

MAINE STATE LEGISLATURE

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

VOLUME III

FIRST CONFIRMATION SESSION

August 21, 1987
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FIRST SPECIAL SESSION

October 9, 1987 to October 10, 1987
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SECOND SPECIAL SESSION

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SECOND REGULAR SESSION

January 6, 1988 to March 24, 1988

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-335). Which Report was READ and ACCEPTED. The Bill READ ONCE. Committee Amendment "A" (S-335) READ and ADOPTED. The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Senator WEBSTER for the Committee on UTILITIES on Bill "An Act to Make Changes to the Public Utilities Law"

S.P. 745 L.D. 2004

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-333). Which Report was READ and ACCEPTED. The Bill READ ONCE. Committee Amendment "A" (S-333) READ and ADOPTED. The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Off Record Remarks

On motion by Senator BALDACCI of Penobscot, ADJOURNED until Monday, March 14, 1988, at 9:00 in the morning.

ONE HUNDRED AND THIRTEENTH MAINE LEGISLATURE
SECOND REGULAR SESSION
43rd Legislative Day
Monday, March 14, 1988

The House met according to adjournment and was called to order by the Speaker. Prayer by Reverend Eveline Starbird, Calvary United Methodist Church, Lewiston. Pledge of allegiance. The Journal of Friday, March 11, 1988, was read and approved. Quorum call was held.

SENATE PAPERS

Unanimous Leave to Withdraw

Report of the Committee on Banking and Insurance reporting "Leave to Withdraw" on Bill "An Act to Provide Flexible Rating for Property and Casualty Insurance" (S.P. 227) (L.D. 621)

Report of the Committee on Banking and Insurance reporting "Leave to Withdraw" on Bill "An Act to Authorize Financial Institutions and Credit Unions to Sell Annuities" (S.P. 373) (L.D. 1110)

Report of the Committee on Utilities reporting "Leave to Withdraw" on Bill "An Act to Provide for the Electric Power Needs of the State while Phasing Out Nuclear Power Generation" (Emergency) (S.P. 471) (L.D. 1431)

Report of the Committee on Taxation reporting "Leave to Withdraw" on Bill "An Act to Permit Regional Variations in Circuit Breaker Programs" (S.P. 772) (L.D. 2029)

Were placed in the Legislative Files without further action pursuant to Joint Rule 15 in concurrence.

Ought to Pass

Report of the Committee on Taxation reporting "Ought to Pass" on Bill "An Act Providing Conformity with the United States Revenue Code Under the Maine Income Tax Law for 1987" (Emergency) (S.P. 868) (L.D. 2263)

Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as amended by Senate Amendment "A" (S-334).

Report was read and accepted, the Bill read once. Senate Amendment "A" (S-334) was read by the Clerk and adopted and the Bill assigned for second reading Tuesday, March 15, 1988.

PETITIONS, BILLS AND RESOLVES
REQUIRING REFERENCE

The following Bills and Resolve were received and, upon the recommendation of the Committee on Reference of Bills, were referred to the following Committees, Ordered Printed and Sent up for Concurrence:

Appropriations and Financial Affairs

Bill "An Act to Increase the Appropriation to Municipal School Districts for the Inspection and Replacement of Unsafe School Buses" (H.P. 1835) (L.D. 2512) (Presented by Representative KILKELLY of Wiscasset) (Cosponsors: Senator DOW of Kennebec, Representatives NORTON of Winthrop and PARADIS of Frenchville) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

Ordered Printed.
Sent up for Concurrence.

Human Resources

Bill "An Act to Substantially Revise the Driver Education Evaluation Program" (Emergency) (H.P. 1838) (L.D. 2515) (Presented by Representative CLARK of Brunswick) (Cosponsors: Speaker MARTIN of Eagle Lake and Senator BRANNIGAN of Cumberland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Ordered Printed.
Sent up for Concurrence.

TABLED AND ASSIGNED

Bill "An Act to Make the Exemption for Home Knitters from the Unemployment Insurance Tax Retroactive" (H.P. 1832) (L.D. 2509) (Presented by Representative SIMPSON of Casco) (Cosponsors: Representatives BRAGG of Sidney, JOSEPH of Waterville and TAMMARO of Baileyville) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

(The Committee on Reference of Bills had suggested reference to the Committee on Labor.)

On motion of Representative Nadeau of Saco, tabled pending reference and specially assigned for Tuesday, March 15, 1988.

Taxation

Bill "An Act to Provide for a Partial Rebate of 1987 Individual Income Tax" (H.P. 1833) (L.D. 2510) (Presented by Representative CASHMAN of Old Town) (Cosponsors: Senators SEWALL of Lincoln, TWITCHELL of Oxford and Representative JACKSON of Harrison)

Ordered Printed.
Sent up for Concurrence.

Transportation

RESOLVE, to Create a Commission to Study the Feasibility of a Toll-Based Highway in Mid-Coast Maine (H.P. 1836) (L.D. 2513) (Presented by Representative KILKELLY of Wiscasset) (Cosponsors: Representatives COLES of Harpswell, HOLT of Bath, and Senator DOW of Kennebec) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

Ordered Printed.
Sent up for Concurrence.

Utilities

Bill "An Act to Revise the Charter of the Brunswick Sewer District" (Emergency) (H.P. 1837) (L.D. 2514) (Presented by Representative PRIEST of Brunswick) (Cosponsors: Senator CLARK of Cumberland, Representatives RYDELL of Brunswick and CLARK of Brunswick) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

Ordered Printed.
Sent up for Concurrence.

