

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

talk about. The magazine article title was "Pregnancy Police." Signs in our society abound, they do work. There are signs that indicate the amount of MSG in the food on the menu. There are signs that indicate the amount of salt in all of the food products, the cholesterol, signs that tell you to buckle up, slow down, signs work because signs in our society are merely a reflection of those policies by which our society governs itself. If we say over and over and over and over again a message long enough, eventually people will start to respond to that social policy as witnessed by the decline in smoking in this country which is now down to about 30 percent of the adult population, following some 20 years ago the putting of signs on tobacco products.

The suggestion that all we really need to do about alcoholism in our society is go to our doctor was given up as a farce some twenty years ago when we found out that the incidence of alcoholism in physicians exceeds that of the rest of our population.

The SPEAKER: The Chair recognizes the Representative from Houlton, Representative Graham.

Representative GRAHAM: Mr. Speaker, Men and Women of the House: I hadn't expected to speak on this issue except that I think there are some misconceptions out there on the part of some members of the Human Resources Committee. I am going to ask you to support the motion that is before you.

Last summer, unfortunately, my wife and I had the misfortune of her having a miscarriage. The good news is that there is nothing permanently wrong or anything like that so we are free to try again without any unusual methods being brought in. When she figured out that she thought she was pregnant, she immediately stopped any consumption of alcohol and neither of us have ever smoked. When she went to the doctor, he recommended that she not smoke or be around a lot of smoke and that she not drink. He also recommended that she not use certain patent medicines, that she not handle kitty litter and I think there were three or four other precautions that she should have taken too. I don't know as we post any signs near the kitty litter at the IGA.

It seems that we want to make ourselves feel good so we tell stores to put up signs. We already put up a number of signs that this legislature has required us to put up and there are so many of those signs that people don't pay attention to them. I know about these signs because I am a former owner of a convenience store that sells alcohol. My brother still owns that store and we don't need any more stuff sticking up on the walls because people ignore it as it is.

I have an uncle who is an alcoholic. When we got married three years ago, on our way to our honeymoon, we stopped off at the Kelley Wing at Eastern Maine Medical Center to visit with him because he was drying out and getting cured of alcoholism and he couldn't make it to our wedding and reception. He would stand here, if he were here today, sober for three years, and tell you that a sign never would have made a bit of difference to him. If you really want to deal with alcoholism, you do it through a system of education. To my mind, posting a sign in a store is not a system of education. If people really wanted to do something about alcohol consumption in the State of Maine, they would put their money where their mouth is, put a bill in with funding to do more education in the schools and do some outreach.

People are going to drink, they are well aware

already that it is not safe to drink while you are pregnant. They know they are not supposed to drink while they are driving and this is an unnecessary burden upon storeowners to have to maintain this under threat of some penalty if it is not up there.

I urge you to support the motion that is on the floor.

The SPEAKER: A roll call has been ordered. The pending question before the House is the motion of Representative Simonds of Cape Elizabeth that L.D. 625 and all accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 79

YEA - Aikman, Anderson, Anthony, Ault, Bailey, H.; Bailey, R.; Bennett, Boutilier, Bowers, Butland, Carleton, Carroll, J.; Cashman, Chonko, Clark, H.; Constantine, Cote, Crowley, DiPietro, Dore, Dutremble, L.; Farren, Foss, Garland, Gould, R. A.; Graham, Gray, Greenlaw, Gurney, Gwadosky, Hanley, Hastings, Heesch, Heino, Hepburn, Hichborn, Hognlund, Holt, Hussey, Jacques, Jalbert, Kerr, Ketterer, Ketterer, Kontos, Kutasi, Larrivee, Lebowitz, Libby, Lipman, Look, Lord, Macomber, Mahany, Marsh, Martin, H.; McHenry, Merrill, Michaud, Mitchell, E.; Nadeau, Nash, Norton, O'Dea, O'Gara, Ott, Paradis, P.; Parent, Paul, Pendexter, Pfeiffer, Pineau, Plourde, Poulin, Pouliot, Rand, Reed, G.; Reed, W.; Richards, Ricker, Rotondi, Ruhlin, Saint Onge, Salisbury, Savage, Sheltra, Simonds, Small, Spear, Stevens, A.; Stevenson, Swazey, Tammaro, Tardy, Townsend, Tracy, Vigue, Waterman, Whitcomb.

