

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

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

worked in a paper mill and had seven years seniority when I left. There were four of us in our family in the mill at one time, two brothers and my father. I have been a member of two other labor unions. What bothers me now is the timing.

It seems to me that these bills are coming at a time when labor and management are getting along. We went on the bus tour to Bath Iron Works and they made a point of how labor and management were getting along and how labor was getting more of a say in their own lives and their own work. We had a banquet over here and I sat with workers from the mill in Rumford and they said the same thing and these were laborers. They said that they are getting more say in their daily work. They are getting shares in the company to some degree. It bothers me that this is coming at this time. They are no win bills, as far as I can see, but I would like to hear a comment on the timeliness of these things.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Millinocket, Representative Clark.

Representative CLARK: Mr. Speaker, Men and Women of the House: I feel a little bit of an obligation to speak on this. I work for a paper mill when I am not in the legislature wearing a suit. I do work in an area where we can't take our jackets off, so this is fairly cool for me today.

Some of the things you are talking about today is, yes, unions and labor are getting along. It is not because they want to, but because the people are telling them they have to get along. They are tired of the crap they have gone through. Secondly, the people who are taking our jobs are the scabs or replacement workers, just aren't doing the work. I don't know how many times when those people were doing the work, the regular people that had to work in those mills have to go back and keep doing the work over and over and over, because it was never done right.

Do we want companies like this in the State of Maine, throwing our workers out of work? There aren't to many states in the United States who don't want to hire the people from Maine. You tell them you are from Maine and they will hire you in a minute. Do we want those kind of people in the State of Maine? I went through a strike in 1978 in the little town of Millinocket, East Millinocket and Medway and never got over it. Mother, father, brother, sister, aunt and uncle and everybody was at each others throat. We don't need this in the State of Maine. We need to get along.

We have an excellent workforce in the State of Maine. We ought to be very proud of it and sure as heck we don't need companies in the State of Maine that are going to throw the workforce out and bring replacement workers in from another state. Thank you.

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

Representative SAMSON: Mr. Speaker, Men and Women of the House: To address Representative Perkins question, a lot of the problems we have in this country today in regards to labor relations, frankly, are companies from outside this country. The United States along with South Africa are the only two countries in the world that allow the permanent replacement of strikers when a strike is over. Other countries don't do that, Germany, France, England, Australia, Canada and whatever.

Some of these countries come to this and other country's businesses come here and it is sort of a

candy store. Labor laws are very weak in this country and they take advantage of it. I work for a labor organization and a lot of the battles I have to fight are with countries from abroad. It kind of burns me up to think that the most powerful country on earth, the men and women have fought a lot of wars for this country, themselves the victims of corporations in these other countries.

I could talk about this all day with you, but the fact of the matter is, we have weak labor laws in this country and they need to be addressed. I am all for cooperation. I think it is good what they are doing at BIW. I applaud it, but not every company does that. They are supposed to be a level playing field in labor negotiations in this country under the Labor Relations Act. It isn't that way and hasn't been that way for the past 15 years or so. We have to do something to correct it.

The constitutionality of this was brought up. I am not a parliamentary genius in here, but the one thing I did learn from the speaker was that we should be concerned with laws in this body and we should be paying attention to laws that effect the people of Maine and we should do it as this body. We shouldn't be concerned with what the other body is going to do, what the executive is going to do or what the courts are going to do. We should pass laws beneficial to the men and women of the state.

I also recall at one time it was constitutional to own slaves. I just realized yesterday that the State of Mississippi repealed the slavery law. Can you imagine that? In 1995, they repealed the slavery law. It was also unconstitutional at one time for women to vote. That was wrong and people stood up to it and we won out. It is also wrong in this country to permanently replace workers when a legal strike is over. We have to stand up to that.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Skowhegan, Representative Hatch.