ORDERS

On motion of Representative McSWEENEY of Old Orchard Beach, the following Order:

ORDERED, that Representative Ralph M. Willey of Hampden be excused March 7 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Ruth Foster of Ellsworth be excused March 3 and 4 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Margaret Pruitt Clark of Brunswick be excused March 3 through 9 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Francis C. Marsano of Belfast be excused March 11 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Rita Melendy of Rockland be excused March 11 through 18 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Ronald C. Bailey of Farmington be excused March 14 and 15 for personal reasons.

Was read and passed.

SPECIAL SENTIMENT CALENDAR

Later Today Assigned

In accordance with House Rule 56 and Joint Rule 34, the following item:

Recognizing:
the Bonny Eagle High School Cheerleading team on their victory in the State Class A Cheerleading Championship held in Orono, February 6, 1988; (HLS 1037) by Representative GREENLAW of Standish. (Cosponsors: Senator BLACK of Cumberland, Representative KIMBALL of Buxton)

On motion of Representative Greenlaw of Standish, was removed from the Special Sentiment Calendar.

On motion of Representative Murphy of Kennebunk, tabled pending passage and later today assigned.

REPORTS OF COMMITTEES

Unanimous Ought Not to Pass

Representative NADEAU from the Committee on Taxation on RESOLVE, to Protect Against Property Tax Losses Resulting from Transfers Under Provisions of Certain Land Trust Transfers (H.P. 1445) (L.D. 1956) reporting "Ought Not to Pass"

Was placed in the Legislative Files without further action pursuant to Joint Rule 15 and sent up for concurrence.

Unanimous Leave to Withdraw

Representative WHITCOMB from the Committee on Taxation on Bill "An Act Relating to the Net Operating Loss Carry-Back on the Maine Income Tax" (H.P. 1681) (L.D. 2310) reporting "Leave to Withdraw"

Representative SEAVEY from the Committee on Taxation on Bill "An Act to Amend Eligibility Requirements under the Household Tax and Rent Refund Act and the Elderly Low-Cost Drug Program" (H.P. 1554) (L.D. 2114) reporting "Leave to Withdraw"

Representative NADEAU from the Committee on Taxation on Bill "An Act to Make Adjustments in the State Tax Structure as a Result of Federal Tax Reform" (H.P. 548) (L.D. 735) reporting "Leave to Withdraw"

Representative TARDY from the Committee on Agriculture on Bill "An Act Concerning the Use of Lands Abutting Farmlands" (H.P. 1576) (L.D. 2151) reporting "Leave to Withdraw"

Representative TARDY from the Committee on Agriculture on Bill "An Act to Improve the Marketing of Potatoes by Strengthening the Maine Bag Program" (H.P. 1606) (L.D. 2197) reporting "Leave to Withdraw"

Were placed in the Legislative Files without further action pursuant to Joint Rule 15 and sent up for concurrence.

Refer to the Committee on Energy and Natural Resources

Representative MacBRIDE from the Committee on Judiciary on Bill "An Act Relating to the Direct Initiative Process" (H.P. 1616) (L.D. 2209) reporting

that it be referred to the Committee on Energy and Natural Resources.

Report was read and accepted and the bill referred to the Committee on Energy and Natural Resources and sent up for concurrence.

Ought to Pass in New Draft

Representative HICKEY from the Committee on Aging, Retirement and Veterans on Bill "An Act to Revise the Definition of Spouse Under the Maine State Retirement System" (H.P. 1593) (L.D. 2179) reporting "Ought to Pass" in New Draft (H.P. 1834) (L.D. 2511)

Report was read and accepted, the New Draft read once and assigned for second reading Tuesday, March 15, 1988.

Ought to Pass in New Draft

Representative HEPBURN from the Committee on Labor on Bill "An Act to Increase Work Incentive in the Unemployment Insurance Partial Benefit Structure" (H.P. 1545) (L.D. 2105) reporting "Ought to Pass" in New Draft (H.P. 1839) (L.D. 2517)

Report was read and accepted, the New Draft read once and assigned for second reading Tuesday, March 15, 1988.

Ought to Pass in New Draft

Representative BOST from the Committee on Education on Bill "An Act to Amend the Law Concerning Alternate Voting Procedures for School Budget Approval" (H.P. 1501) (L.D. 2051) reporting "Ought to Pass" in New Draft (Emergency) (H.P. 1840) (L.D. 2518)

Report was read and accepted, the New Draft read once and assigned for second reading Tuesday, March 15, 1988.

Ought to Pass in New Draft

Representative MacBRIDE from the Committee on Judiciary on Bill "An Act to Provide Immunity from Civil Liability for Certain Emergency Medical Service System Participants" (H.P. 1070) (L.D. 1453) reporting "Ought to Pass" in New Draft (H.P. 1841) (L.D. 2519)

Report was read and accepted, the New Draft read once and assigned for second reading Tuesday, March 15, 1988.

CONSENT CALENDAR

First Day

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

(H.P. 1609) (L.D. 2200) Bill "An Act to Provide Greater Public Dissemination of Information Concerning Prohibition of Certain Land Usages" Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-480)

There being no objections, the above item was ordered to appear on the Consent Calendar of Tuesday, March 15, 1988, under the listing of Second Day.

