

MAINE STATE LEGISLATURE

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House of Representatives
One Hundred and Nineteenth Legislature
State of Maine

Volume I

First Regular Session

December 2, 1998 – May 12, 1999

Cianchette, Clough, Collins, Cross, Daigle, Davis, Duncan, Etner, Foster, Gerry, Gillis, Glynn, Gooley, Heidrich, Honey, Jodrey, Jones, Joy, Kasprzak, Kneeland, Labrecque, Lindahl, Lovett, MacDougall, Mack, Madore, Marvin, McAlevey, McKenney, McNeil, Murphy E, Murphy T, Nass, Nutting, O'Brien JA, Peavey, Perkins, Pinkham, Plowman, Richardson E, Rosen, Savage C, Schneider, Sherman, Shields, Shorey, Snowe-Mello, Stanwood, Stedman, Thompson, Tobin D, Tobin J, Trahan, Treadwell, Tripp, True, Waterhouse, Weston, Wheeler EM, Winsor.

ABSENT - Lemont, Perry.

Yes, 77; No, 72; Absent, 2; Excused, 0.

77 having voted in the affirmative and 72 voted in the negative, with 2 being absent, the Minority **Ought to Pass** Report was **ACCEPTED**.

The Bill was **READ ONCE** and was assigned for **SECOND READING** Thursday, May 13, 1999.

HOUSE DIVIDED REPORT - Majority (9) **Ought to Pass as Amended by Committee Amendment "A" (H-484)** - Minority (3) **Ought Not to Pass** - Committee on **LABOR** on Bill "An Act to Prohibit the Employment of Professional Strikebreakers"

(H.P. 756) (L.D. 1046)

TABLED - May 10, 1999 (Till Later Today) by Representative HATCH of Skowhegan.

PENDING - Motion of same Representative to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

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

Representative **SAMSON**: Madam Speaker, Men and Women of the House. I stand and support the Ought to Pass as Amended Report. Currently this law is on the books. It is under the criminal code. It has been on the books for about 35 years. This bill would change it from the criminal side to the civil action side. The bill also defines what a professional strikebreaker is. That is an outfit that provides 10 or more strikebreakers at least twice in a 20-year period. Exempt in this law are security guards, special maintenance people and permanent workers, employees. The results on the exception in the law that provides for the employer if they need professional strikebreakers to show that it is necessary to keep their business running. I urge you to support the Ought to Pass report. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Carmel, Representative Treadwell.

Representative **TREADWELL**: Madam Speaker, Ladies and Gentlemen of the House. We had a piece of legislation last year almost identical to this bill that passed both bodies and was vetoed by the chief executive. I don't think that we should be playing chicken. I think that if we look at the issue and the law, we would realize we are not doing what is right by federal standards. This law would not be in agreement with federal law. The National Labor Relations Board preempts state law. The National Labor Relations Board says they preempt this sort of legislation and, therefore, this is unconstitutional. We had a member of the Attorney General's Office that came and spoke to the committee and told us it would be very, very likely that it would be unconstitutional if challenged in court. I would submit to you that we are playing a cruel hoax on any business to think that they are protected by a law that is unconstitutional. The other consequence would be that it would be very expensive to the State of Maine to pass this law, having challenged in the

court, then have a ruling that we had passed an unconstitutional law. It happened in Massachusetts. I think the decision was in favor of the plaintiff to the tune of about \$10 million, if I remember correctly. We are playing a dangerous game with this piece of legislation. I would urge you to not accept the report and vote against the motion that is on the floor.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Scarborough, Representative Clough.

Representative **CLOUGH**: Madam Speaker, May I pose a question through the Chair?

The SPEAKER PRO TEM: The Representative may pose his question.

Representative **CLOUGH**: Madam Speaker, Men and Women of the House. There are a number of organizations throughout the state that provide temporary workers on an as needed basis. For the purpose of this bill, would those companies be considered strikebreakers if they had provided more than the certain number of workers twice in 20 years?

