

MAINE STATE LEGISLATURE

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Legislative Record
House of Representatives
One Hundred and Nineteenth Legislature
State of Maine

Volume I

First Regular Session

December 2, 1998 – May 12, 1999

ONE HUNDRED AND NINETEENTH LEGISLATURE
FIRST REGULAR SESSION
24th Legislative Day
Thursday, March 11, 1999

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

Prayer by Father Gilbert Patenaude, Augusta (retired).

Pledge of Allegiance.

Doctors of the day,

Ira W. Stockwell, D.O., Westbrook,

Elizabeth Stockwell, D.O., Kennebunkport,

George Stockwell, D.O., Buxton,

Richard Stockwell, D.O., Kennebunkport.

The Journal of yesterday was read and approved.

SENATE PAPERS

Bill "An Act to Clarify the Definition and Licensure of Insurance Consultants, Financial Planners and Investment Advisors"

(S.P. 639) (L.D. 1806)

Came from the Senate, **REFERRED** to the Committee on **BANKING AND INSURANCE** and ordered printed.

REFERRED to the Committee on **BANKING AND INSURANCE** in concurrence.

Bill "An Act Regarding Dependent and Family Coverage in the State Employee Health Insurance Program"

(S.P. 622) (L.D. 1787)

Committee on **LABOR** suggested and ordered printed.

Came from the Senate, **REFERRED** to the Committee on **BANKING AND INSURANCE** and ordered printed.

REFERRED to the Committee on **BANKING AND INSURANCE** in concurrence.

Bill "An Act to Revoke Probation and Require Incarceration for Repeated Domestic Abuse"

(S.P. 636) (L.D. 1803)

Came from the Senate, **REFERRED** to the Committee on **CRIMINAL JUSTICE** and ordered printed.

REFERRED to the Committee on **CRIMINAL JUSTICE** in concurrence.

Bill "An Act to Restore the Distribution Formula Between Private and Public Colleges within the Maine Student Incentive Scholarship Program"

(S.P. 635) (L.D. 1802)

Came from the Senate, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed.

REFERRED to the Committee on **EDUCATION AND CULTURAL AFFAIRS** in concurrence.

Bill "An Act to Ensure Prompt Payment of Unemployment Compensation Benefits to Displaced Workers"

(S.P. 638) (L.D. 1805)

Came from the Senate, **REFERRED** to the Committee on **LABOR** and ordered printed.

REFERRED to the Committee on **LABOR** in concurrence.

Bill "An Act to Enable Small Wineries to Do Business in Maine"

(S.P. 634) (L.D. 1801)

Came from the Senate, **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** and ordered printed.

REFERRED to the Committee on **LEGAL AND VETERANS AFFAIRS** in concurrence.

Bill "An Act Concerning Standards for Operation and Maintenance of Radio Antenna Towers"

(S.P. 633) (L.D. 1800)

Came from the Senate, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed.

REFERRED to the Committee on **STATE AND LOCAL GOVERNMENT** in concurrence.

Non-Concurrent Matter

Bill "An Act to Clarify the Regulation of Viatical Settlement Contracts When Sold as Investments"

(H.P. 1182) (L.D. 1693)

REFERRED to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** in the House on March 4, 1999.

Came from the Senate **REFERRED** to the Committee on **BANKING AND INSURANCE** in **NON-CONCURRENCE**.

The House voted to **RECEDE AND CONCUR**.

Non-Concurrent Matter

Bill "An Act Concerning Service Relating to the Disclosure of Financial Records"

(H.P. 1161) (L.D. 1672)

REFERRED to the Committee on **JUDICIARY** in the House on March 4, 1999.

Came from the Senate **REFERRED** to the Committee on **BANKING AND INSURANCE** in **NON-CONCURRENCE**.

The House voted to **RECEDE AND CONCUR**.

Non-Concurrent Matter

Bill "An Act Governing Privileged Communications between Victims of Crimes and Governmental Victim Witness Advocates"

(H.P. 1174) (L.D. 1685)

REFERRED to the Committee on **JUDICIARY** in the House on March 4, 1999.

Came from the Senate **REFERRED** to the Committee on **CRIMINAL JUSTICE** in **NON-CONCURRENCE**.

On motion of Representative THOMPSON of Naples, **TABLED** pending **FURTHER CONSIDERATION** and later today assigned.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

The following Bills and Resolves were received, and upon the recommendation of the Committee on Reference of Bills were **REFERRED** to the following Committees, ordered printed and sent for concurrence:

APPROPRIATIONS AND FINANCIAL AFFAIRS

Bill "An Act Regarding the Use of Excess Funds in the State Treasury" (EMERGENCY)

(H.P. 1265) (L.D. 1819)

Presented by Representative BAGLEY of Machias.

Cosponsored by Representatives: CHIZMAR of Lisbon, McGLOCKLIN of Embden, SANBORN of Alton, STANLEY of Medway.

Resolve, to Require the State to Fully Fund All Educational Program Costs

(H.P. 1270) (L.D. 1831)

Presented by Representative MENDROS of Lewiston.

Cosponsored by Senator AMERO of Cumberland and Representatives: BAKER of Bangor, BRAGDON of Bangor, CAMPBELL of Holden, DUDLEY of Portland, KASPRZAK of Newport, MAYO of Bath, SHIELDS of Auburn, SHOREY of Calais.

