

# MAINE STATE LEGISLATURE

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**One Hundred and Eighteenth Legislature**  
**State of Maine**

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**Pages 1 - 980**



**ROLL CALL**

Senator **CATHCART**: Thank you Mr. President, men and women of the Senate. I have before me a letter from the Attorney General, but this letter refers to the other bill, L.D. 66, "An Act to Prohibit an Employer from Hiring Replacement Workers During a Strike", not to the piece of legislation that is before us. As I said, I'm not aware of any Attorney General's opinion or any pre-emption of this bill. All that this bill that we are now debating would do is to prohibit the recruitment or employment of professional strike breakers and define the term professional strike breaking activity, so it is only applying to those persons or organizations that have made a practice of supplying replacement workers, professional replacement workers, during labor disputes. I hope that clarifies the issue. Thank you Mr. President.

**THE PRESIDENT**: The Chair recognizes the Senator from Cumberland, Senator Butland.

Senator **BUTLAND**: Mr. President, I'd like to pose a question through the Chair.

**THE PRESIDENT**: The Senator may pose his question.

Senator **BUTLAND**: Thank you. To anyone who may have the knowledge, the good Senator from Somerset, Senator Mills, has said that we have never passed this legislation and it would never be considered. I can't believe that no other state in the Union has passed similar legislation to this and that we don't have the results of their action. My question would be, has any other state passed legislation similar to this and what has been the response when it's been challenged? Thank you.

**THE PRESIDENT**: The Senator from Cumberland, Senator Butland poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Somerset, Senator Mills.

Senator **MILLS**: Thank you Mr. President, men and women of the Senate. I'm not sure that I can answer the good Senator's current and pending question. It's just that I must, with some embarrassment, stand up to say that I think I've misinterpreted the impact of this bill if we choose to enact it. I was informed that we already have, essentially, the substance of this law on the books now as a criminal offense. It's a Class E or Class D crime. What is new about the bill is that it gives a right of civil enforcement. In other words, a party who is aggrieved by the presence or the activities of professional strike breakers within our state would have power to go to court to get an injunction, or to obtain civil relief, and that that is the only thing new, apparently, about the measure that's currently before us. The substance of this professional strike breaking activity prohibition has apparently been on the books for 20 or 30 years and I have no idea whether it's been challenged and I certainly have no idea whether it is in effect in any other state. Thank you.

On motion by Senator **AMERO** of Cumberland, supported by a Division of at least one-fifth of the members present and voting, a Roll Call was ordered.

The Doorkeepers secured the Chamber.

The Secretary called the Roll with the following result:

**YEAS**: Senators: CAREY, CATHCART, DAGGETT, FERGUSON, GOLDTHWAIT, JENKINS, LAFOUNTAIN, LONGLEY, MACKINNON, MICHAUD, MILLS, MURRAY, NUTTING, O'GARA, PARADIS, PINGREE, RAND, RUHLIN, TREAT, THE PRESIDENT - MARK W. LAWRENCE

**NAYS**: Senators: ABROMSON, AMERO, BENNETT, BENOIT, BUTLAND, CASSIDY, HALL, HARRIMAN, LIBBY, MITCHELL, SMALL

**ABSENT**: Senators: CLEVELAND, KILKELLY, PENDLETON

**EXCUSED**: Senator: KIEFFER

20 Senators having voted in the affirmative and 11 Senators having voted in the negative, with 3 Senators being absent and 1 Senator being excused, the Bill was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

On motion by Senator **PINGREE** of Knox, **ADJOURNED** until Tuesday, May 6, 1997, at 9:00 in the morning.