

# MAINE STATE LEGISLATURE

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# LEGISLATIVE RECORD

OF THE

**One Hundred And Fourteenth Legislature**

OF THE

**State Of Maine**

**VOLUME V**

**SECOND REGULAR SESSION**

March 20, 1990 to April 14, 1990

Index

**HOUSE & SENATE LEGISLATIVE SENTIMENTS**

December 7, 1988 to April 14, 1990

fact fly in the face of what we have been trying to do. If you take a worker and train him, he is not presently employed, employed by that employer, he becomes ineligible unless he proves he is well beyond the capabilities of the existing employee. In other words, if I have a company and if I want to expand, I have to take my present employee, as long as he can be equally trained anew and have him compete against somebody who has gone through the STAR Program, the ASPIRE Program or something else, we are trying to uplift the aspirations of people.

This bill, as presented before this chamber, I say will dash those aspirations.

The SPEAKER: The Chair recognizes the Representative from Madawaska, Representative McHenry.

Representative MCHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I was, and still am, a great supporter of ASPIRE and the STAR Program. The people who are trained under this program should not be replacing people who are already employed by the employer. I believe that the person who is already employed by that employer should remain on that job and, if he or she needs additional training, they should get it. Why should we train people and displace other people into a market? It isn't right.

Mr. Speaker, I ask for the yeas and nays.

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

Representative CLARK: Mr. Speaker, Men and Women of the House: I guess I am one of those people who don't believe in labor, I am the cosponsor of the bill as well as the President of the Senate and the Speaker of the House. I cosponsored this bill mainly because of what has been going on in the state and the only reason I cosponsored it was to protect the worker himself. When we put this bill in, the main objective was to help the worker to see that he could get back to work for the people he was working for. The only thing we are asking is, if you receive any kind of subsidy from the state whatsoever, that you ought to look at the worker who worked for you first. This is the worker who worked for you probably 10, 15, 20 years. What is wrong with bringing this guy back to work for you if he can do the work? That is what we are looking for. If the worker worked for you and he can do the job and he can be retrained and put back to work, there is nothing wrong with taking care of the guy that worked for you over the years. Why not take care of the guy that works in the State of Maine? There is nothing wrong with that. When you vote, I hope you do vote to override the motion pending here today and give us a chance to vote for this bill.

The SPEAKER: The Chair recognizes the Representative from Sanford, Representative Hale.

Representative HALE: Mr. Speaker, Ladies and Gentlemen of the House: I would like to address a few remarks from my good colleague from Brewer, Representative Ruhlin.

As far as replacing and making positions available or not making positions available by utilizing the retraining program, that is totally untrue. The purpose of this bill, as I read it and as many of you have heard from the cosponsor, is to give the opportunity to existing employees to advance in the company that they have spent years working for. While they advance, this opens up a position for a person that has gone through a retraining program to give them marketable skills. That is how STAR and all of the other ASPIRE programs work so that they have skills to enter the work force. This bill is not meant to deny them that. I hope that you will vote against the motion on the floor.

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 the members present and voting. 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 pending question before the House is the motion of Representative Ruhlin that the Bill and all accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 241

YEA - Aikman, Aliberti, Allen, Anderson, Anthony, Ault, Bailey, Begley, Bell, Boutillier, Brewer, Butland, Carroll, J.; Coles, Constantine, Crowley, Curran, Dellert, Dexter, DePietro, Donald, Duffy, Farnum, Farren, Foss, Foster, Garland, Gould, R. A.; Greenlaw, Hanley, Hastings, Hepburn, Hickey, Higgins, Hussey, Hutchins, Jackson, Jacques, Jalbert, Kilkelly, Lawrence, Lebowitz, Libby, Look, Lord, MacBride, Manning, Marsano, Marsh, McCormick, McPherson, Merrill, Moholland, Murphy, Nadeau, G. G.; Nadeau, G. R.; Norton, Nutting, O'Gara, Paradis, E.; Parent, Pendleton, Pines, Plourde, Reed, Richards, Ridley, Rotondi, Ruhlin, Seavey, Sheltra, Skoglund, Small, Smith, Stevens, A.; Stevens, P.; Stevenson, Strout, B.; Strout, D.; Tardy, Telow, Tupper, Walker, Webster, M.; Wentworth, Whitcomb.

