

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD
OF THE
One Hundred And Thirteenth Legislature
OF THE
State Of Maine

VOLUME I
FIRST REGULAR SESSION
December 3, 1986 to May 22, 1987

Bill "An Act to Prohibit Vending Machine Sales of Cigarettes" (H.P. 163) (L.D. 204)
In House, Referred to the Committee on Human Resources on February 3, 1987.
In Senate, Referred to the Committee on Business Legislation in non-concurrence.
TABLED - February 9, 1987 (Till Later Today) by Representative DIAMOND of Bangor.
PENDING - Further Consideration.
The House voted to recede and concur.

(At Ease)

The House was called to order by the Speaker.

(Off Record Remarks)

On motion of Representative Cote of Auburn,
Adjourned until Wednesday, February 11, 1987, at nine o'clock in the morning.

STATE OF MAINE
ONE HUNDRED AND THIRTEENTH LEGISLATURE
FIRST REGULAR SESSION
JOURNAL OF THE SENATE

In Senate Chamber
Tuesday
February 10, 1987

Senate called to Order by the Secretary, Joy J. O'Brien.

The Secretary requested the Sergeant-At-Arms to escort the Senator from York, Senator DUTREMBLE to the Rostrum where he assumed the duties of President Pro Tem.

Senate called to order by the President Pro Tem.

Prayer by Reverend Nolan Leavitt of the Auburn Advent Christian Church in Auburn.

REVEREND LEAVITT: Let us pray together. Dear Lord, we give You thanksgiving and praise for this day that You have given to us. A day in which we will be called upon to make decisions. A day in which we have made decisions already, that have affected our lives in this day. Remind us of Your words to the one of the greatest leaders of all time, perhaps, that unless the Lord builds the house, they that labor, labor in vain. Unless the Lord keeps the city, the watchmen keeps awake in vain.

Lord, I pray for these men and women, that You have called very specially to this special task. I pray that You would help them through the pressures of this day, whether they be pressures at home or pressures here. Help them to bear the burden and give them the strength they need. The clarity of mind and understanding to make the correct decisions this day.

Help them to see through eyes that have been opened by the light of eternity, and to know that You will undergird them with those arms that are everlasting and so very strong. With the burdens of today, may the Lord give them the ability, wisdom and discernment beyond themselves. More importantly, wrap Your arms of love around them and keep them in Your care. We ask in Jesus name, Amen.

Reading of the Journal of Yesterday.

PAPERS FROM THE HOUSE
Non-concurrent Matter

Bill "An Act to Promote the Coordination of State Crime Prevention Programs for Juveniles"

H.P. 105 L.D. 115

Committee on LEGAL AFFAIRS suggested and ORDERED PRINTED.

In House, February 2, 1987, referred to the Joint Select Committee on CORRECTIONS and ORDERED PRINTED.

In Senate, February 4, 1987, referred to the Committee on LEGAL AFFAIRS and ORDERED PRINTED in NON-CONCURRENCE.

Comes from the House, that Body ADHERED.
The Senate RECEDED and CONCURRED.

House Papers

Bill "An Act to Increase State Revenue Sharing to 7% of Sales and Income Tax Receipts"

H.P. 202 L.D. 254

Bill "An Act Making an Appropriation to Fund the Development of Employer Supported Day Care"

H.P. 225 L.D. 293

Bill "An Act to Sustain Community Services for the Mentally Ill"

H.P. 233 L.D. 301

Bill "An Act to Fund Increased Insurance Costs, Children's Programs, Rural Outreach Programs and Minimal Standard Requirements in the 9 Member Agencies of the Maine Coalition for Family Crisis Services"

H.P. 234 L.D. 302

Come from the House referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED.

Which were referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED, in concurrence.

Bill "An Act to Require that Prescription Medicines Indicate the Purpose for Which the Medication is Prescribed"

H.P. 245 L.D. 315

Comes from the House referred to the Committee on BUSINESS LEGISLATION and ORDERED PRINTED.

Which was referred to the Committee on BUSINESS LEGISLATION and ORDERED PRINTED, in concurrence.

Bill "An Act to Establish the Deer Season"

H.P. 223 L.D. 291

Comes from the House referred to the Committee on FISHERIES AND WILDLIFE and ORDERED PRINTED.

Which was referred to the Committee on FISHERIES AND WILDLIFE and ORDERED PRINTED, in concurrence.

