

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD
OF THE
One Hundred And Seventeenth Legislature
OF THE
State Of Maine

VOLUME II

FIRST REGULAR SESSION

House of Representatives
May 24, 1995 to June 30, 1995

SENATE PAPERS

The following Joint Order: (S.P. 581)

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Monday, June 5, 1995, at 9:00 o'clock in the morning.

Came from the Senate read and passed.
Was read and passed in concurrence.

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment yesterday, have preference in the Orders of the Day and continue with such preference until disposed of as provided by Rule 24.

HOUSE DIVIDED REPORT - Majority (7) "Ought Not to Pass" - Minority (6) "Ought to Pass" as amended by Committee Amendment "A" (H-310) - Committee on Labor on Bill "An Act to Forbid an Employer from Hiring Replacement Workers during a Strike" (H.P. 236) (L.D. 316)

TABLED - May 30, 1995 by Representative HATCH of Skowhegan.

PENDING - Motion of same Representative to accept the Minority "Ought to Pass" as amended Report.

At this point, the Speaker appointed Representative JACQUES of Waterville to serve as Speaker Pro Tem.

The House was called to order by the Speaker Pro Tem.

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

Representative AHEARNE: Mr. Speaker, Ladies and Gentlemen of the House: I hope that this body will accept the Minority "Ought to Pass" as amended by Committee Amendment "A" Report. Committee Amendment "A" as proposed will help to ensure that the collecting and bargaining process is equitable to the workers as well as to management. Without this protection, the ability of the workers to strike is totally negated and ceases to be an instrument of negotiation.

When the workers can elect to strike over unresolved contract differences and can then be prevented from regaining their jobs, there becomes little incentive on the part of management to negotiate difficult issues since the control and hold job loss over the workers heads. This ceases to be labor negotiation or bargaining and becomes coercion. Failure to enact this legislation with this amendment, this amendment covers the restoration of job rights and the legislation sends a clear message and signals to the working men and women of Maine that the legislature does not care whether they are able to negotiate in good faith since the legislature is rushing head long into any possible method of making conditions favorable through business with total disregard to the welfare of our workers.

It is incumbent upon us to represent both business and the workers and in order to provide a "level playing field" we must provide the protection contained in Committee Amendment "A". I am firmly convinced that the provision to protect the worker's right to strike and retain the worker's job rights is

essential to ensuring, not only a good business climate, but a good climate for the workers of Maine. The argument that this will allow so-called union bosses to call a strike is false, since strikes can only be called upon a majority vote and strike vote by the entire membership. We have seen cases where the union membership has rejected the union leaders call for strike, as well on occasion the workers have also rejected proposed contracts recommended by the leaders.

The workers of Maine do not blindly follow either union leaders or political leaders. They are independent and think for themselves. I ask you simply to give them their job protection necessary to make collective bargaining a reality. Mr. Speaker, when the vote is taken I request a roll call.

Representative AHEARNE of Madawaska requested a roll call on the motion to accept the Minority "Ought to Pass" as amended Report.

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 members present and voting. All 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 Crystal, Representative Joy.

Representative JOY: Mr. Speaker, Ladies and Gentlemen of the House: I find myself in a rather unusual position to arise to debate and disagree with the good Representative from Madawaska, but in the matter of considering this bill and its subsequent follow-up. In committee we asked for an opinion by the Attorney General. In both proposals the question would be found to be unconstitutional and both of them are preempted by the National Labor Relations Act.

All we would be doing if this bill passes in this body and the other body would be to clutter up the statutes with two useless laws. I don't think that we are down there to pass useless laws. Heaven knows, we pass some that are questionable and their worth comes back in future sessions to be debated, amended and changed or repealed. In this case both of these would be found to be unconstitutional and preempted by federal law. I think it is an exercise in futility to even consider them any farther. Thank you very much.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Jay, Representative Samson.

Representative SAMSON: Thank you Mr. Speaker, Men and Women of the House: I have dreaded really getting up for a long time to speak on this subject because it is near and dear to my heart. I guess I have to start by saying the first strike I can ever recall, I was 18 years old and there was a strike in the Oxford Paper Company in Rumford. As I recall, the strike lasted a couple of months, maybe three months and when the strike was over the workers returned to their jobs. As they returned to the mill, management was standing in line to shake their hands.

Another strike occurred in Boise Cascade, the same mill, I believe in the late 70s. The strike lasted a few weeks and there probably wasn't much gain, but they went back to work and the people who went back to work shook hands with management and they

proceeded to produce paper and wealth for the company. I also remember a strike in 1985 with BIW. I believe that strike lasted three months. It was a somewhat bitter strike, as I recall reading the newspapers and watching the news on TV, when the strike ended the workers went back to work and produced ships that the Navy can be proud of and the State of Maine.