CONSENT CALENDAR

Second Day

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

(H.P. 1669) (L.D. 2287) RESOLVE, to Name the New Bridge Between the Communities of Bucksport and Verona the "Dr. Edward Thegan Memorial Bridge"

(H.P. 1649) (L.D. 2257) Bill "An Act to Correct Liquor License Fees" (Emergency)

(S.P. 861) (L.D. 2249) Bill "An Act to Study Alternative Dispute Resolution in the Superior Court" (C. "A" S-324)

(S.P. 780) (L.D. 2037) Bill "An Act to Conserve Striped Bass" (Emergency) (C. "A" S-326)

(S.P. 759) (L.D. 2022) Bill "An Act to Enforce 3rd-Party Liability Reimbursement for Medicaid Recipients as Required by Title XIX of the Social Security Act" (C. "A" S-325)

(H.P. 1575) (L.D. 2150) Bill "An Act to Provide for Child Care and Child Development Training for Student Parents" C. "A" H-474)

(H.P. 1447) (L.D. 1958) Bill "An Act to Provide for Retail Inspection of Potatoes" (C. "A" H-477)

(H.P. 1638) (L.D. 2237) Bill "An Act to Appropriate Funds for Replacement of Real Estate Tax Validation Machines in County Registries of Deeds" (C. "A" H-476)

No objections having been noted at the end of the Second Legislative Day, the Senate Papers were Passed to be Engrossed as Amended in concurrence and the House Papers were Passed to be Engrossed or Passed to be Engrossed as Amended and sent up for concurrence.

PASSED TO BE ENGROSSED

Bill "An Act to Expand the Medicaid Dental Program to Include Adults" (S.P. 945) (L.D. 2492)

Was reported by the Committee on Bills in the Second Reading, read a second time and Passed to be Engrossed in concurrence.

PASSED TO BE ENGROSSED

As Amended

Bill "An Act to Establish the Strategic Training for Accelerated Reemployment Program" (Emergency) (S.P. 946) (L.D. 2494)

Was reported by the Committee on Bills in the Second Reading and read a second time.

Representative Begley of Waldoboro offered House Amendment "A" (H-478) and moved its adoption.

House Amendment "A" (H-478) was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Waldoboro, Representative Begley.

Representative BEGLEY: Mr. Speaker, Men and Women of the House: I am introducing this amendment to L.D. 2494, the STAR Bill, because I believe the funding for the training bill should come from the General Fund and not the Unemployment Fund Program.

The Unemployment Fund is generated, as we all know, by a tax on employers. Because unemployment is low right now, the fund is viable but a scheduled unemployment tax reduction to employers would not take place this Spring and the monies would be used to fund the STAR Program.

If there is a rise in unemployment, the STAR Program would stop before the trust fund is tapped into. If the program is working well and the retraining is helping, why should we stop it, when unemployment rises? This is another good reason to go to the General Fund, the program can continue when it conceivably would help the most, when unemployment is on the rise.

The Unemployment Fund Program was never intended for the purpose put forth in this bill, that of training workers.

A few weeks ago here in this body, a bill was passed on training and the money was taken from the

General Fund. It seems to me that we should do that again with this particular bill.

Also I have found it extremely interesting to learn that, on the national level, the AFL-CIO agrees with this concept of the use of the General Fund. Here is an excerpt from the 17th AFL-CIO Convention Resolution on unemployment insurance dated October, 1987: "The principal goal of the Unemployment System is to provide temporary income support to the jobless. We oppose," (I repeat, oppose) "proposals to divert existing unemployment insurance fund or unemployment taxes for programs unrelated to that goal. Programs targeted at displaced or dislocated workers are urgently needed but should be funded separately."

Here in Maine, hundreds of small business owners have registered their opposition also by responding to a special ballot question this very last month. 83 percent are against the STAR proposal and the use of the funds being used in this way.

The Statement of Fact on Page 16 of the STAR Bill itself, L.D. 2494, includes this sentence: "Funding shall be derived from employers from contributions collected under the Unemployment Compensation Programs." I strongly disagree with this statement and encourage you to be fair to employers and vote green on this amendment. This amendment would have money for the STAR Bill coming from the General Fund as it should.

Mr. Speaker, I request a roll call.

The SPEAKER: The Chair recognizes the Representative from Skowhegan, Representative Hepburn.

Representative HEPBURN: Mr. Speaker, Men and Women of the House: I would just like to cover a few things about the STAR Program that we may not have had a chance to talk about yet. We adopted the "Ought to Pass" Report, which was an 11 to 2 report from the Labor Committee

The SPEAKER: The Chair would ask the Representative from Skowhegan to refer only to House Amendment "A" at this time.

Representative HEPBURN: I would be happy to refer to House Amendment "A" Mr. Speaker.

I think the funding mechanism that has been in place is a good one. The idea of drawing this money from the General Fund, while intellectually may be pleasing, realistically it will not be a possibility. We are talking about \$2.9 million dollars.

It is my understanding that we don't have large amounts of money hanging around on the Table this year. That is quite a large amount of money, \$2.9 million dollars to just come right off the Table going to the STAR Program. We have a well-crafted, very reasonable way to pay for this program that a number of employers, both small and large, have shown support for. We have had good support for this particular program and the funding mechanism, as it is now in place.

I would like to urge you to defeat the amendment that has been presented so that we can, ultimately, adopt the bill in its original form.

The SPEAKER: The Chair recognizes the Representative from Hampden, Representative Willey.

Representative WILLEY: Mr. Speaker, Men and Women of the House: I hope that you do see fit to pass the amendment that the Representative from Waldoboro, Representative Begley, has presented.

I think that it makes an awfully lot of sense and I would like, just for a moment, to tell you why.

The Unemployment Compensation Fund is created to help those who are out of work, through no fault of their own, who are simply laid off through no fault of their own. The fund was created a good many years

ago based on a tax currently on the first \$7,000 of earned income that the employee has. It is paid entirely by the employer.

