urge your consideration and support for this measure.

The SPEAKER: The Chair recognizes the Representative from Camden, Representative Taylor.

Representative TAYLOR: Mr. Speaker, Men and Women of the House: I hope you vote against the Conference Committee Report. I spoke to you for a minute before when we looked at this issue and I hope you have had time to talk to the teachers back home as I have again, for the second time, and found that in general, the vast, vast majority feel very, very good about the professionalism that has been brought into our system via the certification process. I certainly hope you won't do anything to jeopardize it today.

The SPEAKER: The pending question before the House is the motion of Representative O'Gara of Westbrook that the House accept the Committee of Conference Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 270

YEA - Aliberti, Anderson, Anthony, Bailey, Begley, Bost, Boutilier, Bragg, Carroll, Carter, Cashman, Chonko, Clark, H.; Clark, M.; Coles, Conley, Cote, Crowley, Dexter, Diamond, Dore, Duffy, Erwin, P.; Farnum, Farren, Glidden, Gould, R. A.; Gurney, Gwadnosky, Hale, Handy, Hitchborn, Hickey, Hoglund, Holt, Hussey, Jackson, Jacques, Jalbert, Joseph, Ketover, Kilkelly, Lacroix, LaPointe, Lisnik, Look, MacBride, Macomber, Mahany, Manning, Martin, H.; Matthews, K.; Mayo, McGowan, McSweeney, Melendy, Michaud, Mills, Mitchell, Murphy, E.; Nadeau, G. R.; Norton, Nutting, O'Gara, Oliver, Paradis, P.; Paul, Perry, Pouliot, Priest, Rand, Ridley, Rolde, Rotondi, Ruhlén, Rydell, Scarpino, Sheltra, Simpson, Smith, Stevens, P.; Strout, D.; Swazey, Tamaro, Tardy, Telow, Thistle, Tracy, Vose, Walker, Warren, Weymouth, The Speaker.

NAY - Allen, Armstrong, Bickford, Bott, Brown, Davis, Dellert, Foss, Foster, Garland, Greenlaw, Harper, Higgins, Holloway, Lawrence, Lebowitz, Lord, Marsano, Murphy, T.; Nicholson, Paradis, E.; Parent, Pines, Racine, Reed, Richard, Salsbury, Sherburne, Small, Soucy, Stanley, Stevens, A.; Stevenson, M.; Strout, B.; Taylor, Tupper, Webster, M.; Wentworth, Whitcomb, Willey, Zirkilton.

ABSENT - Baker, Callahan, Curran, Daggett, Dutremble, L.; Hanley, Hepburn, Hillock, Kimball, McHenry, McPherson, Moholland, Nadeau, G. G.; Paradis, J.; Reeves, Rice, Seavey.

Yes, 93; No, 41; Absent, 17; Paired, 0; Excused, 0.

93 having voted in the affirmative and 41 in the negative with 17 being absent, the Committee of Conference Report was accepted, the Bill passed to be engrossed as amended by Conference Committee Amendment "A" (S-484) in concurrence.

The Chair laid before the House the following matter: Bill "An Act to Revise the General Assistance Laws" (H.P. 1249) (L.D. 1705) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

Representative Manning of Portland offered House Amendment "B" (H-749) and moved its adoption.

House Amendment "B" (H-749) was read by the Clerk and adopted.

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

(At Ease)

The House was called to order by the Speaker.

UNASSIGNED

On motion of Representative Diamond of Bangor, the following was removed from the Tabled and Unassigned matters:

HOUSE DIVIDED REPORT - Majority (8) "Ought Not to Pass" - Minority (5) "Ought to Pass" - Committee on Labor on Bill "An Act to Prohibit Strikebreaking Activity" (Emergency) (H.P. 1560) (L.D. 2124)

TABLED - March 18, 1988 by Representative GWADOSKY of Fairfield.

PENDING - Motion of Representative McHENRY of Madawaska to accept the Majority "Ought Not 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 can't remember at this point whether this is strikebreaker number four or five and I don't think it makes a lot of difference. It is obviously the best one of the group since I sponsored it and it is a Governor's bill.

We, I think at this point, have had before us some four or five strikebreaker bills. They have been vetoed, defeated and all sorts of things have happened to them. This is the only one, I think, that would stand any chance of making any sense at this particular time.

This has been on the Table for a long time and I am sure most of you have forgotten what either of these bills are about that we argued some months or so ago.

This one says that, in order for a person to be involved in strikebreaking, that the primary business activity of that organization must be the determining

cause. If you recall, that is quite a bit different than the one that I believe is Tabled Unassigned in the other body at this point and probably we will see it sooner or later.