Bill "An Act to Alter the Makeup of the Maine Health Care Finance Commission"

H.P. 222 L.D. 290

Bill "An Act Concerning Smoking in Public"

H.P. 228 L.D. 296

Bill "An Act to Amend the Interpreter Law for Coverage in Medical and Paramedical Areas"

H.P. 247 L.D. 317

Come from the House referred to the Committee on HUMAN RESOURCES and ORDERED PRINTED.

Which were referred to the Committee on HUMAN RESOURCES and ORDERED PRINTED, in concurrence.

Bill "An Act to Permit a Juvenile to Waive the Protection of the Maine Juvenile Code"

H.P. 227 L.D. 295

Bill "An Act Concerning Good Time and Meritorious Good Time Relative to Parole Eligibility" (Emergency)

H.P. 231 L.D. 299

Bill "An Act to Simplify the Method of Enforcing Health Benefit Liens"

H.P. 241 L.D. 309

Come from the House referred to the Committee on JUDICIARY and ORDERED PRINTED.

Which were referred to the Committee on JUDICIARY and ORDERED PRINTED, in concurrence.

Bill "An Act to Remove the Requirement that Counties make Payments to the State for Support of the Supreme Judicial Court and Superior Courts"

H.P. 244 L.D. 314

Come from the House referred to the Committee on JUDICIARY and ORDERED PRINTED.

On motion by Senator PEARSON of Penobscot, referred to the Committee on APPROPRIATION AND FINANCIAL AFFAIRS and ORDERED PRINTED in NON-CONCURRENCE.

Sent down for concurrence.

Bill "An Act to Broaden Peer Review Immunity"

H.P. 226 L.D. 294

Committee on BUSINESS LEGISLATION suggested and ORDERED PRINTED.

Comes from the House referred to the Committee on JUDICIARY and ORDERED PRINTED.

Which was referred to the Committee on JUDICIARY and ORDERED PRINTED, in concurrence.

Bill "An Act to Enhance the Marketability of Titles"

H.P. 239 L.D. 307

Committee on TRANSPORTATION suggested and ORDERED PRINTED.

Comes from the House referred to the Committee on JUDICIARY and ORDERED PRINTED.

Which was referred to the Committee on JUDICIARY and ORDERED PRINTED, in concurrence.

Bill "An Act to Improve the Informal Conference Process for Workers' Compensation Claims" (Emergency)

H.P. 229 L.D. 297

Bill "An Act Relating to Interest on Workers' Compensation Awards"

H.P. 232 L.D. 300

Bill "An Act Relating to Trial Work Periods under the Workers' Compensation Act"

H.P. 237 L.D. 305

Come from the House referred to the Committee on LABOR and ORDERED PRINTED.

Which were referred to the Committee on LABOR and ORDERED PRINTED, in concurrence.

Resolve, to Compensate Dorothy Gammon of Portland

H.P. 235 L.D. 303

Committee on JUDICIARY suggested and ORDERED PRINTED.

Comes from the House referred to the Committee on LEGAL AFFAIRS and ORDERED PRINTED.

Which was referred to the Committee on LEGAL AFFAIRS and ORDERED PRINTED, in concurrence.

Bill "An Act Concerning the Use of County Facilities"

H.P. 224 L.D. 292

Bill "An Act to Abolish the Office of Energy Resources"

H.P. 238 L.D. 306

Bill "An Act to Extend the Sunset Date for Certain Statutes Regarding Harbor Masters" (Emergency)

H.P. 246 L.D. 316

Come from the House referred to the Committee on STATE AND LOCAL GOVERNMENT and ORDERED PRINTED.

Which were referred to the Committee on STATE AND LOCAL GOVERNMENT and ORDERED PRINTED, in concurrence.

Bill "An Act to Realign the Tax Laws of the State as They Relate to Telecommunications"

H.P. 230 L.D. 298

Comes from the House referred to the Committee on TAXATION and ORDERED PRINTED.

Which was referred to the Committee on TAXATION and ORDERED PRINTED, in concurrence.

Bill "An Act to Reduce the Incidence of Motor Vehicle Accidents among Maine's Young Drivers"

H.P. 236 L.D. 304

Bill "An Act to Amend the Maine Turnpike Authority Act"

H.P. 240 L.D. 308

Come from the House referred to the Committee on TRANSPORTATION and ORDERED PRINTED.

Which were referred to the Committee on TRANSPORTATION and ORDERED PRINTED, in concurrence.

Bill "An Act to Fairly Apportion the Cost of New Water Utility Expansion"

H.P. 242 L.D. 310

Comes from the House referred to the Committee on UTILITIES and ORDERED PRINTED.

Which was referred to the Committee on UTILITIES and ORDERED PRINTED, in concurrence.