The experience rating of the individual company comes into play in a very complicated chart so that, as unemployment goes down, the employers pay less. I noticed on a sheet that was passed around this morning that it says "not one cent comes out of the Unemployment Fund." That is true but it is misleading in that, instead of the money going into the fund, it is simply diverted so that it doesn't any longer go into the fund but into the STAR Program.

Another thing you might like to know is that, several years ago, the Labor Committee overhauled the chart of the Workers' Compensation Fund. That was done because, at one time, the fund was broke (in the '70's) and they had to borrow \$30 odd million dollars from the federal government. That was paid back by a surtax on our employers. There was no help from any other source. It was thought at that time and urged by the federal government and the union that the fund be built up to \$250 million dollars. Currently, the fund is \$130 odd million dollars; in other words, about \$120 million shy of the goal.

In order for the fund to be viable, money has to go into the fund when unemployment is low so that the funds are readily available when unemployment is high (when there is a depression and that sort of thing). It seems logical further that the money be taken from the General Fund because, when these people are put back to work and earning good money (which is the purpose of the program) they pay sales tax, income tax and every conceivable tax that you can think of and where does the money go that they earn? It goes into the General Fund, it does not replace the money that has been diverted from the Unemployment Fund.

Here a little while ago, we had a similar training program and that money came out of the Unemployment Fund and I had trouble swallowing that, believe me. Today, you have another bill on the agenda which diverts another \$300,000 from the fund -- where does it stop? Does it make any sense, for heaven's sake, to take it out of the Unemployment Fund simply because money is there? Logically, it should come out of the General Fund because that is where the earnings will go. It will go back into the General Fund.

Sooner or later, we are going to have need of the funds that are in the Unemployment Fund now and I hope you see fit to pass this amendment so it will be there when we need it.

The SPEAKER: The Chair recognizes the Representative from Skowhegan, Representative Hepburn.

Representative HEPBURN: Mr. Speaker, Men and Women of the House: One important point that I think really needs to be made here is that there is a built-in circuit breaker in the bill as it is drafted so that the program will self-destruct if the unemployment in the State of Maine becomes less favorable than it was in 1986. So there is a built-in defense mechanism here in this bill whereby our fund is not going to be rated if unemployment suddenly becomes a large problem in the State of Maine.

I think if you look at the reason why we have an Unemployment Fund it is to help those people who don't have a job and can't get a job and those individuals who would most likely benefit from the STAR Program are those individuals who need some training, maybe need a high school diploma, one's that you might consider to be the hardcore unemployed. So what more reasonable place to use them than on those people who have the greatest chance and who are currently unemployed and have the

greatest chance of being unemployed in the future. These are the people who need the funds, these are the people who can use them, not only next year but 10 years down the road or 20 years down the road. It is an excellent investment in the future, ladies and gentlemen, so I would urge that you vote against House Amendment "A" so we can go on and enact the bill in its original form.

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 adoption of House Amendment "A" (H-478). Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 197

YEA - Aliberti, Allen, Anderson, Anthony, Armstrong, Baker, Begley, Bickford, Bost, Bott, Brown, Callahan, Carroll, Chonko, Clark, H.; Clark, M.; Conley, Cote, Crowley, Curran, Daggett, Dellert, Dexter, Diamond, Dore, Dutremble, L.; Erwin, P.; Farren, Foss, Foster, Garland, Glidden, Gould, R. A.; Greenlaw, Gurney, Gwadosky, Hale, Handy, Hanley, Harper, Hichborn, Hickey, Hoglund, Holloway, Holt, Hussey, Jackson, Jacques, Jalbert, Joseph, Ketover, Kilkelly, Lacroix, LaPointe, Lawrence, Lebowitz, Lisnik, Look, Lord, Macomber, Martin, H.; Matthews, K.; Mayo, McHenry, McPherson, McSweeney, Michaud, Mitchell, Moholland, Nadeau, G. G.; Nadeau, G. R.; Norton, Nutting, O'Gara, Oliver, Paradis, E.; Paradis, J.; Paradis, P.; Paul, Perry, Pouliot, Racine, Rand, Reed, Richard, Ridley, Rotondi, Rydell, Salsbury, Scarpino, Seavey, Sheltra, Sherburne, Simpson, Small, Smith, Soucy, Stevens, A.; Strout, D.; Swazey, Telow, Thistle, Tracy, Tupper, Vose, Walker, Warren, Webster, M.; Wentworth, Weymouth, Whitcomb, Willey, The Speaker.

NAY - Bragg, Farnum, Hepburn, MacBride, Marsano, Murphy, E.; Murphy, T.; Nicholson, Parent, Pines, Strout, B.; Tammaro, Taylor, Zirnkilton.

ABSENT - Bailey, Boutilier, Carter, Cashman, Coles, Davis, Duffy, Higgins, Hillock, Kimball, Mahany, Manning, McGowan, Melendy, Mills, Priest, Reeves, Rice, Rolde, Ruhlin, Stanley, Stevens, P.; Tardy.

Yes, 113; No, 14; Absent, 23; Vacant, 1; Paired, 0; Excused, 0.

113 having voted in the affirmative and 14 in the negative with 23 being absent and 1 vacant, House Amendment "A" was adopted.

The Bill was passed to be engrossed as amended by House Amendment "A" (H-478) in non-concurrence and sent up for concurrence.

