

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

Representative Joyce: Mr. Speaker, Ladies and Gentlemen of the House: I'd like to make two points. I agree with Representative Kerr on how the government should follow the same rules as the private sector, but since they haven't gone in that direction yet it seems only fair since the federal and state government and school districts pay on a biweekly basis that municipalities should be able to also. Employees of the other government entities don't seem to be any worst off for it. The second point is municipalities will be able to save a lot of money, almost 50 percent of their payroll processing costs. I haven't figured out for Biddeford, I imagine it will be a lot of money though. Cape Elizabeth, Senator Merrill mentioned that Cape Elizabeth will save almost \$20,000 per year and that's a significant amount of money. Thank you.

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 pending question before the House is that the House recede and concur. All those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 169

YEA - Aikman, Ault, Barth, Bigl, Birney, Buck, Cameron, Campbell, Carleton, Chick, Clukey, Cross, Damren, Davidson, Donnelly, Dunn, Gieringer, Goolie, Greenlaw, Guerrette, Jones, S.; Joy, Joyce, Joyner, Kneeland, Labrecque, Lane, Layton, Lemont, Libby JD; Libby JL; Lindahl, Look, Lovett, Lumbra, Madore, Marshall, Marvin, Mayo, McAlevey, McElroy, Murphy, Nass, Ott, Peavey, Pendleton, Perkins, Pinkham, Plowman, Poirier, Reed, G.; Reed, W.; Rice, Robichaud, Rowe, Savage, Saxl, J.; Saxl, M.; Simoneau, Spear, Stedman, Stone, Taylor, Tufts, Underwood, Waterhouse, Wheeler, Whitcomb, Winglass, Winsor.

NAY - Adams, Ahearne, Benedikt, Berry, Bouffard, Brennan, Bunker, Chartrand, Chase, Chizmar, Clark, Cloutier, Daggett, Desmond, DiPietro, Driscoll, Etnier, Farnum, Fisher, Fitzpatrick, Gamache, Gates, Gerry, Gould, Green, Hatch, Heeschen, Hichborn, Jacques, Johnson, Jones, K.; Joseph, Keane, Kerr, Kilkelly, Kontos, LaFountain, Lemaire, Lemke, Luther, Martin, Meres, Mitchell EH; Mitchell JE; Morrison, Nadeau, O'Gara, O'Neal, Pouliot, Povich, Richardson, Ricker, Rosebush, Rotondi, Samson, Shiah, Stevens, Thompson, Townsend, Treat, Tripp, Truman, Tuttle, Tyler, Vigue, Volenik, Watson, Winn.

ABSENT - Bailey, Dexter, Dore, Hartnett, Heino, Nickerson, Paul, Poulin, Sirois, Strout, True, Yackobitz, The Speaker.

Yes, 70; No, 68; Absent, 13; Excused, 0.

70 having voted in the affirmative and 68 voted in the negative, with 13 being absent, the motion to Recede and Concur prevailed.

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

House Divided Report - Committee on **Utilities and Energy** - (10) Members **"Ought to Pass"** as amended by Committee Amendment "D" (H-462) - (2) Members **"Ought**

to Pass" as amended by Committee Amendment "E" (H-463) on Bill "An Act to Amend the Notification Requirements Regarding Automated Telephone Solicitation" (H.P. 100) (L.D. 135) which was tabled by Representative JACQUES of Waterville pending acceptance of either Report.

On motion of Representative KONTOS of Windham, the Majority **"Ought to Pass"** as amended Report was accepted.

The Bill was read once. Committee Amendment "D" (H-462) was read by the Clerk and adopted. The Bill was assigned for second reading Friday, June 16, 1995.

The Speaker resumed the Chair.

The House was called to Order by the Speaker.

By unanimous consent, all matters having been acted upon were ordered sent forthwith.

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.

Bill "An Act to Forbid an Employer from Hiring Replacement Workers during a Strike" (H.P. 236) (L.D. 316)

- In House, Minority **"Ought to Pass"** as amended Report of the Committee on Labor read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-310) on June 5, 1995.

- In Senate, Majority **"Ought Not to Pass"** Report of the Committee on Labor read and accepted in non-concurrence.

TABLED - June 7, 1995 (Till Later Today) by Representative MITCHELL of Vassalboro.

PENDING - Further Consideration.

On motion of Representative HATCH of Skowhegan, the House voted to Recede.

The same Representative presented House Amendment "A" (H-389) to Committee Amendment "A" (H-310) which was read by the Clerk.