The SPEAKER PRO TEM: The Representative from Scarborough, Representative Clough has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Standish, Representative Mack.

Representative **MACK**: Madam Speaker, Right Honorable Men and Women of the House. To answer the right honorable Representative's question, yes, any temporary service company or any company that would provide temporary or any workers if in the last 20 years on more than two occasions supplied 10 or more employees, they would not be allowed to supply workers to keep the business running.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Winslow, Representative Matthews.

Representative **MATTHEWS**: Madam Speaker, Men and Women of the House. To answer the question, they would be in violation if they were providing strikebreakers. Strikebreakers, those people that come in to permanently take the job of Maine workers. Strikebreaker legislation has been around here for a while, ladies and gentlemen, I was very proud to sponsor it when I was a member of the other body. At that time we heard many of the same arguments, but, you know, ladies and gentlemen, when an issue is right, it is the right thing to do, you have to stand up and stand at that plate and take that pitch and do the right thing, you do it and you keep doing it. We have a tradition in Maine of not giving up. What happened, as an example in Jay, was an injustice and an unfairness recognized by members of the Congress. At that time we were for strikebreaker protection for Maine workers in Maine nearly six or eight years ago. Ladies and gentlemen, the Congress was looking toward Maine for some guidance. As far as the court challenge and the unconstitutionality, ladies and gentlemen, under the system that we have, we have a State Legislature and State Court System. We are allowed to make decisions in Maine to protect Maine workers. If that means that we have to go to the Supreme Court and defend the fact that we don't want out of state strikebreakers taking jobs from Maine workers, then I will stand there before the court. I know many members of this House would do the same. It is the right thing to do.

I think the good Representative from Jay, Representative Samson, has crafted a good language in this bill. I am not so sure I buy the arguments of our Attorney General, who I have a great deal of respect for and the members of his office. I think

we should do the right thing and formulate our case. I think the Maine people support it also. Thank you Madam Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Arundel, Representative Daigle.

Representative **DAIGLE**: Madam Speaker, Ladies and Gentlemen of the House. I look at this basic issue as one very similar to the debate we are currently having over public lands where every single one of us agree to that that particular area of policy. We believe in a willing buyer and a willing seller. In the area of employment, what we have here is a willing buyer over the company and the willing seller being the union. This bill attempts to change that. It is trying to force companies to prevent a strike because it prohibits their ability to operate. I would like to point to a specific part within this bill to illustrate what I am saying. In the bill, section 857, special maintenance workers employed by the seller or manufacturer of the equipment maintained or a person who had performed the maintenance work on the equipment before the beginning of the labor dispute, strike or lockout. This is an exemption.

Many years ago, shortly after leaving the military, I was a member of management with a company in Illinois that went on a strike. We had to work that plant and keep that plant opened so that we would maintain our market share. It was miserable. We hated it. I wanted the strike to end more than most people and bring our workers back. Our workers knew that because they wanted to get back to work, but we had a labor dispute to solve. One thing we could not do in management is we could not run the boiler. It is against the law to operate a steam plant in this state and the state I was in, without a license. In that case, we had to contract with a firm to provide a boiler operator. This exemption, for example, allows maintenance workers employed by the seller or manufacturer to be maintained. The boiler operator wasn't employed by the owner of the boiler. We own the boiler. This exemption requires that operator to be somebody who was working on the equipment before the strike. We had a union member of maintenance running the boiler before the strike. I cannot apply this exemption to this situation. Any manufacturing operation in the state requires a licensed boiler operator cannot apply for this exemption, it cannot operate. In this situation you are shutting them down. This means the union has the control to lock it up and you don't have steam. You are not going to ask that plant to violate the law to run that boiler without a licensed operator, are you?

This is an example, if you want to pass a bill saying that if you go on strike, you shut the gate and give the keys over to the union. Put out legislation that says that. This is essentially the same thing, but you are not choosing those words. That is the intent. You have to defeat this bill to leave that fair parity between the rights of the union and the rights of the employer to be sustained.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Standish, Representative Mack.