EDUCATION AND CULTURAL AFFAIRS

Resolve, to Create Grants for the Creation of After-school Child Care Programs in Public Elementary and Middle Schools

(H.P. 1261) (L.D. 1815)

Presented by Representative O'NEIL of Saco.

Bill "An Act to Require All Students in Kindergarten to Grade 3 to be Bused to School"

(H.P. 1272) (L.D. 1833)

Presented by Representative GERRY of Auburn.

Bill "An Act to Support Violence Prevention and Intervention Programs"

(H.P. 1273) (L.D. 1834)

Presented by Representative SKOGLUND of St. George.

Cosponsored by Representatives: ANDREWS of York, BELANGER of Caribou, DESMOND of Mapleton, RICHARD of Madison, SAVAGE of Buxton, WATSON of Farmingdale, Senators: BERUBE of Androscoggin, SMALL of Sagadahoc.

HEALTH AND HUMAN SERVICES

Bill "An Act to Require the Development of a Basic Needs Budget"

(H.P. 1258) (L.D. 1812)

Presented by Representative COWGER of Hallowell.

Cosponsored by Representatives: DUPLESSIE of Westbrook, HATCH of Skowhegan, McKEE of Wayne, VOLENIK of Brooklin, WATSON of Farmingdale, Senator: TREAT of Kennebec.

Bill "An Act Establishing the Newborn Hearing Program"

(H.P. 1260) (L.D. 1814)

Presented by Representative FULLER of Manchester.

Cosponsored by Senator TREAT of Kennebec and Representatives: GREEN of Monmouth, KANE of Saco, McKENNEY of Cumberland, ROWE of Portland, SHIELDS of Auburn, TOWNSEND of Portland, Senator: PARADIS of Aroostook.

Bill "An Act to Create Statewide Smoking Cessation Services"

(H.P. 1264) (L.D. 1818)

Presented by Representative FULLER of Manchester.

Cosponsored by Representatives: BRENNAN of Portland, MADORE of Augusta, McGLOCKLIN of Embden, TWOMEY of Biddeford, Senators: MILLS of Somerset, PARADIS of Aroostook, TREAT of Kennebec.

Bill "An Act to Include Mental Retardation, Developmental Disability and Substance Abuse Services in the Community Service System of the Department of Mental Health, Mental Retardation and Substance Abuse Services and to Consolidate Those Advisory Bodies to the Department"

(H.P. 1277) (L.D. 1838)

Presented by Representative KANE of Saco.

Cosponsored by Senator PARADIS of Aroostook and Representatives: BRAGDON of Bangor, BROOKS of Winterport, FULLER of Manchester, POWERS of Rockport, SNOWE-MELLO of Poland, Senators: MacKINNON of York, MITCHELL of Penobscot.

Submitted by the Department of Mental Health, Mental Retardation and Substance Abuse Services pursuant to Joint Rule 204.

Bill "An Act to Maintain High-quality Services in Long-term Care in Maine"

(H.P. 1278) (L.D. 1839)

Presented by Representative FULLER of Manchester.

Cosponsored by Senator BENNETT of Oxford and Representatives: BRAGDON of Bangor, COWGER of Hallowell, KNEELAND of Easton, Senator: PARADIS of Aroostook.

INLAND FISHERIES AND WILDLIFE

Bill "An Act to Decriminalize Certain Fish and Wildlife Statutes"

(H.P. 1266) (L.D. 1820)

Presented by Representative DUNLAP of Old Town.

Cosponsored by Senator KILKELLY of Lincoln and Representative: THOMPSON of Naples, Senator: MILLS of Somerset.

Bill "An Act to Provide Complimentary Hunting and Fishing Licenses to Persons on Active Military Duty and Low-cost Licenses to Their Families"

(H.P. 1269) (L.D. 1830)

Presented by Representative COWGER of Hallowell. (BY REQUEST)

LEGAL AND VETERANS AFFAIRS

Bill "An Act to Revise the Harness Racing Laws Regarding Off-track Betting"

(H.P. 1262) (L.D. 1816)

Presented by Representative COWGER of Hallowell. (BY REQUEST)

Bill "An Act to Facilitate the Recruiting of Ballot Clerks"

(H.P. 1263) (L.D. 1817)

Presented by Representative COWGER of Hallowell. (BY REQUEST)

Bill "An Act to Amend the Harness Racing Laws"

(H.P. 1276) (L.D. 1837)

Presented by Representative TRUE of Fryeburg.

Cosponsored by Senator CAREY of Kennebec and Representatives: CHIZMAR of Lisbon, CROSS of Dover-Foxcroft, GOOLEY of Farmington, JODREY of Bethel, LABRECQUE of Gorham, NUTTING of Oakland, O'BRIEN of Augusta, STANWOOD of Southwest Harbor.

MARINE RESOURCES

Bill "An Act Concerning the Sea Urchin Fishery"
(H.P. 1275) (L.D. 1836)

Presented by Representative ETNIER of Harpswell.
Cosponsored by Representatives: McNEIL of Rockland, STANWOOD of Southwest Harbor.
Submitted by the Department of Marine Resources pursuant to Joint Rule 204.

NATURAL RESOURCES

Bill "An Act Allowing Kelly Sanborn to Remain in Her Current Residence"
(H.P. 1268) (L.D. 1822)
Presented by Representative MACK of Standish.

Bill "An Act to Amend the Department of Environmental Protection Laws"
(H.P. 1274) (L.D. 1835)
Presented by Representative JOY of Crystal.
Cosponsored by Representatives: CAMPBELL of Holden, MACK of Standish, MENDROS of Lewiston.

