

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred And Sixteenth Legislature

OF THE

State Of Maine

VOLUME II

FIRST REGULAR SESSION

House of Representatives
May 17, 1993 to July 14, 1993

ONE HUNDRED AND SIXTEENTH MAINE LEGISLATURE
FIRST REGULAR SESSION
71st Legislative Day
Wednesday, June 23, 1993

Governor

Was read and ordered placed on file.

The accompanying Bill "An Act to Strengthen the Enforcement of the Code of Fair Practices" (H.P. 1032) (L.D. 1384).

On motion of Representative Gwadosky of Fairfield, tabled pending further consideration and later today assigned.

The House met according to adjournment and was called to order by the Speaker.

Prayer by Reverend Lionel G. Chouinard, St. Augustine Catholic Church, Augusta.

Pledge of Allegiance.

The Journal of Friday, June 18, 1993, was read and approved.

COMMUNICATIONS

The following Communication:

STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE 04333

June 18, 1993

To the Honorable Members of the 116th Legislature:

I am returning, without my signature or approval H.P. 1032, L.D. 1384, "An Act to Strengthen the Enforcement of the Code of Fair Practices." This proposed change in the requirements placed upon those private businesses who wish to do business with the State places an additional burden upon businesses, most particularly small businesses.

L.D. 1384 would require a contractor who successfully bids on a State contract in excess of \$50,000 to file a written affirmative action plan. Although current law requires all businesses who contract with the state in excess of \$50,000 to have such a plan, there is no requirement that these businesses submit such plans. To place this additional task on Maine businesses is burdensome and is a disincentive for private businesses, especially small businesses, to do business with the State. Viewed in isolation, the filing requirement proposed in this bill appears minimal. However, the cumulative burden adds another layer of bureaucracy, without a defined problem.

Additionally, there is no correlation between the requirement upon a specific employer of filing a written plan and any incident of violations of the affirmative action laws. This bill is not attempting to remedy an identified wrong, but instead is ambiguous and superfluous.

Furthermore, L.D. 1384 provides that these written plans be reviewed by the legislative committee of jurisdiction over judiciary matters and the Maine Human Rights Commission. This is an encroachment upon the executive branch of government. It is the Executive Branch that enters and administers contracts. If the Legislature has identified a concern with the affirmative action laws, it should be addressed through legislation.

Sincerely,

S/John R. McKernan, Jr.

CONSENT CALENDAR

First Day

In accordance with House Rule 49, the following items appeared on the Consent Calendar for the First Day:

(H.P. 372) (L.D. 475) Bill "An Act Making Changes in the Financial Order Process" (EMERGENCY) Committee on **Appropriations and Financial Affairs** reporting "Ought to Pass" as amended by Committee Amendment "A" (H-674)

(H.P. 1120) (L.D. 1519) Bill "An Act to Make Allocations for the Necessary Administration of the Workers' Compensation Laws for the State for the Fiscal Years Ending June 30, 1994 and June 30, 1995" (EMERGENCY) (Governor's Bill) Committee on **Appropriations and Financial Affairs** reporting "Ought to Pass" as amended by Committee Amendment "A" (H-675)

Under suspension of the rules, Second Day Consent Calendar notification was given, the House Papers were passed to be engrossed as amended and sent up for concurrence.

PASSED TO BE ENACTED

An Act to Ensure Implementation of the Federal Clean Air Act Amendments of 1990 (H.P. 963) (L.D. 1294) (H. "B" H-669 to C. "A" H-534)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

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

ORDERS OF THE DAY

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment Friday, June 18, 1993, have preference in the Orders of the Day and continue with such

preference until disposed of as provided by Rule 24.

The Chair laid before the House the first item of Unfinished Business:

An Act Imposing Term Limits on Legislative Leadership Positions (H.P. 546) (L.D. 742) (C. "A" H-364)
 TABLED - June 15, 1993 (Till Later Today) by Representative GWADOSKY of Fairfield.
 PENDING - Passage to be Enacted.

Subsequently, L.D. 742 was passed to be enacted, signed by the Speaker and sent to the Senate.

The Chair laid before the House the second item of Unfinished Business:

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide Legislative Review of Delegated Rule-making Authority (H.P. 962) (L.D. 1293)
 TABLED - June 15, 1993 (Till Later Today) by Representative GWADOSKY of Fairfield.
 PENDING - Adoption of House Amendment "B" (H-643) to Committee Amendment "A" (H-544).

Subsequently, Representative Joseph of Waterville withdrew House Amendment "B" (H-643) to Committee Amendment "A" (H-544).

The same Representative offered House Amendment "C" (H-652) to Committee Amendment "A" (H-544) and moved its adoption.

House Amendment "C" (H-652) to Committee Amendment "A" (H-544) was read by the Clerk and adopted.

Committee Amendment "A" (H-544) as amended by House Amendment "C" (H-652) thereto was adopted.

Under suspension of the rules, the Bill was read a second time, passed to be engrossed as amended by Committee Amendment "A" (H-544) as amended by House Amendment "C" (H-652) 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.