Representative **MACK**: Madam Speaker, Right Honorable Men and Women of the House. I urge your vote against the pending motion. First of all, like the right honorable Representative from Carmel, Representative Treadwell, has said, this is preempted by federal law. Even if we pass it, it would not do anything. The National Labor Relations Board sets up a delicate balance between employees and employers. Employees have the ability to strike, but not to shut down the business in doing it. As the good Representative said, this would put a cruel hoax on the employees. The employees may be

under the impression that there is a law on the books to protect them if they strike. In essence, they could strike and have no protection because this law is unconstitutional. The Attorney General and many Supreme Court rulings have all ruled this to be unconstitutional. It would cost the state hundreds of thousands of dollars to bring this through the courts and possibly even millions, like the case in Boston the good Representative suggested we would have to pay the employers back penalties for what happened. Besides being unconstitutional, this is bad legislation. This is a push button strike bill. Everyone believes the union should be able to strike. Striking should not mean shutting down a business. This would give union bosses the ability to strike and shutdown a business at the push of a button. That is a lot more power than they should have and a lot more power than the National Labor Relations Board has set up for them with that delicate balance they have in the law. This leaves employers a stark choice, give in to union bosses every demand, or shut down their business. Like the right honorable Representative from Arundel, Representative Daigle has said, in many cases it is hard to get replacements to keep the company going. For many large employers, they must look beyond the immediate area to get workers. They can't just put in a little newspaper ad, not only to get qualified people, but in some cases to get licensed people, people who are legally able to operate the equipment. This is bad legislation. I urge your vote against the pending motion.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Dixfield, Representative Bryant.

Representative **BRYANT**: Madam Speaker, Ladies and Gentlemen of the House. I rise today to urge you to support the pending motion. Just to lay a few facts out on the table to Representative Daigle's point on section 4 on exemptions. He needs to read the whole bottom part of that. The whole bottom part of that allows the company to operate the facility if they prove it is going to cause them harm or shut them down. That is clear. That is why you have an exemption. The point that the good Representative from Carmel, Representative Treadwell, if you think anybody is playing chicken here, he is mistaken. There is nothing here. This is a serious matter. It is beholden upon us to make sure that we have some type of protection for our people in the State of Maine. That is all we are asking for here. I would encourage you to accept the pending motion. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Falmouth, Representative Davis.

Representative **DAVIS**: Madam Speaker, Men and Women of the House. This is a very emotional issue, obviously, but we should ask ourselves what happened in Jay in 1987. Was it right? Was it a good thing to happen? Was it a good thing for Maine? It was not a good thing for Maine. There were three strikebreaker bills. This is narrow in scope as I read it. It only bans professional strikebreakers. A company that moved around the country. Some of the same people that showed up in Jay, Maine, in 1987 were strikebreakers at a company in 1983 in Arizona. I would urge you to think about this. I know there are a lot of problems or emotion to it, but I don't think Maine people are this way. I think we are fairer. We believe in collective bargaining, both parties.

I would like to end by posing a question to the chair. For anybody who would like to answer, what would happen if General Dynamics/Bath Iron Works, decided they wanted to break the union at Bath. Could that be done?

The **SPEAKER PRO TEM**: The Representative from Falmouth, Representative Davis has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Standish, Representative Mack.

Representative **MACK**: Mr. Speaker, Right Honorable Men and Women of the House. To answer the right honorable Representative from Falmouth's question, no. No company is allowed to just go in and break a union. The National Labor Relations Board has very specific criteria to allow union organizing. The only way a union could be disbanded would be if a majority of the workers, under an election by the National Labor Relations Board, voted not to have a union. Otherwise, the union would have to stay.