NAY - Adams, Aliberti, Barth, Cahill, M.; Carroll, D.; Cathcart, Clark, M.; Coles, Daggett, Duffy, Duplessis, Erwin, Farnsworth, Farnum, Gean, Goodridge, Handy, Joseph, Kilkelly, Lawrence, Lemke, Luther, MacBride, Manning, Mayo, Melendy, Mitchell, J.; Morrison, Murphy, Nutting, Oliver, Paradis, J.; Pendleton, Pines, Powers, Richardson, Rydell, Simpson, Skoglund, Stevens, P.; Treat, Tupper, Wentworth.

ABSENT - Bell, Donnelly, Hale, Hichens, LaPointe, Marsano, McKeen, Strout, The Speaker.

Yes, 99; No, 43; Absent, 9; Paired, 0; Excused, 0.

99 having voted in the affirmative and 43 in the negative with 9 being absent, the motion to indefinitely postpone did prevail. Sent up for concurrence.

By unanimous consent, all reference matters requiring Senate concurrence were ordered sent forthwith to the Senate.

PASSED TO BE ENGROSSED

As Amended

Bill "An Act to Prevent Striking Workers from Being Permanently Replaced by Strikebreakers" (H.P. 615) (L.D. 875) (C. "A" H-324)

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

Representative Whitcomb of Waldo requested a Division.

The SPEAKER: The Chair recognizes the Representative from Poland, Representative Aikman.

Representative AIKMAN: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will vote against this bill. This bill will disrupt the delicate balance that exists in labor relations. Over the past 60 years, we have operated under a national labor policy which has served labor, management and the economy very well. It has done so because it confers equal economic power on both sides during a labor dispute. Labor withholds its services; management replaces those who do. Through that balance, most labor disputes are resolved without strikes or disruption. This bill will disrupt that balance by giving unions little incentive to avoid a strike. As such, it will encourage strikes and the economic disruption they will entail. This is so because it will make it difficult, if not impossible, for many employers to continue operations during a strike.

Under federal law, employers have every right, recognized by both Congress and the U.S. Supreme Court, to hire temporary or permanent replacements during a strike. That law makes no distinction between hiring replacements or replace strikers on contracting for their services formerly performed by them. There can be little doubt that this proposal is preempted by federal law and, therefore, unconstitutional. Our State Supreme Court, in fact, ruled a similar proposal unconstitutional only two years ago. This bill ignores that federally recognized right and its effects could cripple the ability of a struck company to survive. If a company loses 500 or 1,000 employees during a strike, it simply can't operate without resorting to outside resources. This is particularly true for Maine-based companies with no out-of-state work force to draw upon or borrow during a strike.

In a real sense, this bill forecloses that option, that of necessity and puts management at a severe disadvantage, leaving little choice but to concede to union demands, however unreasonable or risking going out of business. The practical effects of this legislation also can be seen from another perspective. Consider a strike by skilled workers in a remote area of the state, often contracting for those same services on a temporary basis allows an employer to survive until the strike is settled.

If this law is enacted, what option will an employer have? Obviously, skilled workers will not be drawn to apply for work on a temporary replacement basis, uprooting their families with the promise of employment only until the strike is resolved. The employers only choice will be to hire and train permanent replacements and this bill will encourage just that.

Representative Tracy of Rome requested a roll call.

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 as amended. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 80

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

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

ABSENT - Donnelly, Hichens, Marsano, Morrison, Strout.

Yes, 97; No, 49; Absent, 5; Paired, 0; Excused, 0.

97 having voted in the affirmative and 49 in the negative with 5 being absent, the bill was passed to be engrossed as amended and sent up for concurrence.

PASSED TO BE ENGROSSED

As Amended

Bill "An Act Concerning Unemployment Benefits During Lockouts" (H.P. 649) (L.D. 923) (C. "A" H-326)

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

Representative Whitcomb of Waldo requested a Division.

The SPEAKER: The Chair recognizes the Representative from Poland, Representative Aikman.

Representative AIKMAN: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will vote against this bill. This bill proposes to amend Section 1193, Subsection 4 of the Employment Security Law to allow payments of benefits to individuals unemployed due to a lockout. If enacted, this bill would disrupt the balance between management and labor and represent a potential drain on the Unemployment Insurance Trust Fund. Allowing payments of benefits during lockouts would remove Maine's unemployment system in its current position of neutrality to a position of favoring labor.

The U.S. Supreme Court ruled as early as 1965