

# MAINE STATE LEGISLATURE

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**House Legislative Record**  
of the  
**One Hundred and Eighteenth Legislature**  
of the  
**State of Maine**

**Volume I**

**First Regular Session**

December 4, 1996 - March 27, 1997

**First Special Session**

March 27, 1997 - May 15, 1997

(H.P. 618) (L.D. 843) Bill "An Act to Regulate Money Transmitters and Amend Consumer Credit Laws" (C. "A" H-203) On motion of Representative CAMERON of Rumford, was removed from the Second Day Consent Calendar.

The Committee Report was read and accepted. The Bill was read once. Committee Amendment "A" (H-203) was read by the Clerk and adopted.

Under suspension of the rules the Bill was given its second reading without reference to the Committee on **Bills in the Second Reading**.

Representative CAMERON of Rumford presented House Amendment "A" (H-213), which was read by the Clerk and adopted.

The Bill was passed to be Engrossed as amended by Committee Amendment "A" (H-203) and House Amendment "A" (H-213) and sent up for concurrence.

**BILLS IN THE SECOND READING**

Bill "An Act to Prohibit an Employer from Hiring Replacement Workers During a Strike" (H.P. 41) (L.D. 66)

**As Amended**

Bill "An Act to Remove Instant Lottery Ticket Vending Machines" (H.P. 248) (L.D. 312) (C. "A" H-170)

Bill "An Act to Amend the Laws Regarding the Licensure of Hearing Aid Dealers and Fitters" (H.P. 396) (L.D. 541) (C. "A" H-196)

Were reported by the Committee on **Bills in the Second Reading**, read the second time, the House Papers were Passed to be Engrossed or Passed to be Engrossed as Amended and sent up for 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 House Rule 502.

HOUSE DIVIDED REPORT - Majority (9) "**Ought to Pass**" - Minority (4) "**Ought Not to Pass**" - Committee on **Labor** on Bill "An Act to Prohibit the Employment of Professional Strikebreakers" (H.P. 88) (L.D. 113)

TABLED - April 14, 1997 by Representative HATCH of Skowhegan.

PENDING - Motion of same Representative to accept the Majority "**Ought to Pass**" Report.

Representative PENDLETON of Scarborough requested a roll call on the motion to accept the Majority "**Ought to Pass**" Report.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

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

Representative SAMSON: Madam Speaker, Men and Women of the House. Professional strikebreaking is now prohibited under Maine law and has been since 1965. What this bill does is it defines what a strikebreaker is and that is someone who provides more than 100 employees more than three times in five years. Exempted in this act are critical employees such as security guards, special maintenance for special equipment and permanent employees. This bill also repeals the criminal penalties in this act and brings it to a civil penalty. The reason for this is that in times of strikes when the District Attorney is probably busy it would be better not to invoke the District

Attorneys in this and allow civil action to take place for injunctive relief or to enforce the chapter in this law. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is acceptance of the Majority "Ought to Pass" Report. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 100**

YEA - Ahearne, Bagley, Baker CL, Baker JL, Belanger IG, Berry RL, Bigl, Bodwell, Bolduc, Bouffard, Brennan, Brooks, Bruno, Bull, Bunker, Cameron, Chartrand, Chick, Chizmar, Clark, Colwell, Cowger, Davidson, Desmond, Driscoll, Dunlap, Dutremble, Etnier, Farnsworth, Fisher, Frechette, Fuller, Gagne, Gagnon, Gamache, Gerry, Goodwin, Gooley, Green, Hatch, Honey, Jabar, Jones KW, Kane, Kasprzak, Kerr, Kontos, Lane, LaVerdiere, Lemaire, Lemont, Madore, Mailhot, Mayo, McAlevey, McKee, Meres, Mitchell JE, Morgan, Muse, O'Neal, O'Neil, Paul, Perkins, Perry, Pieh, Pinkham RG, Poulin, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Stanley, Stevens, Tessier, Thompson, Townsend, Tripp, Tuttle, Usher, Vigue, Volenik, Watson, Wheeler GJ, Winglass, Winn, Wright, Madam Speaker.

NAY - Barth, Belanger DJ, Berry DP, Bragdon, Buck, Bumps, Campbell, Cianchette, Clukey, Cross, Dexter, Foster, Gieringer, Jones SA, Joy, Joyce, Joyner, Kneeland, Labrecque, Layton, Lindahl, Lovett, MacDougall, Mack, Marvin, McElroy, Murphy, Nass, Nickerson, Ott, Peavey, Pendleton, Pinkham WD, Plowman, Savage, Snowe-Mello, Spear, Stedman, Taylor, Tobin, Treadwell, True, Underwood, Vedral, Waterhouse, Wheeler EM, Winsor.

ABSENT - Carleton, Donnelly, Fisk, Jones SL, Lemke, O'Brien.

Yes, 98; No, 47; Absent, 6; Excused, 0.

98 having voted in the affirmative and 47 voted in the negative, with 6 being absent, the motion to accept the Majority "**Ought to Pass**" Report was accepted.

The Bill was read once and assigned for second reading Thursday, April 17, 1997.

HOUSE DIVIDED REPORT - Majority (10) "**Ought Not to Pass**" - Minority (3) "**Ought to Pass**" as amended by Committee Amendment "A" (H-191) - Committee on **Judiciary** on Bill "An Act to Remove Immunity for Fraudulent Testimony or Perjury" (H.P. 119) (L.D. 143)

TABLED - April 15, 1997 (Till Later Today) by Representative JABAR of Waterville.

PENDING - Motion of same Representative to accept the Majority "**Ought Not to Pass**" Report.

The SPEAKER: The Chair recognizes the Representative from Bridgton, Representative Waterhouse.

Representative WATERHOUSE: Madam Speaker, Ladies and Gentlemen of the House. Not too long ago, we had a commission that met in the State Office Building dealing with the family law. For those of you who sat through that hearing there was quite a bit of gripping testimony. A lot of the testimony that I heard had to do with fraudulent testimony by different people in child abuse cases or whatever. I introduced a bill and it has to do with the Maine Tort Claims Act. As you probably know a lot of government employees have immunity from liability. We do when we speak on the floor of the House. The standard for the immunity is acting in good faith. This bill, the amendments to the bill, includes intentional and willful malice and bad faith, which means that people who go to testify in some of these cases, caseworkers or whatever else, that have this immunity from liability under the Maine Tort Claims Act will not have that