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

Representative **BERRY**: Madam Speaker, Men and Women of the House. I was going to sit quietly in my seat today. After the last comments, I guess I can show you a case where that is not true. The employees in the plant at International Paper in Jay were replaced, permanently replaced. The employees there filed for a decertification election. The strikers don't get a vote after a year. Did you know that? You can break a union. I would say that people on the outside said that that was a violent strike in Jay. I will tell you. It wasn't. We held a lot of people back from doing some awful bad things, I will tell you. If General Dynamics was to go after the union, good luck.

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

Representative **HATCH**: Mr. Speaker, Ladies and Gentlemen of the House. I rise today and I am proud to say that in the last few years I have voted on this strikebreaker legislation. I have voted yes every time it has come up. This is an emotional issue for many of us, having gone back for many years. I remember a strike at the mill in Lincoln, Maine. My husband was employed there. The strike was resolved in a few days. The workers went back to work. The company continued to make money. They are still there. It took a strike. It took the men to walk out to get them all to the table again. That company has paid the wages of many people in that area for a long time. When my husband went to Old Town to work at a paper mill, they went on strike. It lasted about a week and a half. The problems were resolved. The company is making money today and so are the employees. In 1982, my husband went to work for S.D. Warren, currently SAPP. They, too, were negotiating a contract and couldn't come to a resolution. They went out on strike and the strike lasted less than a week. Within three or four days, they had a contract and went back to work. We talk about fair balance. People can strike or people can be replaced.

When a strike happens and they sit down at a table and they negotiate, that is a fine thing. When the company, even before they get to their point, starts moving in trailers and replacement workers, before the workers have even gone on strike, that is wrong. That is absolutely wrong. This is an emotional issue for many of us. My former seat mate gave us an opinion on this four years ago. He sat in the back of this House, Seat 149, prior to being the Attorney General, and when he gave us the opinion, I met him afterward. I said that I didn't really care for his opinion. He said to remember that it is only an opinion. Everyone has one. When I hear people who say that we can't do things because the federal government tells us we can't, I get a

little bit like the people who own some land in the north. I want to say, no restrictions.

You gave us a right and it is up to us to govern ourselves. In this chamber today, we have some members who were in Jay, Maine, who are personal friends. You may think I only show up when there is a strike. I spent many, many weeks over there at their weekly meetings during that strike. I can honestly tell you folks when the company commits to not talking at all, moves in workers, it devastates a community for years. Family against family. Brother and sister against each other. You can't even imagine the devastation that it causes. I don't want it to happen in my town and I don't want it to happen in yours. We still have a lot of good industries in this state. You may have relatives who work there. No, I can't control what happens on the second floor, but I can honestly make a point on this floor on one end of this body. I can tell you that it is not right. It is not a good idea that anyone can be replaced as a Maine worker in this state simply because they have a disagreement. If you can't sit down at the table, how can you sit down and work through things? I think that this is a very narrow bill. It is not the same bill that was before us two years ago as amended. I think it strikes for the heart. I have never been one to sit back. I have always been in the front line. I ask for your support on this bill. I think it is good. I think that we should give it an Ought to Pass. Thank you.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Auburn, Representative Bolduc.

Representative **BOLDUC**: Mr. Speaker, Ladies and Gentlemen of the House. I rise today in strong support of this bill. I firmly believe that we are morally bound to evaluate social practices that define normality and are required to pursue the change of unjust laws and immoral practices. With this in mind, I would like to put to rest some of the arguments that will be made by opponents today on this particular bill. Opponents will cite that the decisions of the Judicial Branch of government will make our efforts null and void, or that the Executive is not supportive of this bill, or that the Attorney General's opinions are not particularly supportive of this bill. That is a very defeatist and unhealthy attitude in this body. I would put forth that this defeatist attitude is irrelevant to the arguments in the bill. The fact of the matter is, court opinions in this country can and have been changed many times in the face of unjust laws. All one has to do is look at our history and note that, for example, in the early 1800s, dozens of cases came before the Supreme Court of the United States, which upheld human bondage. Just a few years later, in 1862, Abraham Lincoln signed the Emancipation Proclamation.