The Chair laid before the House the third item of Unfinished Business:

An Act to Enhance the Authority of the Legislature to Review Rules (H.P. 777) (L.D. 1050) (C. "A" H-557)
 TABLED - June 15, 1993 (Till Later Today) by Representative GWADOSKY of Fairfield.
 PENDING - Passage to be Enacted.

On motion of Representative Joseph of Waterville, under suspension of the rules, the House reconsidered its action whereby L.D. 1050 was passed to be engrossed.

On further motion of the same Representative, under suspension of the rules, the House reconsidered

its action whereby Committee Amendment "A" (H-557) was adopted.

The same Representative offered House Amendment "A" (H-670) to Committee Amendment "A" (H-557) and moved its adoption.

House Amendment "A" (H-670) to Committee Amendment "A" (H-557) was read by the Clerk and adopted.

Committee Amendment "A" (H-557) as amended by House Amendment "A" (H-670) thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (H-557) as amended by House Amendment "A" (H-670) thereto in non-concurrence and sent up for concurrence.

The Chair laid before the House the fourth item of Unfinished Business:

Bill "An Act to Remove the Repeal Date from the Laws Governing Equitable Insurance Coverage for Mental Illness" (EMERGENCY) (H.P. 138) (L.D. 183)
 - In House, passed to be engrossed as amended by Committee Amendment "A" (H-582) as amended by House Amendment "A" (H-660) thereto on June 14, 1993.
 - In Senate, passed to be engrossed as amended by Committee Amendment "A" (H-582) as amended by House Amendment "A" (H-660) thereto and Senate Amendment "A" (S-302) in non-concurrence.
 TABLED - June 15, 1993 (Till Later Today) by Representative PINEAU of Jay.
 PENDING - Further Consideration.

Representative Dore of Auburn moved that the House recede and concur.

Representative Zirkilton of Mount Desert requested a roll call vote on the motion to recede and concur.

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 Dore of Auburn that the House recede and concur. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 209

YEA - Adams, Ahearne, Aliberti, Ault, Beam, Bennett, Bowers, Brennan, Bruno, Cameron, Campbell, Caron, Cashman, Cathcart, Chonko, Clark, Clement, Cloutier, Coles, Cote, Daggett, Donnelly, Dore, Driscoll, Dutremble, L.; Erwin, Farnsworth, Fitzpatrick, Gamache, Gean, Gould, R. A.; Gray, Gwadosky, Hatch, Hichborn, Hogleund, Holt, Hussey, Jacques, Jalbert, Johnson, Joseph, Kerr, Ketterer, Kontos, Kutasi, Larrivee, Lemke, Look, Martin, H.; Melendy, Michael, Michaud, Mitchell, E.; Mitchell, J.; Morrison, Murphy, Nadeau, Nash, O'Gara, Paradis, P.; Pfeiffer, Pinette, Plowman, Pouliot, Rand, Richardson, Ricker, Rotondi, Rowe, Rydell, Saint Onge, Saxl, Simonds, Simoneau, Skogleund, Spear, Sullivan, Swazey, Tardy, Townsend, E.; Townsend, G.;

Townsend, L.; Tracy, Treat, Walker, Wentworth, Young, The Speaker.

NAY - Aikman, Anderson, Bailey, H.; Bailey, R.; Barth, Birney, Carleton, Carr, Clukey, Cross, Dexter, DiPietro, Farnum, Farren, Foss, Greenlaw, Heino, Hillock, Joy, Kneeland, Lemont, Libby Jack, Libby James, Lindahl, Lipman, Lord, MacBride, Marsh, Marshall, Nickerson, Norton, Pendexter, Reed, G.; Reed, W.; Robichaud, Stevens, A.; Strout, Taylor, Thompson, True, Tufts, Vigue, Whitcomb, Winn, Zirkilton.

ABSENT - Carroll, Chase, Coffman, Constantine, Faircloth, Hale, Heeschen, Kilkelly, Oliver, Ott, Pendleton, Pineau, Plourde, Poulin, Ruhlin, Small, Stevens, K..

Yes, 89; No, 45; Absent, 17; Paired, 0; Excused, 0.

89 having voted in the affirmative and 45 in the negative with 17 being absent, the House voted to recede and concur.

The Chair laid before the House the fifth item of Unfinished Business:

An Act to Amend the State Finance Law in Relation to Purchases from Corporations Conducting Business in Northern Ireland (H.P. 931) (L.D. 1254) (C. "A" H-543) TABLED - June 18, 1993 (Till Later Today) by Representative GWADOSKY of Fairfield.
PENDING - Reconsideration (Returned by the Governor without his approval)

The SPEAKER: The Chair recognizes the Representative from Waterville, Representative Joseph. Representative JOSEPH: Mr. Speaker, Men and Women of the House: I would urge you to override the veto on this particular piece of legislation.