Bill "An Act to Prohibit Lobbying by Government Agencies"
(H.P. 1271) (L.D. 1832)
Presented by Representative JOY of Crystal.
Cosponsored by Representatives: CAMPBELL of Holden, MACK of Standish, MENDROS of Lewiston.

Committee on **STATE AND LOCAL GOVERNMENT** suggested.

On motion of Representative AHEARNE of Madawaska, the Bill was **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS**, ordered printed and sent for concurrence.

TAXATION

Resolve, to Direct the State to Implement a Simplified Tax and Wage Reporting System with the Federal Government
(H.P. 1257) (L.D. 1811)

Presented by Representative COWGER of Hallowell.
Cosponsored by Senator DAGGETT of Kennebec and Representatives: BUCK of Yarmouth, CIANCHETTE of South Portland, COLWELL of Gardiner, GAGNON of Waterville, GREEN of Monmouth, LEMOINE of Old Orchard Beach, LEMONT of Kittery, STANLEY of Medway.

Resolve, Authorizing the State Tax Assessor to Convey the Interest of the State in Certain Real Estate in the Unorganized Territory
(H.P. 1279) (L.D. 1840)

Presented by Representative BUCK of Yarmouth.
Cosponsored by Representatives: GAGNON of Waterville, GREEN of Monmouth, Senator: RUHLIN of Penobscot.

Submitted by the Department of Administrative and Financial Services pursuant to Joint Rule 204.

TRANSPORTATION

Bill "An Act to Ensure the Continued Operation of an Information Center in Fryeburg"
(H.P. 1259) (L.D. 1813)

Presented by Representative COWGER of Hallowell.
Cosponsored by Senator FERGUSON of Oxford and Representatives: FISHER of Brewer, JODREY of Bethel, McGLOCKLIN of Embden, McNEIL of Rockland, O'NEAL of Limestone, SHOREY of Calais, THOMPSON of Naples, TRUE of Fryeburg.

Bill "An Act to Protect the Drinking Water Supply of the Portland Water District"
(H.P. 1256) (L.D. 1810)

Presented by Representative MUSE of South Portland.
Cosponsored by Representatives: BULL of Freeport, CIANCHETTE of South Portland, QUINT of Portland, SAXL of Portland.

Committee on **UTILITIES AND ENERGY** suggested.
On motion of Representative DAVIDSON of Brunswick, **TABLED** pending **REFERENCE** and later today assigned.

Pursuant to Statute

Criminal Law Advisory Commission

Representative POVICH for the **Criminal Law Advisory Commission** pursuant to Maine Revised Statutes, Title 17-A, section 1354, subsection 2 asks leave to report that the accompanying Bill "An Act to Expressly Treat Voluntary Conduct as a Defense in the Maine Criminal Code"
(H.P. 1267) (L.D. 1821)

Be **REFERRED** to the Committee on **CRIMINAL JUSTICE** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **CRIMINAL JUSTICE** and ordered printed pursuant to Joint Rule 218.
Sent for concurrence.

ORDERS

On motion of Representative SIROIS of Caribou, the following House Order: (H.O. 16)

ORDERED, that Representative Martha A. Bagley of Machias be excused March 2nd for health reasons.

AND BE IT FURTHER ORDERED, that Representative Joseph E. Brooks of Winterport be excused March 9th for health reasons.

AND BE IT FURTHER ORDERED, that Representative Donna M. Loring of the Penobscot Nation be excused March 2nd, March 3rd, and March 4th for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Earl E. Richardson of Greenville be excused March 9th for personal reasons.

AND BE IT FURTHER ORDERED, that Representative John G. Richardson of Brunswick be excused March 4th for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Donald G. Soctomah of the Passamaquoddy Tribe be excused March 2nd, March 3rd, and March 4th for personal reasons.

READ and PASSED.

REPORTS OF COMMITTEE

Change of Committee

Report of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act Concerning the Distribution of Certain Fines and Forfeitures"

(S.P. 459) (L.D. 1334)

Reporting that it be **REFERRED** to the Committee on **CRIMINAL JUSTICE**.

Came from the Senate with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **CRIMINAL JUSTICE**.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **CRIMINAL JUSTICE** in concurrence.

Representative FULLER from the Committee on **HEALTH AND HUMAN SERVICES** on Resolve, Directing Cooperation between the Department of Human Services and the Passamaquoddy Tribe in Providing Human Services Programs

(H.P. 1027) (L.D. 1449)

Reporting that it be **REFERRED** to the Committee on **JUDICIARY**.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **JUDICIARY**.

Sent for concurrence.

CONSENT CALENDAR

First Day

In accordance with House Rule 519, the following items appeared on the Consent Calendar for the First Day:

(S.P. 270) (L.D. 763) Resolve, Authorizing the Director of the Bureau of Parks and Land to Convey a Well and Waterline Easement Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass**

(S.P. 27) (L.D. 38) Bill "An Act to Give the Probate Court Power to Order Child Support in Cases Involving Guardianship of a Minor" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-19)**

(S.P. 168) (L.D. 505) Bill "An Act to Exempt Free Clinics from Payment of Pharmaceutical Registration Fees" Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-20)**

There being no objections, the above items were ordered to appear on the Consent Calendar tomorrow under the listing of Second Day.

