

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred And Fifteenth Legislature

OF THE

State Of Maine

VOLUME II

FIRST REGULAR SESSION

House of Representatives
May 20, 1991 to July 10, 1991

Tupper, Wentworth.

ABSENT - Aliberti, Cashman, Chonko, Constantine, Cote, Duplessis, Hichens, Jalbert, Kutasi, Macomber, Mahany, Martin, H.; O'Gara, Oliver, Paradis, J.; Paradis, P.; Pendleton, Ricker, Salisbury, Sheltra, Vigue, The Speaker.

Yes, 71; No, 58; Absent, 22; Paired, 0; Excused, 0.

71 having voted in the affirmative and 58 in the negative with 22 being absent, the motion to recede and concur did prevail.

The Chair laid before the House the following matter: Majority Report of the Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (H-324) on Bill "An Act to Prevent Striking Workers from Being Permanently Replaced by Strikebreakers" (H.P. 615) (L.D. 875) and Minority Report of the same Committee reporting "Ought Not to Pass" on same Bill, which was tabled earlier in the day and later today assigned pending acceptance of the Majority "Ought to Pass" Report.

Representative Whitcomb of Waldo requested a roll call vote.

The SPEAKER PRO TEM: 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 PRO TEM: The Chair recognizes the Representative from Augusta, Representative Lipman.

Representative LIPMAN: Mr. Speaker, Ladies and Gentlemen of the House: I rise in regard to L.D. 875 and ask that you vote against this bill. The reason is very simple, we do have compassion for the people who are being replaced by the strikebreakers, however this law is preempted by the National Labor Relations Act. There are two bills in Congress that are approaching and discussing this very same issue. In 1989, the Supreme Court of the State of Maine was confronted by a similar law to the one that is before you when we tried to have the 45 day cooling off period. The Supreme Court said it is illegal for us to pass a law in view of the National Labor Relations Act. On that basis, I urge you to vote against the Majority "Ought to Pass" Report.

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

Representative MCHENRY: Mr. Speaker, Ladies and Gentlemen of the House: In 1989, the Maine Supreme Court did rule, but the Governor chose to send to the Maine Supreme Court a bill that we all knew could not pass the test. This bill has a good chance of passing that test and we want a referendum on this bill. Apparently this Governor does not want to pass any type of bill that will help the working men and women and will prohibit permanent replacement of Maine workers. So, I urge you to vote in support of this motion.

The SPEAKER PRO TEM: 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. 70

YEA - Adams, Anthony, Bell, Boutilier, Cahill, M.; Carroll, D.; Cathcart, Clark, H.; Clark, M.; Coles, Cote, Daggett, DiPietro, Dore, Duffy, Dutremble, L.; Erwin, Farnsworth, Gean, Goodridge, Gould, R. A.; Graham, Gray, Gurney, Gwadosky, Hale, Handy, Heesch, Hichborn, Hognlund, Holt, Hussey, Jacques, Joseph, Kerr, Ketover, Ketterer, Kilkelly, Kontos, LaPointe, Larrivee, Lawrence, Lemke, Luther, Manning, Mayo, McHenry, McKeen, Melendy, Michaud, Mitchell, E.; Mitchell, J.; Nadeau, Nutting, O'Dea, Paul, Pfeiffer, Pineau, Plourde, Poulin, Pouliot, Powers, Rand, Richardson, Rotondi, Ruhlin, Rydell, Saint Onge, Simonds, Simpson, Skoglund, Stevens, P.; Swazey, Tamaro, Tardy, Townsend, Tracy, Treat, Waterman, Wentworth.

NAY - Aikman, Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Bennett, Bowers, Butland, Carleton, Carroll, J.; Donnelly, Farnum, Farren, Foss, Garland, Greenlaw, Hanley, Hastings, Heino, Hepburn, Lebowitz, Libby, Lipman, Look, Lord, MacBride, Marsano, Marsh, Merrill, Murphy, Nash, Norton, Ott, Parent, Pendexter, Pines, Reed, G.; Reed, W.; Richards, Savage, Small, Spear, Stevens, A.; Stevenson, Strout, Tupper, Whitcomb.

ABSENT - Aliberti, Cashman, Chonko, Constantine, Crowley, Duplessis, Hichens, Jalbert, Kutasi, Macomber, Mahany, Martin, H.; Morrison, O'Gara, Oliver, Paradis, J.; Paradis, P.; Pendleton, Ricker, Salisbury, Sheltra, Vigue, The Speaker.

Yes, 80; No, 48; Absent, 23; Paired, 0; Excused, 0.

80 having voted in the affirmative and 48 in the negative with 23 being absent, the Majority "Ought to Pass" Report was accepted, the Bill read once.

Committee Amendment "A" (H-324) was read by the Clerk and adopted and the Bill assigned for second reading Wednesday, May 22, 1991.

The Chair laid before the House the following matter: Majority Report of the Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (H-325) on Bill "An Act to Protect Retail Sales Employees" (H.P. 352) (L.D. 482) and Minority Report of the same Committee reporting "Ought Not to Pass" on same Bill, which was tabled earlier in the day and later today assigned pending the motion of Representative McHenry of Madawaska that the House accept the Majority "Ought to Pass" Report.

Subsequently, the Majority "Ought to Pass" Report was accepted and the Bill read once.

Committee Amendment "A" (H-325) was read by the Clerk and adopted and the bill assigned for second reading Wednesday, May 22, 1991.

The Chair laid before the House the following matter: Majority Report of the Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (H-326) on Bill "An Act Concerning Unemployment Benefits During Lockouts" (H.P. 649) (L.D. 923) and Minority Report of the same Committee reporting "Ought Not to Pass" on same Bill, which