The committee worked on this legislation many times. The committee worked on this legislation in the spirit of compromise to pass a bill that would be approved by all parties. The committee's amendment is a very weak amendment to the bill, meaning that it in no way reflects what the original piece of legislation did. However, in the spirit of compromise, in trying to pass a piece of legislation that would be acceptable to the Executive Branch, and we were assured by those representing the Governor in the State and Local Government Committee room, that this was acceptable. We were assured by the lobbyists representing the government of Great Britain that this would be acceptable and, in order to get a committee report that would reflect the fact that we feel that this is a very serious issue and that some action should be taken, we actually weakened the bill to the point where the MacBride Principles were taken out of the bill.

The original bill's Statement of Fact reads that this bill prohibits state agencies from purchasing products or services from corporations doing business in Northern Ireland and have not implemented the Fair Employment Practices of the MacBride Principles. In the original bill, all of the MacBride Principles were stated and, therefore, those companies doing business in Northern Ireland could no longer provide services or products to the State of Maine. However, the amendment to the bill, the compromise piece, says this does replace the original bill. It removes all references to the MacBride Principles and instead

uses Fair Employment Principles, which closely follows the MacBride Principles with the exception that protection to and from the workplace is removed.

This amendment requires, and this is the most important part, contractors for services to stipulate that they will make only a good, safe attempt to abide by the attempt of the Fair Employment Principles.

Because the City of New York actually passed a piece of legislation similar to this, this proposal was brought to the committee, again I repeat, in the spirit of compromise. My greatest disappointment is not only the veto and not only the veto message, but it is the principle, the principle whereas the State and Local Government Committee was acting in good faith in order to pass a piece of legislation that everyone would agree to. It questions to me the integrity of the process that we adhere to and believe in in state government, whereas when we leave the committee room, we believe that we have done good work. It questions the credibility of a person's word of good faith efforts. All of us who did vote for this piece of legislation believed that it was a compromise piece of legislation.

So, I do urge you in that same spirit to override the veto of the Chief Executive of this state.

In the Governor's veto message, he does say that it inappropriately involves the State of Maine in foreign policy - if you will remember, the original debate on this bill that was mentioned here on this floor, I think I responded to that query or that statement by reminding this body that the Maine Legislature, just a few short years ago, voted to divest its retirement funds in corporations doing business in South Africa. Actually, the State of Maine made money in that decision and had we continued to do business with corporations dealing with South Africa, we would have lost a great deal of money. I believe that just shows that we do have to disagree with policies on a national and international level when we have that opportunity. It was the right thing to do and it was the profitable thing for the State of Maine to do.

This piece of legislation deals with discrimination, discrimination is prejudice against people because of race, religion or ethnicity. It is unacceptable whether it is in Maine, whether it is in Nobleboro, whether it is in Frankfort, whether it is in Winterport, whether it is Portland, Lewiston, Bangor, Lincoln or Waterville. Because of the issue of discrimination in employment practices in the area of Northern Ireland, again, I urge you to vote against this veto message.

Because of these lame excuses in the veto message that this is a complex, centuries-old conflict, in my personal opinion, that does not make it right. Our integrity as a legislature and our integrity as individuals is at question here. The legislature cannot allow us to put our stamp of approval on any piece of legislation that will allow discrimination to continue. In doing nothing, we agree to no action and for those simple reasons, important reasons, I ask you to override the Governor's veto.

The SPEAKER: The Chair recognizes the Representative from Norway, Representative Bennett.

Representative BENNETT: Mr. Speaker, Friends and Colleagues of the House: First of all, I would like to object to some of the things that Representative Joseph just said regarding the committee process. During the active debate, I am beginning to think

perhaps Representative Joseph and I were tuned into different stations. I do not remember the Governor or his Representative during the committee debate ever intervening and say that they accepted this bill. I don't remember the representative of Queen Elizabeth II, who was there during the debate, saying that he would go along with this either.

I think this bill promises much and does nothing. I believe that the compromise and the weakening of the bill which took place in the committee was mainly to get a compromise that ten people could agree to in committee rather than a compromise to get the Governor or the Queen or anybody else on board.

I object to the overriding of the Governor's veto of this bill for four basic reasons. First, I would like to say that no one takes issue with the merits of the MacBride campaign and its stated goal of reducing religious discrimination in Northern Ireland, which is rooted in a complex, centuries-old conflict in that country.

Second, I would like to point out that employment discrimination is already illegal under the laws of Northern Ireland. The most recent such law was adopted in 1989 and is being enforced rigorously by the government there.

The third annual report of the Fair Employment Commission, which is the body charged with administering and enforcing these laws in Northern Ireland, contains clear evidence of progress with respect to the goal of fair employment.

Third, many companies doing business in Northern Ireland have effectively established fair employment policies and practices which are consistent with the law of that country. These companies still find parts of the MacBride Principles not acceptable and, therefore, do not endorse those Principles.

Most importantly, the enactment of L.D. 1254 would create a new and dangerous precedent by forming a basis for expending state funds for purchasing goods and services to support campaigns that affect religious, ethnic, racial or other conflicts within other countries.