Study Report

Committee on BANKING AND INSURANCE

Report of the Committee on BANKING AND INSURANCE to which was referred by the Legislative Council the Study Relative to Enabling the Availability of Credit through Finance Companies in the State have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act to Enable the Availability of Credit through Finance Companies in the State"

H.P. 243 L.D. 311

Be referred to the Joint Standing Committee on BANKING AND INSURANCE for Public Hearing and printed pursuant to Joint Rule 19.

Comes from the House with the Report READ and ACCEPTED and the Bill referred to the Committee on BANKING AND INSURANCE and ORDERED PRINTED, pursuant to Joint Rule 19.

Which Report was READ and ACCEPTED, in concurrence.

The Bill referred to the Committee on BANKING AND INSURANCE and ORDERED PRINTED, pursuant to Joint Rule 19, in concurrence.

COMMUNICATIONS

The Following Communication:

SENATE OF MAINE
OFFICE OF THE PRESIDENT
AUGUSTA, MAINE 04333

February 5, 1987

Hon. Joy J. O'Brien
Secretary of the Senate
State House Station #3
Augusta, ME 04333

Dear Madam Secretary:

In my absence, pursuant to my authority under Senate Rule 1, I have appointed Senator Dennis Dutremble to serve as President Pro Tempore.

Sincerely,
S/Charles P. Pray

President of the Senate

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:

UNIVERSITY OF MAINE SYSTEM
107 MAINE AVENUE
BANGOR, MAINE 04401

February 6, 1987

The Honorable Charles P. Pray
President of the Senate
State of Maine

State House Station 3

Augusta, Maine 04333

The Honorable John L. Martin

Speaker of the House

State of Maine

State House Station 2

Augusta, Maine 04333

Dear President Pray and Speaker Martin:

I look forward to addressing a Joint Convention of the Maine Legislature on February 18th at 10:00 a.m.

Thanks very much for the invitation.

Sincerely,

S/Robert L. Woodbury

Chancellor

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:

MAINE STATE LEGISLATURE
BOARD OF COMMISSIONS
STATE HOUSE STATION 13
AUGUSTA, MAINE 04333

February 7, 1987

Senator Charles Pray, President of the Maine Senate

Representative John Martin, Speaker of the House

Dear Mr. President and Mr. Speaker:

The Board of Commissions, pursuant to P.L. 1985, Chapter 732, has completed its report with respect to state boards and commissions, and is submitting the report to the First Regular Session of the 113th Legislature as required by law. The Board hopes that the Legislature finds the report useful. The Board is willing to provide you with any additional information that you request.

Sincerely yours,

S/Senator Thomas Andrews
Chairperson, Board of
Commissions

Which was READ and with Accompanying Papers ORDERED PLACED ON FILE.

SENATE PAPERS

Bill "An Act to Help Farmers Reduce Their Electric Bills"

S.P. 120 L.D. 319

Presented by Senator MATTHEWS of Kennebec

Cosponsored by: Senator KERRY of York,
Representative TARDY of Palmyra, Representative
SHERBURNE of Dexter

Which was referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED.

Sent down for concurrence.

Bill "An Act Relating to the Review of Benefits under the Workers' Compensation Act"

S.P. 119 L.D. 318

Presented by Senator TWITCHELL of Oxford

Bill "An Act to Limit the Duplication of Benefits Under the Workers' Compensation Act"

S.P. 121 L.D. 320

Presented by Senator DOW of Kennebec

Which were referred to the Committee on LABOR and ORDERED PRINTED.

Sent down for concurrence.

ORDERS

Joint Resolution

On motion by Senator ANDREWS of Cumberland
(Cosponsored by: Representative CROWLEY of Stockton

Springs, Senator DUTREMBLE of York, Representative MCHENRY of Madawaska) the following Joint Resolution:
S.P. 122

JOINT RESOLUTION CALLING ON THE HEALTH-TEX CORPORATION TO SEEK ALTERNATIVES TO THE PROPOSED CLOSING OF HEALTH-TEX PLANTS IN MAINE

WHEREAS, Health-Tex, Inc., announced on January 29, 1987, that their factories in Portland, Brunswick and Gardiner, Maine, will be closed by March 31, 1987, resulting in the loss of over 1,000 jobs in this State; and

WHEREAS, Health-Tex, Inc., has diverted work from its Maine factories to other worksites, causing the great majority of employees at those factories to be laid off from their jobs and the remaining employees to be laid off soon; and

WHEREAS, Health-Tex, Inc., has maintained its factories in Maine for over 30 years and the workers in these factories have worked diligently and loyally for that period of time, helping to make Health-Tex, Inc.; America's largest manufacturer of children's clothes; and