The Legislative Branch is the forum for public opinion on the issues of the day. This body and its action can and have, in the past, had a positive effect on changing the court opinions of the state and of the federal government. We see this same defeatist attitude stand in the way of many of the most important social pieces of legislation that have occurred in this century, which have had a positive effect. We saw it in the beginning of the century with the child labor laws and the opponents to those laws and court opinions that adversely affected those movements. We saw it again later on in that century with a lot of the new deal reform from Franklin Roosevelt's administration that took place. Once again, in spite of the fact that the Judicial Branch of Government gave a lot of those bills and pieces of legislation an adverse opinion, they were passed. Now, for instance, social security, which is the bedrock, what we consider to be the mainstream bedrock of a decent society and how we

treat people in old age and people who are sick. We can have a positive impact and we and we can begin to change the perceptions that the Judiciary Branch of government puts forth.

I dare not waste much time on the moral arguments of this bill. They are very clear. All one must do is look at the parties involvement and the effects that it has had on our community in the state and the countless injustices that this state and its citizens have bared in the name of business. I respectfully urge my colleagues to send a very clear message to the nation that Maine will not tolerate such injustices. This Legislature will not be intimidated by very powerful interests groups. I think the wishes of the people have been very clear with the election results of both branches of the Legislature this November in their desire to see the causes in which certain members in this room believe in and are put forth in spite of the Judiciary and in spite of the Chief Executive.

Finally, I challenge the opposition to think very clearly about the moral implications of this bill. It empowers those individuals who contribute their life's energy and endeavor of which they deserve to have a certain amount of control and influence over. I would reiterate the words of the Council of Maine's Churches. The economy exists for the betterment of the individual. The individual does not exist to be taken advantage of as a result of the economy. Thank you very much.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Carmel, Representative Treadwell.

Representative **TREADWELL**: Madam Speaker, Ladies and Gentlemen of the House. I would like to reiterate again, without repeating myself. This legislation has been challenged in the courts of several states. It has not survived a single challenge. I would compare this to trying to stop a runaway train by laying down on the track. It isn't going to accomplish the job. The penalty is pretty severe. I would encourage you not to vote in favor of the pending motion.

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

Representative **SAMSON**: Madam Speaker, Men and Women of the House. I will repeat what I have said in the past as far as what we do in the Legislature. There was a good lesson that was told to all us freshman in the 117th Legislature by then speaker, Dan Gwadosky. He said, "As Representatives in this House, we are not to worry about what the other body will do, what the Executive will do or what the Attorney General's opinions may be. We are here to enact legislation that is beneficial to the people we represent."

I put this bill in. I put it in last session. I will tell you why I put this legislation in. I live in the Town of Jay. I worked in the IP mill for 22 years. I saw the devastation that was brought upon the town and the people surrounding it by professional strikebreakers. It was the first time in 65 years that there was a strike in that community. The strike previous to that was in 1921 when International Paper Company permanently replaced all its workers throughout the country. Maybe we were naïve in going on strike, but the union bosses didn't call the strike. Let me tell you who the union bosses are, the union bosses are each individual member that has a vote. I work for a union. I work for the 320,000 members we have. They are the bosses. When you hear union bosses, realize it is each individual union member. We didn't see the warning signs about a year or a year and a half before the strike before our contract ended. The company, for the first time since its existence, put up a fence around the whole property.

A year before the contract ended, they brought in a Birmingham, Alabama construction company called BNK. They came into the mill and did a small boiler job. They brought in their top of the line maintenance people to scope out the place. Before we ever went out on strike, they had literally hundreds of out of state workers in the plant ready to take our jobs, permanently replace the workers. This bill does not prohibit permanent replacement workers. It does not prohibit replacing workers. What it does is it puts a crimp on companies that professionally break strikes. They bust unions. They enjoy doing that. This company is one of them. They have a history all over the country of doing this kind of work.