I would ask my fellow members of this legislature, are we prepared in the interest of fairness, in the interest of not promoting discrimination while trying to curb it, to speak to all of the religious and ethnic persecution in the world, much of which exists in politically unpopular, economically ravaged but internationally impotent nations in non-white, non-European regions, countries such as Niger, Azerbaijan, Vietnam, Zaire and Chad?

This bill is irresponsible public policy since the only basis for purchasing decisions on behalf of the State of Maine should, in my opinion, be to obtain the best product for the lowest cost, especially in these difficult, economic times.

It is not for us as a legislature to rule on complex and difficult conflicts around the world. We have a President, a Congress and our own moral action as individual citizens for that.

I encourage you to vote against the pending motion and put the taxpayers of Maine first.

The SPEAKER: The Chair recognizes the Representative from South Portland, Representative Cloutier.

Representative CLOUTIER: Mr. Speaker, Ladies and Gentlemen of the House: When the communication came down from the Governor's Office on June 17th of this year, it stated simply that the Principles could

complicate the purchasing process and create an uneven competitive playing field between the U.S. and foreign companies.

I have to take objection with a lot of the statements that the good gentleman from Norway made, simply because the United States has taken care of a lot of countries a lot of times throughout the world.

We are now in a position, the United States, whereby technology is making the world smaller. Communications travel at the speed of light anywhere in the United States or anywhere in the world to our international allies and, for that matter, even into space. Transportation is becoming so rapid that within ten years, we will be traveling from here to Europe in a matter of hours and maybe our daily jobs will via that route.

As I mentioned, we have taken care of countries before, there is no reason why this particular piece of legislation should not be addressed. There is no reason why the people in the State of Maine should not support helping out another country. We all know what discrimination is, we overwhelmingly passed a piece of anti-discrimination here in the House of Representatives this year. Ladies and gentlemen, if this is such a bad piece of legislation, if the Principles could complicate the purchasing process and create an uneven competitive playing field between the U.S. and foreign companies, I ask you, why hasn't it done so for IBM? Why hasn't it done so for AT&T, Honeywell, Nynex, Proctor & Gamble and many other companies, international companies?

It is time for us to end this discrimination and we have to start some place, let's not tuck our hands underneath our laps and sit on this one.

Through technology, through communication and transportation, our international neighbors are on our doorsteps, I urge you very strongly to override this veto.

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

Representative AHEARNE: Mr. Speaker, Ladies and Gentlemen of the House: I must strongly disagree with Governor McKernan in his statement and veto of L.D. 1254 regarding Northern Ireland where he feels that the state is meddling in areas of foreign policy. By no means is the State of Maine becoming involved on making foreign policy matters. We are sending a message that the State of Maine opposes colonialism and oppression.

Northern Ireland is an occupied territory by a European power, England. Northern Ireland is being dictated to from London, England. Those in Northern Ireland have no rights, no vote, no representation whatsoever. No nation has any right to occupy another. The colonial empires are over. At the end of the 1980's, the former Soviet Union withdrew from Afghanistan, the Baltic States of Lithuania, Estonia and Latvia and all of eastern Europe. The Cunene's withdrew from Angola and Nicaragua.

Any justification of colonial empires is without merit and defies the United Nations' charter of self-determination. To ignore what is happening in Northern Ireland is evident of our lack of humanity as to what is tragically happening throughout the world. Sure, there's other suffering in the world, but we must take action today and stand up for those being oppressed in Northern Ireland.

Discrimination within business is illegal in Northern Ireland, this is true, but the "host" countries' anti-discrimination policy is dictated

directly from London, England, not Dublin, Ireland. Remember, Northern Ireland is an occupied territory.

It is time that we as citizens of Maine and the United States stand up for the oppressed and send a message that this legislature will not tolerate colonial empires. In the past, this body voted to show its opposition to an archaic system of apartheid in South Africa and, to my knowledge, there was no veto. To vote against apartheid is a precedent and evidence that Maine cares about the oppressed. As we voted against apartheid, we should override this veto and show that Maine people do not tolerate colonialism and oppression.

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

Representative CARR: Mr. Speaker, Ladies and Gentlemen of the House: You can tell by looking at me that no one is more Irish-American than I am and I, too, am an active member of the religion referred to herein as the minority, but why in the world are we in the State of Maine getting involved in the affairs of a foreign government, particularly when this conflict has been going on for generations? We have no business legislating this type of directive and if I was an official in Northern Ireland, I would introduce for immediate reciprocity. If there was an opportunity for a Maine company rejected as a result of this, the state would justifiably be accused of obstructing business.

Why do we ever entertain this needless legislation? If we are using Fair Employment Practices to single out Northern Ireland from free trade on the international marketplace, then why don't we single out every other country, territory, or even state that violates what we determine to be unfair? If we stood up for whomever we feel are oppressed, we never would get to any other business.

The SPEAKER: The Chair recognizes the Representative from Old Town, Representative Cashman.