CONSENT CALENDAR

Second Day

In accordance with House Rule 519, the following items appeared on the Consent Calendar for the Second Day:

(S.P. 274) (L.D. 792) Bill "An Act to Allow Preliminary Steps to be Taken in Preparation for the Mandatory Use of Conviction Data in Teacher Screening" (EMERGENCY)

(S.P. 48) (L.D. 119) Bill "An Act to Make Maine Medicare Supplement Insurance Laws Consistent with Federal Laws" (EMERGENCY) (C. "A" S-15)

(S.P. 101) (L.D. 240) Bill "An Act to Amend the Maine Banking Code as it Pertains to ATM Surcharges" (C. "A" S-16)

(S.P. 152) (L.D. 472) Bill "An Act to Amend the Revised Maine Securities Act" (C. "A" S-14)

(H.P. 416) (L.D. 558) Bill "An Act to Clarify the Membership of the Somerset County Budget Committee"

(H.P. 582) (L.D. 822) Bill "An Act to Rename the Harassment Based on Characteristic Law"

(H.P. 717) (L.D. 1007) Bill "An Act to Repeal the Authorization of Lucerne-in-Maine Village Corporation to Construct Dams and Fishways"

(H.P. 77) (L.D. 90) Bill "An Act to Establish the Endowment Incentive Fund" (C. "A" H-47)

(H.P. 179) (L.D. 257) Bill "An Act to Change the Municipal General Assistance Shelter Allowance" (C. "A" H-45)

(H.P. 438) (L.D. 601) Bill "An Act to Clarify the Duty of Insurance Agencies to Keep Records" (C. "A" H-46)

No objections having been noted at the end of the Second Legislative Day, the Senate Papers were **PASSED TO BE ENGROSSED** or **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 for concurrence.

BILLS IN THE SECOND READING

House As Amended

Bill "An Act to Repeal the Community Rating Law" (H.P. 23) (L.D. 33) (C. "A" H-36)

Bill "An Act to Require Auctions for Confiscated Firearms" (H.P. 86) (L.D. 99) (C. "A" H-39)

Reported by the Committee on **Bills in the Second Reading**, read the second time, the House Papers were **PASSED TO BE ENGROSSED AS AMENDED** and sent for concurrence.

ENACTORS

Emergency Measure

An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1999, June 30, 2000 and June 30, 2001

(H.P. 455) (L.D. 618)

(H. "D" H-51 to C. "A" H-43)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed.

Representative GOOLEY of Farmington **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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

The SPEAKER: A roll call has been ordered. The pending question before the House is Enactment. All those in favor will vote yes, those opposed will vote no.

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken.

ROLL CALL NO. 24

YEA - Ahearne, Andrews, Bagley, Baker, Belanger, Berry DP, Berry RL, Bouffard, Bowles, Bragdon, Brennan, Brooks, Bruno, Bryant, Buck, Bull, Cameron, Campbell, Carr, Chick, Chizmar, Cianchette, Clark, Clough, Collins, Colwell, Cote, Cowger, Cross, Daigle, Davidson, Davis, Desmond, Dudley, Dugay, Duncan, Dunlap, Duplessie, Etnier, Fisher, Frechette, Fuller, Gagne, Gagnon, Glynn, Gooley, Green, Hatch, Heidrich, Honey, Jabar, Jacobs, Jodrey, Jones, Kane, Kneeland, LaVerdiere, Lemoine, Lemont, Lindahl, Mailhot, Matthews, Mayo, McAlevey, McDonough, McGlocklin, McKee, McKenney, McNeil, Mendros, Mitchell, Murphy E, Murphy T, Muse, Nass, Norbert, Nutting, O'Brien, O'Neal, O'Neil, Peavey, Perkins, Perry, Pieh, Plowman, Povich, Powers, Quint, Richard, Richardson E, Richardson J, Rines, Rosen, Samson, Sanborn, Savage C, Savage W, Saxl JW, Saxl MV, Schneider, Shiah, Shields, Shorey, Sirois, Skoglund, Stanley, Stanwood, Stedman, Sullivan, Tessier, Thompson, Tobin D, Townsend, Tracy, Treadwell, Tripp, True, Tuttle, Twomey, Usher, Volenik, Watson, Weston, Wheeler EM, Wheeler GJ, Williams, Winsor, Mr. Speaker.

NAY - Foster, Gerry, Gillis, Goodwin, Joy, Kasprzak, Labrecque, MacDougall, Mack, Marvin, Pinkham, Sherman, Snowe-Mello, Tobin J, Trahan, Waterhouse.

ABSENT - Bolduc, Bumps, Lovett, Madore, Martin, Stevens.

Yes, 128; No, 16; Absent, 6; Excused, 0.

128 having voted in the affirmative and 16 voted in the negative, with 6 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH.**

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH.**

Acts

An Act to Allow the Bureau of Labor Standards to Better Secure Payment of Unpaid Wages and Severance Pay for Workers

(H.P. 128) (L.D. 159)

An Act to Prohibit the Employment of Minors in Places Providing Nude Entertainment

(H.P. 199) (L.D. 277)

An Act to Expand the Use of Emergency Equipment on Vehicles Operated by Liquor Enforcement Officers

(H.P. 269) (L.D. 378)

An Act to Establish a Maine Agriculture Market and Production Development Program

(S.P. 158) (L.D. 478)

An Act to Make Technical Changes in the Marine Resources Laws

(S.P. 284) (L.D. 802)

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.