Representative HATCH: Mr. Speaker, Men and Women of the House: I don't often rise to my feet to speak. I try not to, because when you speak to much you bore people, but a lot of times when things come up that you have been personally involved in, you really have to say something. I have been fortunate enough this year to deal with a committee of people who are very dedicated and I thank them for that. That has nothing to do with what I am talking about.

This particular bill comes before the legislature every two years and has since 1987 and maybe even before that. The thing is it is never good timing for something that you need to do. I don't think a few years ago when Senator Smith stood up and spoke against McCarthy that that was seen as very good timing. It took people almost two years to catch on and move things. I want to say that I have a dear friend from Crystal, Representative Joy and I just want him to know that, yes, the Attorney General's opinion said this was unconstitutional.

When I spoke to my friend, who was my former seat mate, who is now the Attorney General and said, "I know that previous opinions were about the same," he said, "remember Pam it is only an opinion." Well this is my opinion. We can change and we can do things differently and we can see how it works out or we can sit and do nothing. You can say labor and management is getting along fine, but believe me folks there is going to come tough choices between labor and management and if this was taken off the board it would be just one less thing they can disagree about.

If people have a dispute with a company and they work things out, those people ought to be able to go back to work. Speaking up is not always easy and it always is a thing that sometimes we put off until it is too late. In the past, I have done that too frequently. I just hope that when the vote comes on this bill that you realize that a lot of things that are unconstitutional would change a lot of years back that are now constitutional. You think about that.

Because I was intimately involved in the strike in Jay, not because I had anyone who worked there, but because my husband cared enough to go week after week while these striking members met and had a get together at the local high school. We went every week, not because we had anything to contribute, not because we had a lot of money, but only for moral support. I saw how that community had been devastated. I have seen how families are set against families and how kids are against kids. I want you to really think about this.

Would you want your sons and daughters involved in a labor dispute where they lost their good paying jobs and they had to go on welfare or on the town when their unemployment benefits run out. I don't think this is good public policy. If you really feel that everything the Supreme Court does or that the Attorney General says is constitutional, then we are wasting our time down here. We really are. I would really like you to look at this.

I know it hits near and dear to my heart because I live in Skowhegan, Maine. I have a paper mill. My husband is a union worker. He is negotiating a contract this year. Guess what folks, it is a company from South Africa and we don't know what the outcome of that will be. There is never good timing, but there is always time to speak up. You can make a difference today. I would ask for your vote on the "Ought to Pass". Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Old Town, Representative Keane.

Representative KEANE: Mr. Speaker, Ladies and Gentlemen of the House: I would like to open my statement, by saying first that lets not decide on this issue along party lines. This is not corporate against labor. This is a Maine issue. This is Maine people that we are talking about. We are not talking about big industry. We are not talking about big labor. We are talking about Maine people.

Let me tell you that in this country there is a bureaucratic elitism that is coming and I hope somewhere along the line we can stop it. You can see it even in our national offices. You remember when our national legislature took a 20 percent increase in pay when people were being laid off all over the country. You can remember when Lee Iacocca was taking a 1 million dollar bonus when he was laying off 5,000 industrial workers out in the Midwest. Lets not forget Scott Paper Company, where is Scott Paper Company.

Scott Paper Company hired a guy named Dunlap who came in here and wanted to make a big killing for the stock holders, sold S.D. Warren Company, increased the stocks by \$53 a share and now he is gone, making a lot of money and SAPPi is taking over. Did SAPPi care about the people in the State of Maine? Did Scott care about the people of the State of Maine? It is not a corporate issue. When our people are getting hurt through strikes and I know about Livermore Falls and I know about Jay. I have seen the strikes and I have worked in the paper industry and it is a horrible thing.

As the Representative from Millinocket said, it pits mother against daughter, father against son, and brother against brother. It is a State of Maine issue. I would hope you would all look at it that way. I don't know what the Attorney General's decision means. I guess initially I thought, well if the Attorney General's decision says that this all for not, then maybe we shouldn't vote for it. As the Representative from Jay says, we have to do what we think is right in our conscience and we will vote on it and if the Attorney General decides it is not constitutional, then we have done our part as far as Mainers are concerned. I would urge you to consider that fact.