Representative CASHMAN: Mr. Speaker, Ladies and Gentlemen of the House: To answer one of Representative Carr's questions or comments when he said that if he was an official in Northern Ireland that he would be against this. Of course, I would like to point out that if he were an official in Northern Ireland, he would be a member of the British Parliament, not a citizen of Northern Ireland.

In the Governor's veto message he says that this will "inappropriately involve the State of Maine in foreign policy" and he goes on to say that "this policy issue affects the proper role of state government within the confines of federalism" — I would like to point out and bring us back to base here, this piece of legislation deals with how we, a state legislature, spend taxpayers' dollars. Eighty percent of the work we do down here in this legislature deals with how, where, and why we spend taxpayers' dollars. This is not the business of the President of the United States, this is not the business of the United States Congress, this is the business of the State Legislature in the State of Maine of how we spend taxpayers' dollars. If you want to spend taxpayers' dollars to support religious discrimination in Northern Ireland, then you can vote to sustain the veto. If you feel like I do and many of my constituents do that religious discrimination is wrong and it should not be supported with state taxpayers' dollars, then please vote to override this veto.

The SPEAKER: The Chair recognizes the

Representative from Lisbon, Representative Jalbert.

Representative JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I think this is the second or third time that this has come before this body. The last time it came before this body, it went to the committee on Aging, Veterans and Retirement and one of the biggest arguments that was given against it then was that the people had to abide by the MacBride Principles. At that time, we toned down the MacBride Principles, took half of it out, but people still said no.

I am glad that the gentlelady from Waterville brought out the fact that the MacBride Principles have been eliminated completely.

I am glad that the kind gentleman from Old Town brought up the fact that this is not foreign policy, there is nothing in this bill that tells anybody in Northern Ireland how they shall run their government. What this bill says is, if any corporation wants to do business in Northern Ireland, let them abide by the same rules to which they are forced to do while they are in this country. That is all it does.

If you don't want to abide by it, don't do business there. Why should any corporation like Ford Motor Company, IBM or anybody be able to go to Northern Ireland and have different conditions under which they must abide and we still have to do business with them through this country, not directly in Northern Ireland?

At the time we had hearings, I think it was in the 113th, we had representatives, they were all from the United Kingdom, England, not Northern Ireland and they said that the people of Irish/Catholic persuasion were well protected by the Constabulary. I asked why was it that the enrollment of people who work, the Constabulary is made up mostly of Irish/Protestants, and that the working class, the laboring class, is Irish/Catholic? I asked, "Why is that?" The answer was that the Irish/Catholic's do not wish to get involved in any conflict such as the Constabulary.

I have lived a long time but never ever heard anybody say that a good red-blooded Irish boy would run away from any fight. That doesn't make sense.

All we are asking here is that these corporations, and I don't mind naming them, Ford, IBM, General Motors or whatever, I know that the only thing that counts with them and is the bottom line, is they don't care. We had the same argument when it was South Africa. I say again, these companies can do business in Northern Ireland and we will do business with them providing they go through the same rules and regulations that they have to abide by in this country. That's all we ask for.

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative Lemke.

Representative LEMKE: Mr. Speaker, Ladies and Gentlemen of the House: There seemed to me to be two major points that have been made and reiterated in this debate and I think we should keep them in mind when we cast our votes.

First of all, we are part of a global economy, that is the point which was very eloquently made by the Representative from South Portland. This legislation is compatible with that global economy.

Secondly, we are the United States, we are the State of Maine and we do have a tradition of concern for freedom everywhere in the world. As Representative Ahearne made clear, as well as others,

we are not making foreign policy but what we are doing here is sending a message that we have traditionally sent from Maine and the United States. So, I believe that the Governor's message, the Governor's veto, flies in the face of both economic reality and our own history.

The good Representative from Norway, in an offhand manner, mentioned the Queen in his message — that strikes me that the brief he made is more than you would make for the Queen than from someone from the United States on this particular issue. So, I ask for the House to vote to override this veto and I request the yeas and nays.

The SPEAKER: The Chair recognizes the Representative from Norway, Representative Bennett.

Representative BENNETT: Mr. Speaker, Friends and Colleagues of the House: I just rise to correct one thing that I have heard and that is that, although the MacBride Principles, the words MacBride Principles, have been removed from the bill in order to get a couple more votes in the committee, the MacBride Principles by and large, with very, very small, minor changes remain in the bill. They are referred to as the Fair Employment Principles or some such thing in the bill. So, do not abide by the statements that the MacBride Principles have been removed from the bill, only the words MacBride Principles have been removed from the bill.

Furthermore, the gentleman from Lisbon stated that these Principles would not impose anymore restrictions than companies face in this country and that likewise is not true. They are a new set of restrictions and some of us believe that if we are to impose these restrictions that they should be equally imposed upon foreign companies that do business with Maine as well as the companies that are domestically based that do business with Maine. There is no real way to check the facts on foreign companies as to whether or not they abide by these Principles. So, I think by passing this bill, by overriding the Governor's veto, we will be imposing a new set of discriminations, discriminations which I think are misplaced and at the detriment of Maine people and American business.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Adams.