An Act to Repeal the Law Requiring Retailers to Post Motor Vehicle Fuel Prices

(H.P. 339) (L.D. 455)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed.

On motion of Representative O'NEAL of Limestone, was **SET ASIDE.**

On further motion of the same Representative, **TABLED** pending **PASSAGE TO BE ENACTED** and later today assigned.

UNFINISHED BUSINESS

The following matter, in the consideration of which the House was engaged at the time of adjournment yesterday, has preference in the Orders of the Day and continues with such preference until disposed of as provided by House Rule 502.

Bill "An Act to Establish Fair Funding for Independent and 3rd-Party Legislators"

(H.P. 991) (L.D. 1389)

- In House, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on March 2, 1999.

- In Senate, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** in **NON-CONCURRENCE.**

- In House, House **ADHERED.**

TABLED - March 10, 1999 (Till Later Today) by Representative GERRY of Auburn.

PENDING - Motion of same Representative to **RECONSIDER.**

Subsequently, the House voted to **RECONSIDER** its action whereby it voted to **ADHERE.**

Representative GERRY of Auburn moved that the House **RECEDE AND CONCUR.**

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

Representative **AHEARNE:** Mr. Speaker, Ladies and Gentlemen of the House. I would hope that the House today would reject the pending motion. I believe that this bill properly should be referenced to the Committee on Appropriations and Financial Affairs. I believe that it is dealing with appropriations. It deals with money, setting up a fund. I believe that the proper protocol is that it would be heard before the committee on Appropriations and Financial Affairs. It is an issue that will not have a fair hearing. I beg to differ on that. I think that that committee will have a fair hearing on this bill. Both sides of the issue will be heard out. If it were to go to State and Local Government, it eventually would be on the table in Appropriations. I think the proper procedure, at this point, is to reject the pending motion and this bill should go to the Committee on Appropriations and Financial Affairs.

The **SPEAKER:** The Chair recognizes the Representative from Lewiston, Representative Mendros.

Representative **MENDROS:** Mr. Speaker, Ladies and Gentlemen of the House. I urge you to vote to Recede and Concur with the Senate. It is true this bill may have a price tag. It does deal with money. However, the price tag will be very minimal and almost every bill that we have has a price tag and yet it goes to a policy committee first. This is to set up a policy of whether or not we fund third-party legislators in much the same way we, as Republicans and Democrats, have staff members and there is a budget that goes towards paying those staff members. I think Independents and third-party candidates, there tend to be more and more, they should have staff. It will be a minuscule amount in comparison. That could be maybe

\$5,000 per House member. It is certainly not something that would warrant appropriations. We have bills with \$50 million fiscal notes that go to Health and Human Services because that is the policy committee that deals with it. I believe this is a policy issue that first needs to be dealt with State and Local Government as to this is where we want to take it. If it is, it can go to Appropriations. Thank you.

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

Representative **TOWNSEND**: Mr. Speaker, Men and Women of the House. I ask you to oppose the pending motion. You obviously have a copy of L.D. 1389 and you can read on page 1, line 5, that it reads to establish a fund. On line 14, the Legislature shall appropriate money. Again on line 33, the Legislature shall appropriate money. On page 2, line 1, the Independent and Third-Party Fund must be used. This is clearly an appropriations matter. I ask you to oppose the pending motion.

The SPEAKER: The Chair recognizes the Representative from Auburn, Representative Gerry.

Representative **GERRY**: Mr. Speaker, Ladies and Gentlemen of the House. I sort of agree with Representative Townsend, but the funding of this bill is not supposed to come out of the General Fund. What the money will come out of is the Legislative Budget that funds all of us as legislators in the House. Right now, both parties have money appropriated to run their offices. If you are an unenrolled or nonparty, you are not treated with the same amount of funding. We have to go to either offices or to the Clerk's Office. What we are attempting with this bill was to figure out what the just amount of money per legislator was and let the unenrolled people use that money to hire whatever person we might need to help us with our constituent work. I feel this is a policy issue that should be taken up in State and Local Government because State and Local Government deals with legislative benefits, their per diems and so forth. I think that State and Local Government should have first crack at the bill. Thank you.

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

Representative **TOWNSEND**: Mr. Speaker, Men and Women of the House. Just to clarify the Legislative Budget, of course, it comes from the General Fund. The Legislative Budget is established in the Committee on Appropriations and Financial Affairs. I don't wish to debate the substance of the bill. That can happen in committee. It clearly belongs before the Committee on Appropriations and Financial Affairs.

The Chair ordered a division on the motion to **RECEDE AND CONCUR**.

Representative **GERRY** of Auburn **REQUESTED** a roll call on her motion to **RECEDE AND CONCUR**.

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

The SPEAKER: A roll call has been ordered. The pending question before the House is to Recede and Concur. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 25

YEA - Andrews, Belanger, Berry DP, Bowles, Bragdon, Bruno, Buck, Campbell, Carr, Cianchette, Clough, Collins, Cross, Daigle, Davis, Foster, Gerry, Gillis, Glynn, Gooley, Heidrich, Honey, Jodrey, Jones, Joy, Kasprzak, Labrecque, Lindahl, MacDougall, Mack, Marvin, McAlevy, McKenney, McNeil, Mendros, Murphy T, Nass, Nutting, O'Brien, Peavey, Perkins, Pinkham, Plowman, Richardson E, Rosen, Savage C,

Schneider, Sherman, Shields, Shorey, Snowe-Mello, Stanwood, Stedman, Tobin D, Tobin J, Trahan, Treadwell, True, Waterhouse, Weston, Wheeler EM.