Don't let this break down on party lines. Look at it as a Maine issue, with real people involved. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Lewiston, Representative Lemaire.

Representative LEMAIRE: Mr. Speaker, Men and Women of the House: I have never personally been involved in a strike so I can't speak from that point of view, but in talking to people who have been involved in the strike and not a strike like the one that happened to the paper company in Jay. Your heart goes out to what happens and the devastation in communities. What happened with International Paper in Jay, devastated a community. I talked to an individual who came from down south to work as a replacement worker. He lived in Lewiston. He didn't live there. He couldn't live there. It didn't bother him that he had to travel.

We are a citizen's legislature. We do not just represent the business community. If we don't help workers in this state, no one else is going to do it. I have been involved in collective bargaining on a different level, but it is still collective bargaining. I always called it collective begging, because management and companies always have the upper hand. They have the power, the money, policy and they have the personnel. I think it is time we stood up and said forget the constitutionality and forget the opinions. Lets vote because we support Maine people, hard working Maine people. Thank you Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Wilton, Representative Heesch.

Representative HEESCHEN: Mr. Speaker, Men and Women of the House: I have never been a union member and I don't live in Jay, but I live close enough to have observed a lot of things over the past several years. I watched as six to nine months before the strike the company built a three to four mile long chain link, barbed wire fence around the entire plant. I watched as they cleared a 100 foot wide swath around the entire plant. It used to be forest coming right up to the roads; there was no fence. It was fairly intimate there.

At that time I didn't know that the company was planning to provoke a strike in the future. I watched, at about the same time they were completing that fence, the company complained at a county budget meeting about an \$8,000 expense that somehow was going to be a tremendous burden to the company. I subsequently watched as several of my neighbors' families broke up. I watched as communities became divided. I also watched as International Paper lost an incredible intangible asset and that was the undying and the unquestioning loyalty of its workforce. You couldn't complain about pollution to

an IP worker without being run up and down. All this was done for the bottom line.

I think we have lost a lot. It has been replaced by continuing bitterness and tension that underlies a lot of relations in town and among towns. In my district I have people who were strikers and I have people who have gone back into the mill. I have people who were strike breakers. I have a lot of management people. Management people, most of them don't live in Jay, they live in some of the outlying towns. I do see it as a continuing underlying problem that we lost something that was actually good for the company and good for the community. I urge you to support the pending motion really for family and community.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Livermore, Representative Berry.

Representative BERRY: Mr. Speaker, Men and Women of the House: I was involved in the strike. I was a member of the union, Local 14, and I spent a good part of my life, I feel, fighting for the people that I represented. Mainers that are union members just like you represent in your districts, I represented a group of people. You may belong to the National Federation of Independent Business and I belong to a labor organization that, supposedly gave us rights in the work place to bargain for wages and working conditions.

I would like you to consider the effects that this replacing workers has on the State of Maine or Maine people. We are not protecting Maine business. We are protecting the New York City Corporate CEO, John George, CEO of International Paper. Last year he got a bonus of \$979,000 and they are down here pleading poverty and begging us for tax incentives. Please excuse me, I get a little mad. It is not right. When you are negotiating a contract and you have been replaced, you are no longer bargaining for working conditions and wages, you are working to get your jobs back because they are using that as a wedge. They are making them promises and turn around and say we have made promises to them. The promise we made to you years ago is no longer valid.

We used to work without a contract and negotiate until it was settled. They don't do that, not if they don't choose to. I use that one company as an example. There are other companies that are good companies that will negotiate and they will treat the workers decent. Others will use this to get everything they want with no intention of bargaining. All the requirements to bargain in good faith or to show up at the table. They don't have to move one bit. I can't begin to say what I experienced over the last eight years and in 15 days it will be eight years from when we went out. I can't begin to tell you what I really feel. I ask you to support this bill. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Portland, Representative Saxl.