Representative ADAMS: Mr. Speaker, Men and Women of the House: As I frequently mention, though I am a Representative now from a small district in Portland, like the Representative who just preceded me on the floor, I, too, grew up in a small mill town in Oxford County. Like he, I know the value of a dollar, like he, I may know the value of growing up on the wrong side of the tracks.

But, like him, I would point out to you that he is right in one respect, Maine people want the most for their money, Maine people want their money to work for them and Maine people want their money to work for them very well.

I would point out to you, as he does, that a competitive process to make sure that money works well for you, is good. In fact, a competitive process to make that money work for Mainers is so good that on our desks this morning we have two amendments presented by a member of the other body that have to do with requiring schools to seek competitive bids when they are looking for their own insurance. Not only are these amendments presented by a member of the other body, they are presented by a member of the other party. Competition is good,

Maine sets standards for that competition all the time. We have done so with great success.

I would point out to all members of the body that already in law, working silently, surely, and for five years, has been a law that required our own State Retirement System to divest from those companies doing direct business in South Africa. It was alluded to earlier by my friend Representative Joseph of Waterville. It has worked surely, silently and well and I dare say that most of you didn't even know it was on the books or that it reached completion and fruition last year in 1992 and a good thing that it did. If you followed the headlines in the newspapers and know what has gone on in the country of South Africa, we would have lost our collective shirts if we had been depending upon investments there to have made us a cent. Instead we can tell you what that policy did exactly. In the years 1991 to 1992, Maine's return on investments from our portfolio, free of South Africa, ranged between 24 to 26 percent return, among the best in all New England, outperforming four various standards, well known to us all from the Stock Exchange including the famous Standard & Poor's. We have done so well in our investment system that in fact last year the Maine State Retirement System began building its own office building, not even to live in themselves, but as an investment to continue to work for the people of Maine. It has worked wisely and it has worked well and it has paid off big.

I would point out to you, ladies and gentlemen of the House, that the bill before us now under discussion isn't even that strict. The bill under discussion before us now would merely set out certain standards that if they are met by companies, then the state will do business with that company. We are not taking our money away from anyplace where it is, we are dealing only with those people who meet our standards. What are those standards? I think you would find that those Principles are alarmingly familiar to you and I. They should be very familiar to you and I because they mean that the State of Maine expects that individuals shall have safety in the workplace, shall have the right to organize among themselves and deal with their employers, they should not be harassed at work because of their religion, nothing very alarming, they should be very familiar to you and I, we call them rights. We were born with them, they were ours by right of drawing our first breath. Because they came so easily, perhaps we don't think of them particularly, perhaps we prize them too lightly.

Despite the fact that our Constitution and our Declaration of Independence and laws for centuries supposedly guaranteed those rights to you and I, you and I know (and don't have to look far from home to know) that that was not always the case. Even in America where those things were on the books, I personally know people who watched with their own eyes women and children marching across the bridge from Lewiston being met by police who beat them, beat them, women and children, because they were marching in support of their fathers' rights to collectively organize in the mills. This is not ancient history, this is the year 1937; not foolishness, they were beaten because they were poor, they were French and they were Catholic.

I personally know people who watched with their own eyes as children as the Ku Klux Klan with impunity burned crosses on the hillsides in Rumford

to frighten people, people who were Polish and were Catholic.

I personally know people who as children in the 1920's stood in Portland and watched Yankee shopkeepers on St. Patrick's Day put pigs wearing orange bows in the front window of their shops to indicate that no Irish need shop there.

I personally know people who worked hard in the woods all of their lives in Oxford County and in Norway, Maine, the hometown of both Representative Bennett and I, and couldn't go to the "good" church on Sunday or build a "good" home on the "good" side of the tracks because they were Scandinavian and Lutheran. I know this personally because I am telling you of my own family. You don't have to look any further than yourself, your grandfather or your own parents to know that what I am telling you is true and this is the history of what can happen, despite what laws may be on the books.

Can you think how much more gentle the ways of the life of your own grandparents would have been had the laws on the books been enforced or meant something?

Can you and I for a minute, who were born with these rights, with hardly a thought given to them, know what it is like to live in Ireland where these things may happen to you because you are not the wrong color but because you were born into the wrong "faith," or into the wrong "country."

Maine does not bang a very big drum in this world but we make noise enough to make a principle statement on slavery, on South Africa, on human rights, it is something we have done time and time again as a legislature. I can prove to you time and time again that it has not cost a penny from our pockets nor one night of sleep from our soul. It would seem to me that stating clear principles, clearly arrived at in an open process in a democracy where we may have that discussion in committee and this discussion on the floor, is something that people would and do today give their lives for in Northern Ireland. We are very lucky people on a simple statement of principle to find league with them cannot hurt and can do much good.

I would urge you to override the veto.

The SPEAKER: The Chair recognizes the Representative from Lisbon, Representative Jalbert.