NAY - Adams, Burke, Cahill, M.; Carroll, D.; Carter, Cashman, Cathcart, Chonko, Clark, H.; Clark, M.; Conley, Cote, Daggett, Dore, Dutremble, L.; Erwin, P.; Farnsworth, Graham, Gurney, Gwadosky, Hale, Handy, Heeschen, Hichborn, Hognlund, Holt, Joseph, Ketover, LaPointe, Lisnik, Luther, Macomber, Mahany, Martin, H.; Mayo, McGowan, McHenry, McKeen, McSweeney, Melendy, Michaud, Mills, Mitchell, O'Dea, Oliver, Paradis, J.; Paradis, P.; Paul, Pederson, Pineau, Pouliot, Priest, Rand, Richard, Rolde, Rydell, Swazey, Tammara, Tracy, The Speaker.

ABSENT - Larrivee, Marston, Simpson, Townsend.

Yes, 86; No, 60; Absent, 4; Vacant, 1; Paired, 0; Excused, 0.

86 having voted in the affirmative, 60 in the negative, with 4 being absent and 1 vacant, the motion did prevail. Sent up for concurrence.

The Chair laid before the House the following matter: Bill "An Act to Correct Errors and Inconsistencies in the Laws of Maine" (EMERGENCY) (S.P. 927) (L.D. 2345) (C. "A" S-682) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

On motion of Representative Michaud of East Millinocket, the House reconsidered its action whereby Committee Amendment "A" (S-682) was adopted.

The same Representative offered House Amendment "A" (H-1104) to Committee Amendment "A" (S-682) and moved its adoption.

House Amendment "A" (H-1104) to Committee Amendment "A" (S-682) was read by the Clerk and adopted.

Representative Priest of Brunswick offered House Amendment "B" (H-1106) to Committee Amendment "A" (S-682) and moved its adoption.

House Amendment "B" (H-1106) to Committee Amendment "A" (S-682) was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Brunswick, Representative Priest.

Representative PRIEST: Mr. Speaker, Men and Women of the House: The purpose of this amendment is

to ensure that realtors are not included in the definition of mobile home dealers. The way that the bill was written included realtors in the definition of mobile home dealers, that was not the committee's intent, it was an error in the way it was written. Therefore, we want to correct that error so that realtors are not included within this definition. To that point, it carries out the unanimous wish of the Legal Affairs Committee and I urge you to adopt it.

Subsequently, House Amendment "B" (H-1106) to Committee Amendment "A" (S-682) was adopted.

Representative Jacques of Waterville offered House Amendment "C" (H-1107) to Committee Amendment "A" (S-682) and moved its adoption.

House Amendment "C" (H-1107) to Committee Amendment "A" (S-682) was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Presque Isle, Representative MacBride.

Representative MACBRIDE: Mr. Speaker, Men and Women of the House: I just came in from the Judiciary hearing, I have not seen this amendment until this moment but I do understand that this is a substantive amendment, that it is just not a technical amendment. I don't know if it is or not. I would like to have some explanation of this and discussion before we proceed with it.

Subsequently, House Amendment "C" (H-1107) to Committee Amendment "A" (S-682) was adopted.

Representative Paradis of Augusta offered House Amendment "D" (H-1108) to Committee Amendment "A" (S-682) and moved its adoption.

House Amendment "D" (H-1108) to Committee Amendment "A" (S-682) was read by the Clerk and adopted.