WHEREAS, the closing of these plants will have a severe impact upon the dedicated workers at the Health-Tex plants, resulting in the loss of livelihood and income to those workers; and

WHEREAS, the closing of these plants will also have a severe impact upon Maine's economy, including an estimated loss of over \$33,500,000 from the State, which does not include other costs to the State, such as unemployment compensation, job relocation and training costs, welfare and other costs; and

WHEREAS, the State of Maine has recently begun an effort to improve its business climate, including the formation of a Joint Standing Committee on Economic Development and initiatives within the Executive Department; now, therefore, be it

RESOLVED: That the Legislature make all efforts possible to minimize or avoid the human and economic costs associated with the closing of the Health-Tex, Inc., plants, including:

1. Strongly urging the Health-Tex corporation to immediately supply work to the Maine plants in order to keep the plants open and operating while discussions between the company and the union continue;
2. Strongly urging the Health-Tex corporation to continue discussions with employee representatives to find alternatives to the planned closings; and
3. Meeting with representatives of the Health-Tex corporation, along with representatives of the Governor's office and the State's congressional delegation, in order to seek a mutually satisfactory solution to the companies and the employees' problems which will save Maine jobs and keep a valued employer in the State; and be it further

RESOLVED: That copies of this resolution be made available to the employees of the Health-Tex, Inc., plants and the corporate officers of Health-Tex, Inc. Which was READ.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Cumberland, Senator ANDREWS.

Senator ANDREWS Thank you, Mr. President. Mr President, Ladies and Gentlemen of the Senate. Yesterday morning at 9 o'clock, a group of Legislators met to discuss the situation facing over 1000 workers in Maine, as a result of the layoff of the workers from the Health-Tex Corporation, and their plants in Gardiner, Brunswick and Portland. The Joint Standing Committee on Economic Development and the Joint Standing Committee on Labor hosted this meeting. Not only were the members of those two

committees present, but several of you were also present, who were concerned about this situation.

We met with leaders of the Amalgamated Clothing and Textile Workers Union. We discussed the situation which they were facing, and we discussed options that we might take in order to help that situation. Also present were representatives from the Governor's Office.

What we came up with, at least as a first step, was this Joint Resolution which is before you this morning. It is not a Democratic resolution, it is not a Republican resolution, it is a resolution of both parties. It is a resolution of people who have been very concerned about this situation in which over 1000 of our citizens are confronting. If you will look at the resolution, you will see some of the basic underlying facts surrounding this situation. You will see that these workers have been functioning in these plants, some of them for the entire 30 year period, for Health-Tex has been operating in Maine for over 30 years, and it has been the skill and dedication of the workers of the plants which has made this company one of the largest manufacturers of children's apparel in the Country. You will also see reference to the severe impact that this sudden loss of jobs will create for those families and for those communities. You will also see that there is a broad impact in the State of Maine, in our economy, to the tune of thirty three million, five hundred thousand dollars, which does not include the cost to the State such as unemployment compensation, job relocation, training costs, welfare costs and other costs.

We resolve that the Health-Tex Corporation immediately supply work to the Maine plants in order to keep those plants alive while discussion between the company, union officials and the State officials can continue, to see what can be done to avert this potential catastrophe for these families and the communities.

We have a State law regulating the dislocation of plants and the impact that they may have on workers as a result of that dislocation. There is a time frame that we stipulate in that law, that requires plants to give notice to the workers and give notice to localities, and give notice to the State, so planning can be conducted to make certain that the transition from those jobs to other jobs, in job training and any other means to provide for these families and these communities, be taken. In fact, what is happening in these cases is that these workers, while the plants will officially close on March 31st, the vast majority of those workers are being laid off immediately.

So, at least the intent of the law, in providing for a transition position, and designing a program with steps that we can take to mitigate that the disastrous impact of the dislocations, the intent of that law is not able to be met because of this sudden loss of job to these workers. There are several questions about the legality of the move, but at the very least, we're not able to exercise our options as a State, and the unions and the communities are not able to exercise their options, under these circumstances.

First of all, we're asking them to keep those workers working, while we work diligently to create those options for the workers. We're asking them, secondly, to continue work discussions with union representatives. Discussions that have begun over the weekend, to see if there is any way possible that those two groups can come together. In this situation, ladies and gentlemen, the Amalgamated Textile Workers Union has been working with Health-Tex Corporation in Maine for the entire period

that they have been here. Throughout that period there has never been a strike. Throughout that period there has never been a major disagreement between those two parties. They have been a model of cooperation, labor and management working together to create decent working conditions and salaries, while creating a profit for the company. It is just simply baffling to those workers, that suddenly, without any negotiations, the company would announce that they were going to be leaving Maine. We're asking that the very least, those two sides sit down and discuss in the same spirit of cooperation, that they have sat down for the last 30 years, to see if something can be resolved.