Representative JALBERT: Mr. Speaker, Men and Women of the House: I am glad that the good Representative from Portland brought up the point of bigotry. I was hoping that this could be determined strictly on the basis of common sense of what is right.

There is a lot of bigotry around. Last week, I picked up the local newspaper from my part of the state and almost vomited. The headlines said, "Clinton Appoints Jewish Woman to the Supreme Court." Now, what kind of a headline is that? I almost vomited when I saw that. That shows that this is a newspaper right in the middle of one of the strongest Franco-American areas of the State of Maine and of the Roman Catholic persuasion. If you read the Lewiston paper every morning, they tell you about a hundred years ago and some of the notices that they made about a hundred years ago "Marshall's invade a French area where there is a lot of drinking."

I, too, was brought up in a small New England town where there was a lot of bigotry. I know what it is to be a minority, I know what it is to have someone say to me, "John, I will vote for you but

don't tell anybody because you are a Catholic." Can't we leave that to one side and stop this so-called mental cross burning that we have? I hate to say this to anyone but I am going to be blunt, I remember as a little boy when I stood by the river's edge in Lisbon Falls and saw a cross being burned on the hill across in Durham. I have heard more than one say, "those French kids" — I thought I was an American born in the United States.

I am not saying this because of any Irish ancestor because my name will tell you that I am not. My great-grandfather came out of Brittany and my grandparents on my mother's side came out of Acadia.

This is one time when we must leave bigotry to one side. It does go on, let's not fool each other. I have had it thrown at me enough times in this building, insinuation of my ancestry, even to the pronouncement of my name and a greeting to me in the morning in French. It is not done as a courtesy, it is done to remind me.

Less than a month ago, my wife and I had dinner with this couple. We talked about everything under the sun and, out of the clear sky, the lady looked at me and said, "You know, some of my best friends are Catholic's." I said, "What in tarnation has that got to do with what we are talking about?" They've got it in the back of their minds, and I think the sooner we get rid of it and start using common sense, the better off we will be.

After reconsideration, the pending question before the House is, "Shall this bill become a law notwithstanding the objections of the Governor?" According to the Constitution, the vote will be taken by the yeas and nays. This requires a two-thirds vote of the members present and voting. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 210V

YEA - Adams, Ahearne, Aliberti, Beam, Bowers, Brennan, Caron, Cashman, Cathcart, Chonko, Clark, Clement, Cloutier, Clukey, Coles, Cote, Daggett, DiPietro, Donnelly, Dore, Driscoll, Dutremble, L.; Erwin, Farnsworth, Fitzpatrick, Gamache, Gean, Gould, R. A.; Gray, Gwadosky, Hatch, Hichborn, Hoglund, Holt, Hussey, Jacques, Jalbert, Johnson, Joseph, Kerr, Ketterer, Kontos, Larrivee, Lemke, Lemont, Martin, H.; Melendy, Michael, Michaud, Mitchell, E.; Mitchell, J.; Morrison, Murphy, Nadeau, O'Gara, Paradis, P.; Pinette, Plourde, Plowman, Poulin, Pouliot, Rand, Richardson, Ricker, Rotondi, Rowe, Rydell, Saint Onge, Saxl, Simonds, Skoglund, Stevens, K.; Strout, Sullivan, Swazey, Tardy, Townsend, E.; Townsend, G.; Townsend, L.; Tracy, Treat, Vigue, Walker, Wentworth, Winn, Young, The Speaker.

NAY - Aikman, Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Bennett, Birney, Bruno, Cameron, Campbell, Carleton, Carr, Cross, Farnum, Farren, Foss, Greenlaw, Heino, Hillock, Joy, Kneeland, Kutasi, Libby Jack, Libby James, Lindahl, Lipman, Look, Lord, MacBride, Marsh, Marshall, Nash, Nickerson, Norton, Pendexter, Pfeiffer, Reed, G.; Reed, W.; Robichaud, Simoneau, Small, Spear, Stevens, A.; Taylor, Thompson, True, Tufts, Whitcomb, Zirkilton.

ABSENT - Carroll, Chase, Coffman, Constantine, Dexter, Faircloth, Hale, Heeschen, Kilkelly, Oliver, Ott, Pendleton, Pineau, Ruhlin.

Yes, 87; No, 50; Absent, 14; Paired, 0; Excused, 0.

87 having voted in the affirmative and 50 in the negative with 14 being absent, the veto was sustained.

The Chair laid before the House the sixth item of Unfinished Business:

An Act to Strengthen the Public Disclosure of Lobbying Activities (H.P. 1038) (L.D. 1390) (H. "A" H-593, S. "A" S-317 and H. "B" H-668 to C. "A" H-528) TABLED - June 18, 1993 (Till Later Today) by Representative GWADOSKY of Fairfield.
PENDING - Passage to be Enacted.

Subsequently, L.D. 1390 was passed to be enacted, signed by the Speaker and sent to the Senate.