NAY - Ahearn, Bagley, Baker, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bryant, Bull, Cameron, Chick, Chizmar, Clark, Colwell, Cote, Cowger, Davidson, Desmond, Dudley, Dugay, Duncan, Dunlap, Duplessie, Etnier, Fisher, Frechette, Fuller, Gagne, Gagnon, Goodwin, Green, Hatch, Jabar, Jacobs, Kane, Kneeland, LaVerdiere, Lemoine, Lemont, Mailhot, Matthews, Mayo, McDonough, McGlocklin, McKee, Mitchell, Murphy E, Muse, Norbert, O'Neal, O'Neil, Perry, Pieh, Povich, Powers, Quint, Richard, Richardson J, Rines, Samson, Sanborn, Savage W, Saxl JW, Saxl MV, Shiah, Sirois, Skoglund, Stanley, Sullivan, Tessier, Thompson, Townsend, Tracy, Tripp, Tuttle, Twomey, Usher, Volenik, Watson, Wheeler GJ, Williams, Winsor, Mr. Speaker.

ABSENT - Bumps, Lovett, Madore, Martin, Stevens.

Yes, 61; No, 84; Absent, 5; Excused, 0.

61 having voted in the affirmative and 84 voted in the negative, with 5 being absent, the motion to **RECEDE AND CONCUR FAILED**.

Subsequently, the House voted to **ADHERE**.

TABLED AND TODAY ASSIGNED

The Chair laid before the House the following item which was **TABLED** and today assigned:

SENATE DIVIDED REPORT - Majority (9) **Ought to Pass** - Minority (4) **Ought Not to Pass** - Committee on **LABOR** on Bill "An Act to Prohibit the Negotiation of Severance Pay Lower than the State Minimum"

(S.P. 156) (L.D. 476)

- In Senate, Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-17)**.

TABLED - March 10, 1999 by Representative **HATCH** of Skowhegan.

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

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

Representative **TREADWELL**: Mr. Speaker, Men and Women of the House. The current severance law provides for one week severance pay for each year worked for any employee that has been with a company for over three years. That only applies to companies with over 100 employees. What we are doing with this bill is removing the flexibility for those companies which are, in most cases, represented by union contract to begin with. We are removing the flexibility for those employers and employees from negotiating a contract, which, in some cases, they would be willing to exchange severance pay for current wages or benefits. What we are actually doing is tying their hands and telling them that the Legislature knows better how to handle those companies, the employee benefits, than they do themselves. I don't think that it is legislation that we need right now.

Representative **TREADWELL** of Carmel **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **OUGHT TO PASS** Report.

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

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

Representative **HATCH**: Mr. Speaker, Men and Women of the House. I would like to make a correction. The board is wrong. I had the Ought to Pass report yesterday. What the good Representative Treadwell said was right, in one respect. There is only a small group of people in the state that are covered under this. It is those employers who have 100 or more employees. Of those, a number of those are union people. Under the current law, yes, they can negotiate with their employer. Some of the contracts that are ratified when a company is in trouble and the unions may give some concessions. Like minimum wage, this law was put on the books to protect not only the workers, but their families and the communities that they live in. According to the Commissioner of Labor, \$11 million in the last three years has been collected by workers in severance pay. That is a lot in the last three years. That has helped workers and their families cope with a separation from a job. They only receive this if a plant closes down. We have had a lot of major plant closings in the last few years. I think if you look around this chamber, quite a few of us have been affected by these. Currently on your desk is a piece of information that came around in regards to a closing, a call center in Waterville. I am not sure just exactly how many people are involved in this and probably they are not covered by the severance pay law, but whether or not you pass this legislation, that severance law is still on the books. It will protect a lot of workers.

This only applies to a very small group who may have put this in their contract and a failing entity is leaving, like the Winslow Mill or whatever. When towns people, the unions, even the state have tried to help. I would ask you to pass this bill. It is a good bill. It won't change the law a lot. We desperately need this severance pay. I thank you.

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

Representative **TREADWELL**: Mr. Speaker, Ladies and Gentlemen of the House. I rise again to ask for you not to pass the pending motion. The Representative from Skowhegan brought out one of the points I think that would indicate that we do not need this legislation. At the present time, if we have a company that is about ready to close or relocate, the law allows the employees to negotiate with a new buyer who may be willing to come in and buy that company. Under present law, they can negotiate the severance pay benefits. All of those things are open to negotiation. If we pass this law, their hands are going to be tied. The unintended consequence is possibly that those companies will not find a rescuer to come in and buy them out.

Another point that I would like to make is that if we pass this law, it will be the first state in the country to have such a law on the books.

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

Representative **MATTHEWS**: Mr. Speaker, Men and Women of the House. This debate does directly impact me and the people that I represent in the Town of Winslow. We went through a very, very bitter period when we lost more than 300 jobs in the Kimberly Clark Mill, previously owned by Scott Paper. We had up to 700 people in our community. We are a small town. I can tell you the kind of disruption, dislocation and pain that it has caused the community that I represent. It has caused that pain in my own family, a member of my family. That particular member of my family worked 18 years in that mill. When Kimberly Clark pulled up shop so that they could send the jobs to Mexico, my brother-in-law got a very small portion of

what he was entitled to under the Maine Severance Law. Yes, it was because it was negotiated by union contract. I would urge each and every one of you members of this House to think about it. You have a company that is getting ready to leave, Scott Paper, and trying to find a way to get out because of some corporate decision made in Pennsylvania. They place the gun at the head, the company coming in, Kimberly Clark, places the gun at the head of the workers and says let's negotiate in a fair way. Negotiate your future for your kids and protections under the severance pay law and we will give you a little more money or maybe we will give you a job. That is not fair negotiations. That is what happens in these cases.