The difference between the two primarily is what it takes to be called a strikebreaker. This one, as I have just mentioned, has to be the primary business of the activity at the time of that activity within the State of Maine.

The other one says that you have to be involved in a three year period with 100 or more employees anywhere in the world. Of course, it is absolutely impossible to do that because nobody can check all over the world to find out if that person may have been involved in a strikebreaking activity in Siam and whether they have 19 people or 99 people, it is impossible to do it. This one is a very easy thing to do for the very simple reason it is a primary business activity within the state.

We have had problems in this area and I realize that the Governor's bill which I am talking about now, 2124, is not ideal. It is not what everybody would want but we seldom pass anything in this House that you could say that about. It makes some people happy, it makes some people unhappy.

The only thing that I can say is, since this is the Governor's bill, there is every reason to believe that he will pass it, will sign it and the workers will have some protection. There is every reason to believe that the other bill that is Tabled Unassigned in the other body at the moment would not be passed and, indeed, it would be vetoed and the workers would have no protection at all. So, I ask that you vote not to accept the motion that is on the floor, but defeat the motion that is on the floor, so that this bill can go forward.

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

Representative MCHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I have made that motion to accept the "Ought Not to Pass" Report for the simple reason that this bill does absolutely nothing to prohibit companies such as BE&K and any other company from doing business in the state of providing professional strikebreakers. That is the bottom line, that is where it is.

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 Not to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 271

YEA - Aliberti, Anthony, Bost, Boutilier, Brown, Carroll, Carter, Cashman, Chonko, Clark, H.; Clark, M.; Coles, Conley, Cote, Daggett, Diamond, Dore, Duffy, Dutremble, L.; Erwin, P.; Gould, R. A.; Gurney, Gwadosky, Hale, Handy, Hichborn, Hickey, Hoglund, Holt, Hussey, Jacques, Jalbert, Joseph, Ketover, Kilkelly, Lacroix, LaPointe, Lisnik, Macomber, Mahany, Manning, Martin, H.; Mayo, McGowan, McHenry, McSweeney, Melendy, Michaud, Mills, Mitchell, Nadeau, G. G.; Nadeau, G. R.; Nutting, O'Gara, Oliver, Paradis, P.; Paul, Perry, Pouliot,

Priest, Rand, Richard, Ridley, Rotondi, Ruhlin, Rydell, Scarpino, Sheltra, Simpson, Smith, Stevens, P.; Swazey, Tammaro, Tardy, Thistle, Tracy, Vose, Walker, Warren, The Speaker.

NAY - Anderson, Begley, Bickford, Bott, Bragg, Curran, Davis, Dellert, Farnum, Farren, Foss, Foster, Garland, Glidden, Greenlaw, Hanley, Harper, Hepburn, Higgins, Holloway, Lawrence, Lebowitz, Look, Lord, MacBride, Marsano, Matthews, K.; Murphy, E.; Murphy, T.; Nicholson, Norton, Paradis, E.; Parent, Pines, Racine, Reed, Salsbury, Seavey, Sherburne, Small, Soucy, Stanley, Stevens, A.; Stevenson, M.; Strout, B.; Strout, D.; Taylor, Telow, Tupper, Webster, M.; Wentworth, Weymouth, Whitcomb, Willey, Zirkilton.

ABSENT - Allen, Armstrong, Bailey, Baker, Callahan, Crowley, Dexter, Hillock, Jackson, Kimball, McPherson, Moholland, Paradis, J.; Reeves, Rice, Rolde.

Yes, 80; No, 55; Absent, 16; Paired, 0; Excused, 0.

80 having voted in the affirmative and 55 in the negative with 16 being absent, the motion to accept the Majority "Ought Not to Pass" Report did prevail. Sent up for concurrence.

On motion of Representative Diamond of Bangor, the following was removed from the Tabled and Unassigned Table.

Bill "An Act To Promote the Prompt and Peaceful Settlement of Labor Disputes" (Emergency) (S.P. 956) (L.D. 2531)

TABLED - March 18, 1988 by Representative DIAMOND of Bangor.

PENDING - Passage to be Engrossed.

Representative Zirkilton of Mt. Desert 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 passage to be engrossed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 272

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

NAY - Anderson, Begley, Bott, Bragg, Curran, Davis, Dellert, Dexter, Farnum, Farren, Foss, Foster, Garland, Glidden, Greenlaw, Hanley, Harper, Hepburn, Higgins, Holloway, Lawrence, Lebowitz, Look, Lord, MacBride, Marsano, Matthews, K.; Murphy, E.; Murphy, T.; Nicholson, Norton, Paradis, E.; Parent, Pines, Racine, Reed, Salsbury, Seavey, Sherburne, Small, Soucy, Stanley, Stevens, A.; Stevenson, M.; Strout,