Before I left the mill on a Sunday morning, they were installing trailers. There were 60 trailers literally yards from the pulp mill where they were going to house 10 workers per trailer. Those workers all came from out of state. They roam the country. I am not calling them this. They call themselves gypsies. They go from community to community. Some love to break strikes. Some do it because they need to earn a living. They come into your community. They take over your communities workers jobs. They did that very effectively in the Town of Jay. Within a matter of a couple of weeks, we weren't negotiating a contract. I wasn't on the committee, by the way, but as a union we were trying to negotiate our jobs back within just a couple of weeks. This was done with the help of professional strikebreakers.

I will relate one story. It happened to be on Labor Day. A worker drove all the way from Louisiana in his rattletrap car. He was probably in his late 20s. His wife was probably close to 40. She seemed much older than he was. He was offered a job by BNK in Louisiana. It was a welding job for \$12 an hour. When he got to the gate he saw a picket line. He didn't want to cross the picket line. He didn't want to shame his family. He came to the union hall. The workers that had been out of work for a year and a half chipped in and got him enough money so he could get a hotel room for the night for him and his wife. The worker didn't know what to do. He reminded me of a seaman that got banged on the head in a bar, thrown on a sloop and when he woke up, he was dozens of miles out to sea. This worker didn't have enough money to get back home. They had given him just enough money to get to Jay, Maine. They never told him it was a strike. They never told him he was going to be a strikebreaker. One of the men who had been out of work for a long time offered him his job as a welder in a wood mill where there was a shut down. The job paid much more than that \$12 an hour. The member of the union knew that fellow needed a job, but he gave it to this guy because he felt sorry for him. This is the kind of business these professional strikebreakers are in. I will always remember this young man that came to the union hall that day, until the day I die.

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

Representative **DUNLAP**: Madam Speaker, Men and Women of the House. There is an element to this debate which has been alluded to, but I don't think has been spelled out, which is also the crux of the argument before us. My good friend from Arundel, Representative Daigle, pointed out that there is a social contract between an employer and the bargaining unit, the union. I think that what this bill does, what it addresses is a situation that can exist if left unaddressed, we allow those industries to hold this possibility as a weapon against the social fabric of the

communities that nurture them. I think to allow this is negligence of the blackest type. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from North Berwick, Representative MacDougall.

Representative **MACDOUGALL**: Madam Speaker, Ladies and Gentlemen of the House. One aspect of the debate that I don't think has come up and I will attempt to share my thoughts on it. Federal law that has been in place for many, many years here, as has been mentioned, strikes a balance between the right to strike with the business to be able to function and run. Basically to debate today about management and labor. This balance beam, the tightrope of balance that is so important and why the law has worked, has greatly decreased the number of strikes. Replacing workers is not some kind of wonderful positive thing to do. What a company or a business is attempting to do by running their business is something very important. It is fulfilling a responsibility to customers. The customer hasn't even been part of this debate today. An earlier speaker talked about what kind of message are we sending if we don't pass this bill. I submit to you that the message we send out to certainly the business community or any business planning to locate here in Maine. That is one thing. Maine businesses have customers within the state and outside the state. In the case of a paper mill, I work at a commercial printer and I can assure you that our customers are expecting for us to get their magazines or newspaper inserts in the mail or in the newspaper on time. If you don't make that date, it is a useless promotion. You are talking sometimes \$2 million, \$3 million or \$4 million for this project. Having paper delivered on time at the quality it needs to be at the high speeds and have the printability it needs to have is crucial. A company has to have workers that can produce a product to fulfill the ultimate needs because those customers are the ones who pay the salaries and the bills and so forth and so on. Someone mentioned something about interest groups. I submit to you the most important interest group in this debate is the customer. The federal law and the balance that that permits allows Maine businesses to fulfill their moral obligations to their customers. Quality and quantity have to be maintained. If this law were to pass, a law that has been indicated, overturned in other states, every time it has been tried, I think it would send an incredibility bad message to customers. That is not good for the working families of Maine. Thank you.