On motion of Representative Higgins of Scarborough, the House reconsidered its action whereby House Amendment "C" (H-1107) was adopted.

The SPEAKER: The Chair recognizes the Representative from Scarborough, Representative Higgins.

Representative HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I came in late as well and I didn't hear an explanation to House Amendment "C" and I would hope that someone might provide that to us.

The SPEAKER: The Chair recognizes the Representative from Presque Isle, Representative MacBride.

Representative MACBRIDE: Mr. Speaker, may I pose a question through the Chair?

I wonder if Representative Jacques could please explain what this amendment is that he is putting on to the Errors and Inconsistencies Bill.

The SPEAKER: Representative MacBride of Presque Isle has posed a question through the Chair to Representative Jacques of Waterville who may respond if he so desires.

The Chair recognizes that Representative.

Representative JACQUES: Mr. Speaker, Men and Women of the House: What this amendment does is put back into the law a little part of Maine's history that was called Misery Gore that was somehow taken out of Maine State Statute's last year and I think with very little consideration toward Maine history and Maine tradition. I have to believe that it was a mistake when we did it because it is so blatant and unbelievable to me that we would do that. When I found out about it, it was too late. Somehow or other, it had gotten by. The people up there were outraged because no one ever gave them any consideration. I had to believe it was a mistake, it was an error, and I am trying to rectify that error and put some of Maine history and Maine tradition back.

The SPEAKER: The Chair recognizes the Representative from Presque Isle, Representative MacBride.

Representative MACBRIDE: I still don't know if this is a substantive amendment or not. I have worked with the Judiciary Committee for quite a number of years on the Errors and Inconsistencies Bill and we do try very hard to make sure that when this bill goes through it does not have substantive amendments to it. In other words, we are not writing a law, we are only trying to correct the law. I don't know if this is a substantive change or not, if the committee really intended to repeal this section concerning Misery/Sapling Gore or whether it did not. I wonder if there was someone else on the committee who was involved in this that could please explain this to me?

Mr. Speaker, I request a division.

The SPEAKER: The Chair recognizes the Representative from Paris, Representative Hanley.

Representative HANLEY: Mr. Speaker, I would like to pose a question to Representative Jacques or anyone on the committee that had dealt with this issue that got scraped off our history books. I was wondering what committee had dealt with this and what bill it got scraped off?

The SPEAKER: Representative Hanley of Paris has posed a question through the Chair to any member who may respond if they so desire.

The Chair recognizes the Representative from Wells, Representative Wentworth.

Representative WENTWORTH: Mr. Speaker, I would like to pose a question.

If this is wiping off something that was passed last year, would that not be a substantive change?

The SPEAKER: Representative Wentworth of Wells has posed a question through the Chair to any member who may respond if they so desire.

The Chair recognizes the Representative from Presque Isle, Representative MacBride.

Representative MACBRIDE: Mr. Speaker, I would like to pose a question through the Chair.

I would like to ask Representative Jacques if this is a substantive amendment?

The SPEAKER: Representative MacBride of Presque Isle has posed a question through the Chair to Representative Jacques of Waterville who may respond if he so desires.

The Chair recognizes that Representative.

Representative JACQUES: Mr. Speaker, Men and Women of the House: I don't believe it is since the committee that dealt with it has not got up to defend their action up until this time. I still believe it was a mistake to do away with over 200 years of history in the State of Maine and no one gave the people involved in Misery Gore any amount of consideration. That is my problem. I am trying to rectify a mistake but, Mr. Speaker, I withdraw my amendment.

Subsequently, House Amendment "C" (H-1107) was withdrawn.

Subsequently, Committee Amendment "A" (S-682) as amended by House Amendments "A" (H-1104), "B" (H-1106) and "D" (H-1108) thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" as amended by House Amendments "A", "B" and "D" thereto and sent up for concurrence.

By unanimous consent, all matters having been acted upon requiring Senate concurrence were ordered sent forthwith to the Senate.