I was here before for 10 years. When we passed the severance pay law, we wanted the severance pay law to apply to everybody. For every year of service, one week of pay. Not 13 weeks maximum for a guy that worked 38 years in a mill. Thirteen weeks, see you later, have fun and good luck. In my community, the town I represent, the Town of Winslow has had to incur the trouble the Kimberly Clark and their legacy. If I had that article in our hometown paper, I would have it on your desk. When Kimberly Clark came to Winslow and said, "We will be here in the future, the next millennium. We want to be part of Winslow's community." They knew dog gone well what their plan was, I think. It has more to do with Wall Street than it has to do with Main Street. This could happen in your community. I would urge you to make this law apply as a floor for every worker in the state and for every business in the state. No exceptions. We do that with labor law. We have safety and health in the workplace. We have a minimum wage. You can't opt out of those. We have standards. We have child labor law protection. You can't opt out of that. Severance pay should be the same way.

This issue does mean a lot to me. It means a lot to the people that I represent. The people that have worked at that mill that now are trying to put their lives back together. It means a lot of the message we send to large corporations that want to do business in Maine. I support those tax breaks that we give business and I will do so later on. I want to see protections in there for the workers, health insurance benefits and other things and severance because we ultimately have to stand here and vote for the people that we represent, not one corporation. I urge you to support the good chair, the gentle lady from Skowhegan, Representative Hatch, and the majority members of the Labor Committee. Let's make the severance pay law the same for everybody. No exceptions and negotiations should be done in a truly fair way. Thank you Mr. Speaker.

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

Representative **MACDOUGALL**: Mr. Speaker, Ladies and Gentlemen of the House. If this bill is passed as my good friend Representative Treadwell had shared with us, flexibility will be lost. I would point out both to the employer and the employee. For example, consider an investor contemplating the purchase of a failing plant. Should that new potential employer be allowed to negotiate with the current employees about possible severance pay liability or not. This current bill would take that flexibility away. If that current employer is bankrupt or otherwise judgment proof, the employees may prefer to have that new employer come in and save their jobs. They might, in a given context, be willing to give up some part of their severance package in order to maintain wages or perhaps even increase wages or benefits and to encourage that new employer to save the plant. The new employer may need to tailor their finances in such a way to consummate the purchase. Negotiating the

severance pay liability might be a vital link into consummating that deal.

The point to remember is that that flexibility is currently there, if required. Flexibility is really like a bridge. It is like a connector. It is like a network. We need as many of these bridges as possible to be available in today's economy. This LD would take away one of these bridges, the bridge of flexibility. If that new business can craft an economically sound venture, the better the chance that that organization will remain competitive and stable and be able to keep its promise to stay in the community for generations. That is vital for the community and for our working families, as my good friend from Winslow, Representative Matthews was sharing.

Yesterday, most of us were here. Chancellor Taggart mentioned that you can't read a newspaper within a week of hearing of some potential closing of some traditional industry in peril. That is the bad news. The good news is with our new economy, with R&D, initiatives and education through the university system and the technical college system and the community college concept. They are all good things. Developing the new technologies are going to create the new business opportunities of tomorrow.

Why remove a bridge of flexibility that can be used as a tool for replacing a dying or in peril industry at this point in time? It can be replaced with a new and promising technology. Why remove something that may prove to be a barrier? The bill before you today removes a vital bridge necessary for both investors and for workers. If there isn't a company there producing or servicing something, there will be no paychecks for anybody. That bridge can make the difference between good jobs or no jobs. Working families cannot afford for this bridge, this flexibility, to be removed. I ask you to vote against the pending motion. Thank you.

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

Representative **BERRY**: Mr. Speaker, Men and Women of the House. I want to express my support for the words of the Representative from Winslow earlier. I want to tell you that I look here and I have heard some of the debate. When I hear the word flexibility, I cringe. What flexibility means to the worker, I struggle to come up with a way of telling you what I think about it. I can't do it in mixed company. It is not a positive thing for us. I will tell you. You think you can go for a win, win solution. I will tell you every time the worker loses. What are you going to do? Strike. This guy is going out of business. The plant is closing. I might have a union. I might not have a union. Who negotiates. Is it a handful of employees picked by the employer? It is a good law. I am not afraid of being number one, the only one in the nation. I hope it leads others to do the same thing.

When we talk about negotiations and flexibility, what is going to happen is we are going to start at that level where you see severance pay and that is what we are entitled to. You are going to negotiate down for the employees. I don't believe anything different is going to happen. I know I have heard other comments. I would ask you to support the pending motion. Thank you.

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

Representative **SAMSON**: Mr. Speaker, Men and Women of the House. I stand in support of LD 476. I echo the words that Representative Matthews has said. I will take it a step further. I know this is happening and it is going to happen in the future. A company knows they are going to shut the plant down.