PASSED TO BE ENGROSSED

As Amended

Bill "An Act to Increase the Effectiveness of the Public Utilities Commission through Computerization and to Provide Certain Exceptions from the Annual Regulatory Fund Assessment and from Filing Annual Reports and Certain Other Changes" (H.P. 1630) (L.D. 2225) (H. "A" H-479 to C. "A" H-470)

Was reported by the Committee on Bills in the Second Reading, read a second time, Passed to be Engrossed as Amended, and sent up for concurrence.

FINALLY PASSED

Emergency Measure

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Piscataquis County for the Year 1988 (H.P. 1818) (L.D. 2488)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 123 voted in favor of the same and none against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

An Act to Provide Increased Funding for the Civil Air Patrol (H.P. 1526) (L.D. 2080) (C. "A" H-464)

An Act Relative to the Union of the Trustees of the Maine Annual Conference of the United Methodist Church and the Trustees of the New Hampshire Annual Conference of the United Methodist Church (H.P. 1601) (L.D. 2192) (C. "A" H-465)

Were 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.

ORDERS OF THE DAY

TABLED AND TODAY ASSIGNED

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

Later Today Assigned

An Act to Permit Sharing of Confidential Information between Criminal Justice Agencies at all Governmental Levels (H.P. 1467) (L.D. 1978)

TABLED - March 11, 1988 by Representative PRIEST of Brunswick.

PENDING - Passage to be Enacted.

On motion of Representative Diamond of Bangor, retabled pending passage to be enacted and later today assigned.

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

SENATE DIVIDED REPORT - Majority (9) "Ought to Pass" as amended by Committee Amendment "A" (S-323) - Minority (3) "Ought Not to Pass" - Committee on Aging, Retirement and Veterans on Bill "An Act Concerning Investment of State Funds in Corporations Doing Business in Northern Ireland" (S.P. 757) (L.D. 2008)

- In Senate, Majority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-323)

TABLED - March 11, 1988 by Representative HICKEY of Augusta.

PENDING - Motion of same Representative to accept the Majority "Ought to Pass" as amended Report in concurrence.

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative Hickey.

Representative HICKEY: Mr. Speaker, Ladies and Gentlemen of the House: I rise today in support of L.D. 2008. To stand before you today, I, like yourselves, had to take two oaths to be a duly elected member of this House. One oath was that you and I swore to uphold the Constitution of this state. The second oath we took was to honor and uphold the Constitution of the United States. Both documents, which I am sure we revere with respect for which they were drawn, clearly outline among other

things, the prohibition of discrimination on religious principles.

I am sure, in the general sense, that you all here today understand what the MacBride Principles are all about. The MacBride Principles are designed to assure equal employment opportunities for all men and women in Northern Ireland. They are not designed for any other purpose, basic equality under the law, plain and simple.

The largest single independent investor in Northern Ireland outside of the United Kingdom are American companies. If these companies employ the same hiring practices in the United States as they do in Northern Ireland, a great many of us here in this House would be denied employment. I know in my years as a Representative of this House that you individuals who could be employed would be outraged at such sick and demented hiring practices. However, today we can do something about and should do something about this here in the House by putting United States companies on notice that further use of Maine Retirement Funds and purchasing stock in these companies will cease to exist. Discrimination will not be tolerated in Maine, our Constitution guarantees it. The same Constitution that you and I stood on this floor and swore to uphold 14 months ago. I intend to honor that commitment and I ask you to do the same today.

The SPEAKER: The Chair recognizes the Representative from Gardiner, Representative Dellert.

Representative DELLERT: Mr. Speaker, Men and Women of the House: No one disagrees that there is discrimination in Northern Ireland and there is great unemployment, nor would anyone disagree that there is discrimination in every part of the world, including our own United States. But I do disagree with the Irish Political Committee and their methods of trying to bring about change.

Between 1979 and 1985, Northern Ireland lost one-third of its manufacturing jobs, some 48,000. To help these people, we should send a more positive, constructive support promoting people to people and continue the work begun by former Governor Brennan, now Congressman Brennan, who sought to promote business enterprise between Ireland and Maine, to encourage business exchanges like our Maine Development, offer scholarships for job training, perhaps a duplicative program like our sister state in Brazil, Rio Grande do Norte, and of course, continuing the student exchange that camps use and our own Representative Curran has so lovingly fostered.

This bill will not help the people of Northern Ireland. I am concerned that the controller of the State of New York came to Maine as a coordinator of the MacBride campaign to tell us that, since we passed legislation to divest in South Africa, the precedent is set to do the same in Northern Ireland and whoever comes next.

The Maine State Retirement System is for the employees of the State of Maine and should not be used as a political tool. The bill stating the possible divestiture four years from now binds another legislature to interpret the intent of the 113th. It does not matter that the sponsors say that there are only two companies left, that is beside the point.

The Social or Democratic Labor Party, which is the majority of the Catholic people, has said the message for the people of America who want to help improve things in Ireland is to use whatever influence they have in a positive way to create investment in an area of high unemployment.

This bill is flawed, unenforceable and cannot be monitored. If we truly want to help the people of Northern Ireland, then let us use a constructive method using state and federal governments and people to people but do not use the Maine State Retirement System as a force for political change.

I urge you to vote against the pending motion.

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

Representative KETOVER: Mr. Speaker, Ladies and Gentlemen of the House: Discrimination in any form should never be tolerated, no matter what your religion is. The nine MacBride Principles aim to reduce unfair disadvantage without producing unfair advantage. They do not require the blind preference for one religious denomination over another without regard to qualification.

The Principles would require American companies to publicly advertise job opportunities to cease informal methods of recruiting which would only perpetrate past discriminations. It bans provocative religious discrimination based on religion in hiring, promotion, transfer, lay-off, recall and termination practices and provide security for minority employees. They require an American company to make a public statement to that effort and to agree to outside monitoring of their progress on the guidelines set forth in the Principles.