Representative **MATTHEWS** of Winslow **REQUESTED** that the Clerk **READ** the Committee Report.

The Clerk **READ** the Committee Report in its entirety.

The Chair ordered a division on the motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

Representative **CLARK** of Millinocket **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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

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

ROLL CALL NO. 173

YEA - Ahearn, Bagley, Baker, Belanger, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bryant, Bull, Cameron, Carr, Chick, Chizmar, Clark, Colwell, Cote, Cowger, Davidson, Davis, Desmond, Dudley, Dugay, Dunlap, Duplessie, Etnier, Fisher, Frechette, Fuller, Gagne, Gagnon, Gerry, Goodwin, Green,

Hatch, Honey, Jabar, Jacobs, Kane, LaVerdiere, Lemoine, Madore, Mailhot, Martin, Matthews, Mayo, McDonough, McGlocklin, McKee, Mitchell, Muse, Norbert, O'Brien LL, O'Neal, O'Neil, Perkins, Pieh, Povich, Powers, Quint, Richard, Richardson J, Rines, Rosen, Samson, Sanborn, Savage W, Saxl JW, Saxl MV, Shiah, Sirois, Skoglund, Stanley, Stevens, Sullivan, Tessier, Thompson, Townsend, Tracy, Tripp, Tuttle, Twomey, Usher, Volenik, Watson, Wheeler GJ, Williams, Mr. Speaker.

NAY - Andrews, Berry DP, Bowles, Bragdon, Bruno, Buck, Bumps, Campbell, Cianchette, Clough, Collins, Cross, Daigle, Duncan, Foster, Gillis, Glynn, Gooley, Heidrich, Jodrey, Jones, Joy, Kasprzak, Kneeland, Labrecque, Lindahl, Lovett, MacDougall, Mack, Marvin, McAlevey, McKenney, McNeil, Mendros, Murphy E, Murphy T, Nass, Nutting, O'Brien JA, Peavey, Pinkham, Plowman, Richardson E, Savage C, Schneider, Sherman, Shields, Shorey, Snowe-Mello, Stanwood, Stedman, Tobin D, Tobin J, Trahan, Treadwell, True, Waterhouse, Weston, Wheeler EM, Winsor.

ABSENT - Lemont, Perry.

Yes, 89; No, 60; Absent, 2; Excused, 0.

89 having voted in the affirmative and 60 voted in the negative, with 2 being absent, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. Committee Amendment "**A**" (**H-484**) was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Thursday, May 13, 1999.

The Speaker resumed the Chair.

The House was called to order by the Speaker.

HOUSE DIVIDED REPORT - Majority (11) Ought to Pass as Amended by Committee Amendment "A" (H-487) - Minority (2) Ought Not to Pass - Committee on LEGAL AND VETERANS AFFAIRS on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Require Signatures from All Counties on Direct Initiative Petitions

(H.P. 1020) (L.D. 1431)

TABLED - May 10, 1999 (Till Later Today) by Representative **TUTTLE** of Sanford.

PENDING - Motion of same Representative to ACCEPT the Majority OUGHT TO PASS AS AMENDED Report.

Representative **WATERHOUSE** of Bridgton **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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

On motion of Representative **LEMOINE** of Old Orchard Beach, **TABLED** pending the motion of Representative **TUTTLE** of Sanford to **ACCEPT** the Majority **Ought to Pass as Amended** Report and later today assigned. (Roll Call Ordered)

HOUSE DIVIDED REPORT - Majority (9) Ought to Pass as Amended by Committee Amendment "A" (H-481) - Minority (4) Ought Not to Pass - Committee on NATURAL RESOURCES on Bill "An Act to Allow Cutting of Trees in the Shoreland Zone Under Certain Conditions"

(H.P. 1036) (L.D. 1458)