Things changed around 1980. Companies were now willing to replace its workers. Companies had grown, enriched themselves and could afford to. In 1986, the Boise Cascade Mill in Rumford went to strike again. This time the company started firmly replacing these people a department at a time. When the strike was called off 11 weeks later a third of the people were permanently replaced and there was strife in the community because of it. In 1987, International Paper Company went on strike and I went along with them. I voted to strike in that contract negotiations. The reason I voted to strike was that the company, at the time I didn't realize it, but the company wanted a strike, they wanted to break the union.

International Paper Company is the wealthiest paper company in the world. They are all over the globe. Prior to the strike they put up fences and TV cameras. They brought in outside security guards. They also brought in BNK, an outside contractor. They brought in 60 trailers. They housed 10 to 15 people a trailer and set the trailers up on site. They expected a strike because the contract we were negotiating was completely unpalatable to all of us. If we would have accepted the company's terms, we would have done away with over 500 of the 1,200 jobs in the mill.

Even though this company for a 10 year period was averaging 84 million dollars a year in profit in that mill. I will tell you, if I was on the other side of the line I could force anybody to go out on strike, because I could implement language that you wouldn't like. The strike lasted 16 months and all 1,200 people were permanently replaced. Thirty-one percent of the strike breakers were brought in from out-of-state. I won't mention what states. At the same time that we had a strike in Jay where everybody was permanently replaced, the workers in Mobile, Alabama were locked out. They had been locked out a couple of three months before we struck. When the strikes were called off and the lock out ended, all the workers in Mobile, Alabama returned to work. Within a short time, the workers in Alabama went back to producing paper and getting along with the company, but that didn't happen in Jay. In Jay slowly over the past eight years 400 workers have returned to work, 400 of the original 1,200. Today we have strike breakers working with strikers. I talk to people almost every day when I am home about how it is to work in that mill and not one of them likes it. Their stomach turns, not because of the strike. They are in turmoil because of what has happened.

I will tell you, it is a community issue, not a union issue. The community has suffered from lost business, not because of the strike, they lost business because the people in the community were permanently replaced. Friends died, not because of the strike, they died because of being permanently replaced after 30 years on the job. Families split up because some choose to cross picket lines or decide to scab and that is going to last a lifetime,

not because of a strike, but because of permanent replacement.

I find it hard to get up and speak on this because even eight years later it is very emotional for me. Labor issues are, because I have been involved in labor for a long time. I respect the people that work and produce products in this State of Maine. I will tell you one thing that Joshua Chamberlain told us this morning struck me. He said that the thing that was most important to him were the people of the State of Maine and so are they to me.

On motion of Representative MITCHELL of Vassalboro, tabled pending the motion to accept the Minority "Ought to Pass" as amended Report and later today assigned. (Roll Call Ordered)

The following items were taken up out of order by unanimous consent:

ORDERS

On motion of Representative KONTOS of Windham, the following Joint Order (H.P. 1115)

ORDERED, the Senate concurring, that Bill, "An Act to Amend the Kennebec Water District Charter by Allowing the Town of Vassalboro and the Town of Benton to have a Permanent Member on the Board of Trustees," H.P. 461, L.D. 627, and all its accompanying papers, be recalled from the Legislative Files to the House.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Windham, Representative Kontos.

Representative KONTOS: Mr. Speaker, Men and Women of the House: This is not a normal method of operation. It came to our attention this morning from legal counsel from the Kennebec Water District and our own analyst that in order to take legal action on a bill that is still before the committee, we have to recall this bill in order to take prior action and we thought we were handling it in one bill and according to our legal analysis we have to have both vehicles to do what we are being asked to do. It needs a two-thirds vote and I hope you will support the committee request. Thank you.

A two-thirds vote being necessary, 92 voted in favor of the same and 0 against, the Joint Order was passed and sent up for concurrence. Ordered sent forthwith.

Under suspension of the rules, members were allowed to remove their jackets.

The Chair laid before the House the following item which was tabled earlier in today's session:

HOUSE DIVIDED REPORT - Majority (7) "Ought Not to Pass" - Minority (6) "Ought to Pass" as amended by Committee Amendment "A" (H-310) - Committee on Labor on Bill "An Act to Forbid an Employer from Hiring Replacement Workers during a Strike" (H.P. 236) (L.D. 316) which was tabled by Representative MITCHELL of Vassalboro, pending the motion of Representative HATCH of Skowhegan to accept the Minority "Ought to Pass" as amended Report and later today assigned. (Roll Call Ordered)

The SPEAKER PRO TEM: The Chair recognizes the Representative from Penobscot, Representative Perkins.

Representative PERKINS: Mr. Speaker, Men and Women of the House: I have been dreading this bill too. I was born and raised in a paper mill town and