To date, none of the 24 U.S. companies doing business in Northern Ireland have formally adopted the Principles. It is important to vote that the legislative initiative at all levels have been the product of bipartisan collaboration. Five states have pending legislation. There is much support in all religious denominations and ethnic origin and they are all in opposition of abuse of civil and human rights.

The MacBride Principles are modeled after the Sullivan Principles for firms operating in South Africa. The Principles do not call for quotas nor do they call for reverse disarmament. The sponsors do not want investments withdrawn from Northern Ireland.

Unfortunately, 20 years into the Civil Rights Social Justice Movement and, yet this is 1988 and the vast discrimination in the Catholic/Protestant communities in Northern Ireland, lives on. This is why they need the MacBride Principles.

The many who sacrifice their lives, the women and the children killed by plastic bullets and the ten men who died in 1981 on the hunger strikes -- how many more must die?

This is a great week to be discussing this issue, a week when everyone is Irish, no matter what your religion is on St. Patrick's Day. Ladies and gentlemen, let's take one giant step for Maine, Ireland, the nation, and for human rights and vote green on this bill.

The SPEAKER: The Chair recognizes the Representative from Lincoln, Representative Harper.

Representative HARPER: Mr. Speaker, Ladies and Gentlemen of the House: Religious imbalance and discrimination in employment is, indeed, a tragic fact of life in Northern Ireland. It is true that many citizens are being denied an opportunity in the workplace. Indeed, there is no workplace for over 18 percent of the work force. There is an urgent need for new jobs, for fair employment practices, and for peace in a country torn apart by poverty, by political and by religious strife, and by terrorism.

I respect and I share the deep concern and the sincerity of those trying to respond to the needs of the unfortunate who are caught up in this web of misery and of suffering. But, I am also very anxious

lest we do more harm than good with these MacBride Principles.

I would point out to you that the Amalgamated Transport and General Workers' Union, the largest trade union in Northern Ireland, is strongly opposed to the MacBride Principles. This is a union which represents all occupational categories with a membership of near equal numbers of Protestants and of Catholics, a union dedicated to trying to create a non-sectarian, non-threatening work environment.

They are alarmed at #5 listed in the Principles which would violate present seniority practices and would be illegal and unacceptable under legislation covering termination, recall, and lay-off practices. The religious quotas implied in #1, 7, and 8 are illegal under the Fair Employment Act. The unions, including the Irish Congress of Trade Unions, find the Principles divisive, with preferential treatment being based on religion. These MacBride Principles are vague; there would be great difficulty in assessing compliance.

The Unions point out that Dupont has a work force of 70 percent Catholic. United Technologies has a work force of 100 percent Catholic. But this is because of geological location of these factories. People are unable or unwilling to travel across hostile areas to get to work. The trade unions tread a fine line to maintain unity across religious and geographical boundaries. They are anxious to maintain peace in the workplace and fear that these MacBride Principles will be a deterrent for investment and for job opportunities which they desperately need.

Discrimination in employment on grounds of religion or politics is illegal in Northern Ireland. The Fair Employment Agency is being strengthened and a new commission being formed under legislative action by the British Government. Enforcement powers are being strengthened. Discrimination in housing and voting rights has been effectively dealt with and Prime Minister Thatcher is firmly committed to equality in employment opportunities.

I would like to quote the words of John Hume, the leader of the Social Democratic Labor Party of Northern Ireland, which speaks for the majority of the Catholic community. Mr. Hume is an elected member of the United Kingdom and European Parliaments. And, I quote, "My advice to our friends in the United States was, and is, if you really want to help us, then encourage investment in areas of high unemployment in Northern Ireland. That is a positive thing to do. The effect of the MacBride Principles campaign, whether people like to admit it or not, is to stop investment coming in, and that's bad for us."

I think we should listen to Mr. Hume and we should listen to the trade unions. We should note that the Catholic Church of Northern Ireland did not lend its support to the MacBride campaign, nor did the Presbyterians. The Methodist Church of Northern Ireland adopted a resolution which rejected the idea of quotas as being in conflict with the merit principle and rejected the concept of "reverse discrimination" involved in these MacBride Principles as unfair and unreasonable and likely to result in discouraging investments and will lead to greater unemployment.

We should listen to the British Government, who themselves, are facing up to this very complex and difficult problem with positive steps through legislative action and through enforcement.

Our own MSEA has expressed opposition to this proposed legislation. The Board of Trustees of the Retirement System has expressed opposition. They are

very concerned that restrictions on their investment authority could be a detriment to the system. Under no circumstances could they view themselves as acting in accordance with sound investment criteria, consistent with the prudent standards of fiduciary responsibility when acquiring or divesting of investments -- which would be based solely on ethnic or religious considerations.

I would point out to you also that every political party in Northern Ireland is opposed to these MacBride Principles, to this campaign, excepting for one, and that is the political wing of the terrorist IRA.

I urge you to vote no on this.

I ask for a Roll Call, Mr. Speaker.

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

Representative JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I think there is a big misunderstanding as to just what this bill does. It does three things. First, the Trustees of the Maine State Retirement System and the Treasurer of the State of Maine shall monitor every year (for the next four years) which companies from this country are doing business in Northern Ireland, which we have investments in, to see if they are complying with the MacBride Principles. At the same time, during those four years, they will urge the companies to comply with the MacBride Principles. It is not until after the year 1992 -- that should be understood, it is not until 1992 that the Treasurer of the State of Maine and the Trustees of the Maine State Retirement System shall then start divesting.