Representative SAXL: Mr. Speaker, Men and Women of the House: The Wagner Act, also known as the National Labor Relations Act, was passed more than 50 years ago. Within that act was the guaranteed right for workers to be able to strike. After passage of that act, some years ago came a case in the Supreme Court called McKay Radio. McKay Radio allowed the permanent replacement of workers. Subsequent to McKay Radio was a case called Garmon. In the Attorney General's opinion it says the Garmon doctrine carved out by the Supreme Court were in a

state statute may be sustained. If it can be shown to touch interest so deeply rooted and local feeling and responsibility that in the absence of compelling congressional direction, we could not infer that congress had deprived the states of the power to act.

The bill before us today goes directly to the Garmon exception. This is very plausibly a constitutional matter, but more than that it is about fairness. The right to strike has brought a great deal of good things for working people in this country. It has brought quality health care. It has brought safe working conditions and, yes, it has brought a fair wage to many working men and women of this country. It is important to make sure that working men and women in this country have a right to strike as guaranteed by the Wagner Act. It is our responsibility as a legislature to give them that. Thank you.

The SPEAKER PRO TEM: A roll call has been ordered. The pending question before the House is Minority "Ought to Pass". All those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 125

YEA - Ahearne, Benedikt, Berry, Bigl, Bouffard, Brennan, Bunker, Cameron, Campbell, Chartrand, Chase, Chizmar, Clark, Cloutier, Daggett, Davidson, Desmond, DiPietro, Dore, Driscoll, Etnier, Fisher, Fitzpatrick, Gamache, Gates, Gerry, Gieringer, Gooley, Gould, Green, Hatch, Heeschen, Hitchborn, Jacques, Johnson, Jones, K.; Joseph, Keane, Kerr, Kilkelly, Kontos, LaFountain, Lemaire, Lemke, Lemont, Luther, Martin, Mayo, Meres, Mitchell EH; Mitchell JE; Morrison, O'Gara, O'Neal, Paul, Perkins, Pinkham, Poulin, Pouliot, Povich, Richardson, Ricker, Rosebush, Rotondi, Samson, Saxl, J.; Saxl, M.; Shiah, Sirois, Stevens, Thompson, Townsend, Treat, Tripp, Tufts, Tuttle, Tyler, Volenik, Watson, Winglass, The Speaker.

NAY - Aikman, Ault, Bailey, Barth, Birney, Buck, Carleton, Chick, Clukey, Cross, Damren, Dexter, Donnelly, Dunn, Farnum, Greenlaw, Guerrette, Hartnett, Heino, Jones, S.; Joy, Joyce, Joyner, Kneeland, Labrecque, Lane, Layton, Libby JD; Libby JL; Lindahl, Look, Lovett, Lumbr, Madore, Marshall, Marvin, McAlevy, McElroy, Murphy, Nass, Nickerson, Ott, Peavey, Pendleton, Plowman, Reed, G.; Reed, W.; Rice, Robichaud, Savage, Simoneau, Spear, Stedman, Stone, Strout, Taylor, Underwood, Waterhouse, Wheeler, Whitcomb, Winsor.

ABSENT - Adams, Nadeau, Poirier, Rowe, True, Truman, Vigue, Winn, Yackobitz.

Yes, 81; No, 61; Absent, 9; Excused, 0.

81 having voted in the affirmative and 61 voted in the negative, with 9 being absent, the Minority "Ought to Pass" as amended Report was accepted.

The Bill was read once. Committee Amendment "A" (H-310) was read by the Clerk and adopted. The Bill was assigned for second reading Monday, June 5, 1995.

The Speaker resumed the Chair.

The House was called to Order by the Speaker.

HOUSE DIVIDED REPORT - Majority (7) "Ought to Pass" as amended by Committee Amendment "A" (H-312) - Minority (6) "Ought Not to Pass" - Committee on Labor