Finally, we call upon our representatives from the Legislature, to sit down and meet with, not only the union representatives we met with yesterday, but representatives of the company, to see what options might be available, and what we can do to help to create some kind of resolve to this situation, if anything.

At least give us the opportunity to sit down and to talk. In that light, the Joint Standing Committee on Labor, and the Joint Standing Committee of Economic Development, both have equal shares in these talks for two reasons. Number 1: We would like to find out what it is and why this company is pulling out of Maine. What does that say about our economic climate in this State and our business climate in this State? What can we learn from the decisions and the underlying factors behind this decision? What can we learn about our State's economy and our economic development issues that will confront this Legislature? We want to find that out. It makes me think about a study that was done and that we talked about last year by MIT. A study that was conducted by a man named David Birch. He talked about the importance of the small business and how over ninety percent of our new jobs were created by small business. I just think about the fact that there are 1000 people whose lives are at stake, whose jobs are at stake, because of an out-of-state corporation, a board room in New York that shows up Maine and these workers show up as a little blip on a computer screen. The difference between that kind of a large industry and the catastrophic impact that it can have on so many workers and communities vs Maine based businesses, small businesses, in terms of economic stability. It gives us pause to reflect upon those economic development factors which may play a role in their decision to pull out and alternatives that we may have in economic policy.

Finally, we have the question of why Health-Tex is pulling out in the way that it is. What ramifications that may have for the law that we have on the books that try to prevent the catastrophes that these families are facing. If what they are doing is legal, perhaps the law is not strong enough. At the very least, we need to know why they are pulling out in the way that they are pulling out.

We heard from Governor McKernan's office yesterday, we met with representatives from the Governor's Office. Governor McKernan endorses this resolution, endorses the steps that we recommend taking. I understand that the Administration will be meeting with Health-Tex officials next week, and we look forward to joining the Administration in those talks. It is a situation that is very serious, both in the long term for our economic development climate and the short term for these workers. I simply want to say that for anyone who is interested, we will continue to keep you informed as two Committees, as concerned Legislators, and I hope you will join me in

adopting this resolution on this situation. Thank you very much.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Kennebec, Senator Kany.

Senator KANY: Thank you, Mr. President. I just rise in support of this resolution. Primarily, I wanted to share with you a thank you from the Waterville area delegation for the Maine Legislators' action two years when the Waterville area was threatened with almost 1000 job loss, when Keyes Fibre was considering moving out of the State.

It is for this reason, I wanted to speak on the Record. It was a very difficult time for those people in the Waterville area, who saw their jobs as threatened. This Legislature, along with Governor Brennan, at that time, was willing to consider a wide variety of ways of tempting to meet the companies' problems, with staying in this area. I think it is important to note that Brunswick, Gardiner and Portland people now face that same threat. So, we in the Waterville area will certainly do anything in our power to assist you, and I just wanted to say thank you very much, once again, for your action at that time.

Which was ADOPTED.

Sent down for concurrence.

COMMITTEE REPORTS

Senate

Leave to Withdraw

The following Leave to Withdraw Report shall be placed in the Legislative Files without further action pursuant to Rule 15 of the Joint Rules:

Bill "An Act to Clarify and Amend the Minimum Wage with Regard to Agriculture"

S.P. 24 L.D. 14

SECOND READERS

The Committee on Bills in the Second Reading reported the following:

House

Bill "An Act to Extend Immunity from Civil Liability for the Unlawful Cutting of Trees to Municipal Employees Acting within the Course and Scope of their Employment"

H.P. 26 L.D. 23

Which was READ A SECOND TIME and PASSED TO BE ENGROSSED, in concurrence.

ORDERS OF THE DAY

The Chair laid before the Senate the Tabled and Specially Assigned matter:

Bill "An Act to Continue the Pine Tree Partnership Fund Program"

H.P. 207 L.D. 259

Tabled - February 9, 1987, by Senator DUTREMBLE of York.

Pending - REFERENCE

(In House, February 5, 1987, referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED.)

On motion by Senator ANDREWS of Cumberland, referred to the Committee on ECONOMIC DEVELOPMENT and ORDERED PRINTED in NON-CONCURRENCE.

Sent down for concurrence.

On motion by Senator USHER of Cumberland, ADJOURNED until Wednesday, February 11, 1987, at 9:00 in the morning.