There is one thing that is overlooked. It says in the bill, "Any funds which are gained from the divestment of funds for those companies that do not meet the requirements of the MacBride Principles shall be reinvested in companies, American Companies, doing business in Northern Ireland." So, to say that we will raise heck with the economy of Northern Ireland, well we are not going to do that. It will have to be reinvested.

One thing that should be understood, there is nothing in this bill that tells the government of the United Kingdom or Northern Ireland what to do. We are not telling anybody anything. What we are saying to these American companies is, if you wish to have our money invested in your companies while you are in Northern Ireland, you shall have to abide by the same principle of fair play that you have to do when you are in this country, that is all it amounts to. At the end of four years, if they have not complied with the principles in the MacBride Principles, then we should just take the money, invest in some other American company that is in Northern Ireland, and it says "shall invest it in those companies."

I am not of Irish ancestry and neither is my wife. It is important to me because I am a retiree after 30 years. I have to live on that retirement system, but it is fair play.

We asked one of the Representative's from the United Kingdom, I personally asked her in committee, what part of the MacBride Principles don't you like? She said, number two, which reads, "Adequate security for the protection of minority employees at the workplace and while traveling to and from work." That last part, we deleted. There is nothing anywhere that tells us to tell any company what they shall do in Northern Ireland. What the British government does, what the government in Northern Ireland does, is their business.

I repeat again, all we are saying to Ford Motor Company or any of those companies is, if you are to do business and expect money from us in investments,

you shall have to conform to the same rules that you are made to do when you do business in this country. I would urge you vote for this bill.

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

Representative CURRAN: Mr. Speaker, Men and Women of the House: I have to take issue with at least one thing that has been said this morning and very forcefully. I want you to believe that I would not be a cosponsor of this bill if it had even a whisper on it of the IRA, even a breath, even a finger print. I am a reconciliationist and I absolutely have nothing whatsoever to do with extremists in northern Ireland. So please discount that charge.

Ladies and gentlemen, this bill has in it the promise of justice. It should be talked about in the soft terms of charitableness, understanding, sensitivity and compassion. It has been said this morning that this should not be a partisan bill. It shouldn't by any means be a partisan bill. It is really a fundamental human rights bill, embraced in principle by all congregations with issues of jobs and social balance. Those are everyone's values here, I think.

I have been in Northern Ireland over their border several times back and forth and I have stayed in Northern Ireland altogether an aggregate of several weeks. I had an opportunity to see up close in a way that few American's ever see and talked about at great length the dozens of different facets of these so-called troubles. To see and feel the bitterness and hatred of brother against brother, of sister against sister, all of which is cavalierly accepted here as a simple, religious issue, which I am convinced is not at all. It is a civil rights issue. It is an economic issue. It's economic deprivation on the one side and it's a privilege structure of society on the other side, convinced and fearful that, if they give in to indiscriminate and equal opportunity and equality of life for every one, that they will lose their privilege status. Now, that is overly simplified but it is essentially the truth of the matter.

The MacBride Principles that you are asked to adopt here today are simply a list of fair employment practices that we wish our American corporations with plants in Northern Ireland to abide by. It does not threaten the pension fund.

The recent reports in the newspapers have been absolutely incorrect about that. It does not mandate the trustees of the pension fund to anything other than a sense of moral values and prudence in their investment policies.

I have told you that I have been to Northern Ireland, I have. I am convinced from my own observations there that the greatest cause of violence, the cause of the gunfire, the bombings, the killings and the mutilation in Northern Ireland, is the result of (more than any one thing) the humiliation and festering effect of job discrimination and such high unemployment of such a disproportionately large section segment of the population, the Catholic segment. You could, of course, under other circumstances, call them anything else. It is only coincidental that it is a Catholic population we are talking about; if the roles were reversed, it would breed the same sense of unfairness in all of us and the same sense of retaliation and bloodshed in them.

I have been told that the general unemployment rate in Northern Ireland is 20 percent. I have been in Catholic sections in Belfast, Northern Ireland in which the unemployment rate is said to be 85

percent. That must be mindboggling to even the most callous of people and to even the most zealous of people who would isolate us from moral issues on the flimsy grounds that another country's distress is not our business.

This bill before you, L.D. 2008 is a practical and peaceful approach to putting a dent in that soul killing discrimination. It is our signal to our own American companies that they must treat people over there with the same affirmative action and dignity that is required of them by law here at home. We are not meddling in the affairs of a foreign government, we are providing direction to American companies. That is our right and that is our obligation, to keep faith with our own sense of justice and to keep faith with our own responsibility to do anything to abate the existence of violence in the workplace. It is especially to keep faith with the many, many thousands of Maine natives around us whose derivation and bloodlines are from that unhappy land. With the acknowledgment that we ourselves have not always been free of prejudice, to atone for that in a way that will make a difference to so many people.

One other thing -- if this bill is not a good one, which of course I think is, to help break down the barriers of such unholy discrimination, then the forces who stand to lose such unfair advantage would not have lobbied here for the past couple of weeks with such passion for distortion of the facts and, in some cases, downright misrepresentations and vicious defamation.

To sum up, employment discrimination is a root cause of violence over there. I believe it, I have seen it. We can do something about it without harm to ourselves or to our pensioners. Jobs and social justice, human rights, and elimination of violence anywhere in the world are our business and they are not partisan issues. Three-quarters of the committee examined the evidence and heard the testimony, two-thirds of the Maine Senate believe that and so do I and I hope that you do too. I hope that you will make this the law of the land. I think you will feel good when you go home tonight if you do that.