TABLED AND TODAY ASSIGNED

The Chair laid before the House the first tabled and today assigned matter:

Expression of Legislative Sentiment recognizing Coach Mike Trafton and the members of the Central High School Red Devils Baseball Team (HLS 547) TABLED - June 18, 1993 by Representative STROUT of Corinth.
PENDING - Motion of same Representative to Reconsider Passage.

Was read and passed and sent up for concurrence.

The Chair laid before the House the following matter: Bill "An Act to Strengthen the Enforcement of the Code of Fair Practices" (H.P. 1032) (L.D. 1384) which was tabled earlier in the day and later today assigned pending further consideration.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Townsend.
Representative TOWNSEND: Mr. Speaker, Men and Women of the House: Today I rise and join the ranks of legislators who have stood before you and told you how surprised they were to find that their bill was vetoed by the Governor.

When I finally got around to reading Sunday's paper, I was positively stunned to find that L.D. 1384 had joined the Rogues' Gallery now occupied by the Civil Rights Act, the seat belt bill, the Family Leave Act and L.D. 473, which asked the state to give a nod toward doing the right thing for the people in this state with mental illness and mental retardation. It is very fine company to be in, but I can't help feeling that this small bill doesn't belong there.

L.D. 1384, you may remember, is the bill which asks contractor's who do more than \$50,000 worth of business with the state to reach into their filing cabinets, pull out a piece of paper they say they already have and forward it to the state.

You may also remember from the debate that the Department of Transportation is already following this policy and has for some time. It is a minor measure, it isn't intended to suggest that anyone is violating the affirmative action laws but it will put

the state's money where its mouth is in terms of public policy and it just might mean a job for someone who otherwise would not be considered. It just might mean a job for someone who is now receiving AFDC or General Assistance so that they can in fact pull their own weight. I think it is a risk worth taking.

So, while I am honored to have my small bill stand along side some of the largest pieces of legislation we have considered this session, I don't believe it belongs there. All in all, I would rather see it enacted into law and I would like to ask your help in seeing that it becomes law. I would like to ask you to join me in voting to override.

The SPEAKER: After reconsideration, the pending question before the House is, "Shall this bill become a law notwithstanding the objections of the Governor?" According to the Constitution, the vote will be taken by the yeas and nays. This requires a two-thirds vote of the members present and voting. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 211V

YEA - Adams, Ahearne, Aliberti, Beam, Bowers, Brennan, Caron, Cashman, Cathcart, Chonko, Clark, Clement, Cloutier, Coles, Cote, Daggett, DiPietro, Dore, Driscoll, Dutremble, L.; Erwin, Faircloth, Farnsworth, Fitzpatrick, Gamache, Gean, Gwadosky, Hatch, Hichborn, Hogle, Holt, Jacques, Jalbert, Johnson, Joseph, Kerr, Ketterer, Kilkelly, Kontos, Larrivee, Lemke, Martin, H.; Melendy, Michael, Michaud, Mitchell, E.; Mitchell, J.; Morrison, Nadeau, O'Gara, Paradis, P.; Pfeiffer, Pinette, Plourde, Poulin, Pouliot, Rand, Richardson, Ricker, Rotondi, Rowe, Rydell, Saint Onge, Saxl, Simonds, Stevens, K.; Sullivan, Swazey, Townsend, E.; Townsend, G.; Townsend, L.; Tracy, Treat, Walker, Wentworth, Winn, The Speaker.

NAY - Aikman, Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Bennett, Birney, Bruno, Cameron, Campbell, Carleton, Carr, Clukey, Cross, Donnelly, Farnum, Farren, Foss, Gould, R. A.; Gray, Greenlaw, Heino, Hillock, Hussey, Joy, Kneeland, Kutasi, Lemont, Libby Jack, Libby James, Lindahl, Lipman, Look, Lord, MacBride, Marsh, Marshall, Murphy, Nash, Nickerson, Norton, Pendexter, Plowman, Reed, G.; Reed, W.; Robichaud, Simoneau, Skoglund, Small, Spear, Stevens, A.; Strout, Tardy, Taylor, Thompson, True, Tufts, Vigue, Whitcomb, Young, Zirnkilton.

ABSENT - Carroll, Chase, Coffman, Constantine, Dexter, Hale, Heeschen, Oliver, Ott, Pendleton, Pineau, Ruhlin.

Yes, 77; No, 62; Absent, 12; Paired, 0; Excused, 0.

77 having voted in the affirmative and 62 in the negative with 12 being absent, the veto was sustained.

(Off Record Remarks)

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

The following item appearing on Supplement No. 1 was taken up out of order by unanimous consent:

SENATE PAPER

The following Joint Order: (S.P. 539)

ORDERED, the House concurring, that when the House and Senate adjourn, they do so to the call of the President of the Senate and the Speaker of the House when there is need to conduct legislative business.

Came from the Senate, read and passed.

Was read and passed in concurrence.

On motion of Representative Martin of Van Buren,
Adjourned at 11:53 a.m. pursuant to Joint Order
(S.P. 539).