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

Representative HATCH: Mr. Speaker, Men and Women of the House: I'm sure you're probably having a hard time finding this amendment, not knowing whether this bill was going to come up today or not, so I'm just going to explain it briefly to you.

This particular amendment was brought forward by a member from the other body and brought to my attention and I offer it in all good faith. The amendment limits the restriction on the retention of replacement workers. If the strike ends or the striking workers offer to return within 45 days from the start of the strike, which simply means they have 45 days, sort of a cooling off period, and then they can go back to work. Resume working under previous contract or whatever the company and the people decide upon. I'd ask that you vote for this amendment and I thank you for your time.

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

Representative SAMSON: Mr. Speaker, Men and Women of the House: As you know I have very strong feelings in regard to this legislation. I fervently

believe that when a strike is over there's an unconditional return to work or there's a contract negotiated that the strikers should have first choice on the jobs they had and the replacement workers should have second choice. This is a great concession for me from that aspect to a 45 day period so I hope you vote in favor of this amendment allowing strikers not to be replaced for a 45 day period. I kind of look at it as a cooling off period. I think it is a step in the right direction and I hope you support this amendment. Thank you.

The SPEAKER: The Chair recognizes the Representative from Crystal, Representative Joy.

Representative JOY: Mr. Speaker, Ladies and Gentlemen of the House: I think if we check into the matter, I think that the Maine Law Court has ruled that the 45 day cooling off period is unconstitutional. It is preempted by federal law.

Representative JOY of Crystal requested a roll call on adoption of House Amendment "A" (H-389) to Committee Amendment "A" (H-310).

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 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 pending question before the House is adoption of House Amendment "A" to Committee Amendment "A". All those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 170

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

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

ABSENT - Bailey, Dexter, Dore, Hartnett, Heino, Libby JL; Paul, Poulin, Sirois, Strout, Yackobitz.

Yes, 82; No, 58; Absent, 11; Excused, 0.

82 having voted in the affirmative and 58 voted in the negative, with 11 being absent, House Amendment "A" (H-389) to Committee Amendment "A" (H-310) was adopted.

Committee Amendment "A" (H-310) as amended by House Amendment "A" (H-389) thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (H-310) as amended by House Amendment "A" (H-389) thereto in non-concurrence and sent up for concurrence.

HOUSE DIVIDED REPORT - Majority (7) "Ought Not to Pass" - Minority (6) "Ought to Pass" as amended by Committee Amendment "A" (H-346) - Committee on Appropriations and Financial Affairs on Bill "An Act to Reduce the Legislative Budget" (H.P. 500) (L.D. 681)

TABLED - June 7, 1995 (Till Later Today) by Representative JACQUES of Waterville.

PENDING - Acceptance of either Report.

Representative KERR of Old Orchard Beach moved that the House accept the Majority "Ought Not to Pass" Report.

Representative ROBICHAUD of Caribou requested a roll call on the motion to accept the Majority "Ought Not to Pass" Report.

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 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: The Chair recognizes the Representative from Old Orchard Beach, Representative Kerr.

Representative KERR: Mr. Speaker, Men and Women of the House: I guess now I've got to let you know why I moved to accept the Majority "Ought Not to Pass" Report.

The good Representative McElroy did come before the committee and what the bill does is it decreases the legislative budget 15 percent across the board. You all know as we've been going through the budgetary process, there is no longer furlough days, shutdowns, there's a 40 hour work week and we all know that health insurance has gone up and retirement costs.

The current bill before you would reduce the legislative budget below the Minority Report. Reduce the legislative budget to \$26,750,000. It would put us back to about the 94-95 levels and I think going through the entire committee process, nobody wanted to see across the board cuts and if we're going to make these types of cuts, we'd like to know where they would come from. Again, I would urge you to vote with the pending motion the Majority Report "Ought Not to Pass." Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is acceptance of the Majority "Ought Not to Pass" Report. All those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 171

YEA - Adams, Ahearne, Benedikt, Berry, Bouffard, Brennan, Bunker, Cameron, Chartrand, Chase, Chizmar, Clark, Cloutier, Cross, Daggett, Davidson, Desmond, DiPietro, Dore, Driscoll, Etnier, Fisher, Fitzpatrick, Gamache, Gates, Gerry, Gieringer, Gould, Green, Greenlaw, Guerrette, Hatch, Heeschen, Hichborn, Jacques, Johnson, Jones, K.; Joseph, Keane, Kerr, Kilkelly, Kontos, LaFountain, Layton, Lemaire, Lemke, Lovett, Luther, Madore, Martin, Mayo, McElroy, Meres, Mitchell EH; Mitchell JE; Morrison, Murphy,