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 acceptance of the Majority "Ought to Pass" as amended by Committee Amendment "A" (S-323) Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 198

YEA - Aliberti, Allen, Anthony, Baker, Bost, Carroll, Carter, Chonko, Clark, H.; Clark, M.; Conley, Cote, Crowley, Curran, Daggett, Diamond, Dore, Dutremble, L.; Erwin, P.; Glidden, Gould, R. A.; Gurney, Gwadosky, Hale, Handy, Hichborn, Hickey, Hognlund, Holt, Hussey, Jackson, Jacques, Jalbert, Joseph, Ketover, Kilkelly, Lacroix, LaPointe, Lisnik, Lord, Macomber, Manning, Martin, H.; Matthews, K.; Mayo, McGowan, McHenry, McPherson, McSweeney, Michaud, Mitchell, Murphy, E.; Nadeau, G. G.; Nadeau, G. R.; Nicholson, Nutting, O'Gara, Oliver, Paradis, J.; Paradis, P.; Paul, Perry, Pouliot, Racine, Rand, Richard, Rolde, Rotondi, Rydell, Sheltra, Simpson, Smith, Soucy, Swazey, Telow, Thistle, Tracy, Vose, Walker, Warren, Webster, M.; Willey, The Speaker.

NAY - Anderson, Armstrong, Begley, Bickford, Bott, Bragg, Brown, Callahan, Dellert, Dexter, Farnum, Farren, Foss, Foster, Garland, Greenlaw, Hanley, Harper, Hepburn, Higgins, Holloway, Kimball, Lawrence, Lebowitz, Look, MacBride, Marsano, Moholland, Murphy, T.; Norton, Paradis, E.; Parent, Pines, Reed, Ridley, Salsbury, Scarpino, Seavey, Sherburne, Small, Stevens, A.; Strout, B.; Tammaro, Taylor, Tupper, Wentworth, Weymouth, Whitcomb, Zirkilton.

ABSENT - Bailey, Boutilier, Cashman, Coles, Davis, Duffy, Hillock, Mahany, Melendy, Mills, Priest, Reeves, Rice, Ruhlin, Stanley, Stevens, P.; Strout, D.; Tardy.

Yes. 83; No. 49; Absent, 18; Vacant, 1; Paired, 0; Excused, 0.

83 having voted in the affirmative and 49 in the negative with 18 being absent and 1 vacant, the Majority "Ought to Pass" as amended Report was accepted, the Bill read once.

Committee Amendment "A" (S-323) was read by the Clerk and adopted and the Bill assigned for second reading, Tuesday, March 15, 1988.

The Chair laid before the House the following matter: Recognizing: the Bonny Eagle High School Cheerleading team on their victory in the State Class A Cheerleading Championship held in Orono, February 6, 1988: (HLS 1037) by Representative GREENLAW of Standish. (Cosponsors: Senator BLACK of Cumberland, Representative KIMBALL of Buxton) which was tabled earlier in the day and later today assigned pending passage.

Was read, passed, and sent up for concurrence.

The Chair laid before the House the following matter: An Act to Permit Sharing of Confidential Information between Criminal Justice Agencies at all Governmental Levels (H.P. 1467) (L.D. 1978) which was tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Representative Diamond of Bangor, retabled pending passage to be enacted and specially assigned for Tuesday, March 15, 1988.

(Off Record Remarks)

On motion of Representative Brown of Gorham, Adjourned until Tuesday, March 15, 1988, at nine o'clock in the morning.

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

In Senate Chamber

Monday

March 14, 1988

Senate called to Order by the President.

Prayer by Reverend Doctor Stephen Tolander of the Veterans Administration Center in Augusta.

REVEREND TOLANDER: Except the Lord build the house, they labor in vain that build it. Except the Lord keep the city, the watchman waketh but in vain. Blessed is everyone that feareth the Lord, that walketh in his way.

Let us Pray. We come before You, oh Lord, asking Your wisdom and blessing upon the men and women of the Senate of this great state, who have been duly elected to rule over us and to act on our behalf. They come from many places and have a variety of interests and backgrounds. And they bring to the challenges that lie before them a wealth of talent and ability. Help them to indeed remember that unless You build the city, they labor in vain that build it. Only You can enable them to see beyond the finiteness of their own perspective. Only You can enable them to move beyond the partisan tug of region, ideology, and personal agenda to seek the "higher good" for all the people. May they learn the lesson from the story of the blind men who each had hold of a portion of the elephant that each perspective and opinion on an issue has value in and of itself and, if accepted in a spirit of tolerance, can give a better understanding of the whole. These things we pray in Your holy name. Amen.

Reading of the Journal of Friday, March 11, 1988.

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Clarify the Definition of Earnable Compensation"

H.P. 1826 L.D. 2502

Comes from the House referred to the Committee on AGING, RETIREMENT AND VETERANS and ORDERED PRINTED.

Which was referred to the Committee on AGING, RETIREMENT AND VETERANS and ORDERED PRINTED, in concurrence.

Bill "An Act to Authorize a Bond Issue in the Amount of \$10,000,000 for a Grants Program for Municipal Capital Investments"

H.P. 1829 L.D. 2505

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

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

Bill "An Act to Amend the Maine Banking Code" (Emergency)

H.P. 1827 L.D. 2503

Comes from the House referred to the Committee on BANKING AND INSURANCE and ORDERED PRINTED.

Which was referred to the Committee on BANKING AND INSURANCE and ORDERED PRINTED, in concurrence.