Of course they don't tell the employees. A contract negotiation comes up and they negotiate with the employees over the terms of the contract. A company wants a lesser severance package or no severance whatsoever. The workers reject that and continue to reject that. Eventually an impasse is declared by the employer and they implement the contract on the employees. The employees have to live by that contract that has been implemented. Shortly thereafter the company shuts its doors. The employees have no severance package or a lesser severance package. This bill corrects the loophole in the law. I believe the intent of this law was that the minimum standard be one week per year of service. I will stand by that. Thank you.

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

Representative **MACK**: Mr. Speaker, Right Honorable Men and Women of the House. I urge you to defeat the pending motion and vote with the Minority Ought Not to Pass Report. The important thing to remember about the existing severance pay bill is to go under the state minimum, it is voluntary. Both sides have to voluntarily agree to do that. This does not just apply to sick or dying businesses, a plant that may close. This applies to vibrant and healthy businesses as well. If you are in a company that is thriving and doing well and in negotiations with your employer, you may very well say, hey, we are going to be here a while. I would rather have better health benefits and a higher salary so I can provide for my family now. As a tradeoff, give up possible severance pay down the line if a healthy company some day is not doing as well.

Also, we are all trying desperately here to attract new businesses to Maine and keep the ones we have. Maine is currently the only state in the nation with such a severance pay law on the books, which is another deterrent for businesses to come to Maine. This existing way that law is written at least gives the employees and the employers the ability to negotiate severance pay in exchange for other benefits. The employees are not forced to give away this benefit. They do it voluntarily and willingly in exchange for higher wages and other benefits. This flexibility helps the employees. They get more pay and more benefits for years. They get the benefits of the higher pay. What this bill would do is take that ability away, take the ability to negotiate for higher pay and higher benefits in exchange for giving up possible severance in the future. Remember, this is a voluntary measure. It hurts Maine businesses if we even more strictly enforce this. Besides it hurts the employees who will lose higher wages and higher benefits. I urge you to vote against the pending motion.

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

Representative **COLWELL**: Mr. Speaker, Men and Women of the House. We are on shaky ground, very, very shaky ground when we even consider allowing state law to be negotiated in any kind of contract. I realize there is a loophole in the current statute, but imagine if there were loopholes in the family leave laws and we start allowing them to be part of negotiations. We start negotiating frequency of pay laws in the workplace. We start negotiating workplace safety laws and on and on and on. We are on very shaky ground here. Just because there is a loophole in this current law doesn't mean we ought to allow it to continue. Let's do the right thing here for Maine's workers and let's support the Majority Ought to Pass Report.

The SPEAKER: The Chair recognizes the Representative from Biddeford, Representative Twomey.

Representative **TWOMEY**: Mr. Speaker, Men and Women of the House. I rise in support of this LD. I come from a family or my father came home one day and the mill was closing. I know all too well what it was when my father came home and told my mother that he would be out of a job. I come from a town in Biddeford where John Roberts Clothing Manufacturing closed down. Those men and women had no bridge. They needed that severance pay. This isn't charity. This is something they earned. They worked for that. This is their right to that severance pay. I support that right and I support the workers and I am proud to rise in support of this. I urge my fellow legislators to support this as well. Thank you.

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Cote.

Representative **COTE**: Mr. Speaker, Men and Women of the House. I rise today in favor of this bill. I urge all my fellow colleagues to vote for it due to the fact that I personally speak in favor of this. I was in the situation where I never received severance pay. I have worked for many companies in Lewiston and Auburn and never received severance pay. I was never notified when we were going to get laid off or when the place was going to be sold or shut down. I had to go home and tell my little boy that daddy wasn't working any more. Daddy couldn't put food on the table because there was no severance pay. I had to go and tell every person that I owed money to. I had to tell everyone that I owed bills to that I have to prolong it until I get some kind of funds coming in. It is harder on the one person who brings in the income in the home. They deserve to get their severance pay. They worked for it. They worked hard for it. I worked many years for different companies and never got a penny on severance pay when they shut down. I urge all my fellow colleagues to vote for this bill. Thank you.

The SPEAKER: The Chair recognizes the Representative from Penobscot, Representative Perkins.

Representative **PERKINS**: Mr. Speaker, May I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative **PERKINS**: Mr. Speaker, Men and Women of the House. One of the previous speakers mentioned the number of employees that this would impact in the companies. I wonder if I could get a clarification. I don't see anything in the bill, maybe he is talking about the current law, minimum employees number. Another speaker mentioned something about companies that get tax breaks. I wonder if that is also referring to current law or something in this bill that I haven't happened to see.

The SPEAKER: The Representative from Penobscot, Representative Perkins has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Skowhegan, Representative Hatch.

Representative **HATCH**: Mr. Speaker, Men and Women of the House. To answer that question, I am not sure if he wanted the total number of workers that this would involve. The only numbers that we have is 100 or more employees in industry that they have to pay severance pay to.

I would like to say one other thing, along with the supposed answer to this question. Earlier today before we came to this, we passed legislation enabling the Department of Labor to secure payments for workers, unpaid wages and severance. We have had times when companies have shut down and just totally shut down. They couldn't afford to pay their bills. Unlike banks, who can sell off whatever property they had, we have no

way of collecting these unpaid wages and severance pay. Over the last few months you have read in the paper where places have closed down and people got pennies on a dollar when they had worked at a factory for 30 some years. This isn't consistent today to actually vote for this bill. As a matter of fact, it only strengthens what you have already said. It is good and we should be doing it. I would encourage you to vote for this bill. If the good Representative needs more information, maybe he could restate the question and we could get him more information. I don't have the total number of employees in the state that this would effect, only those employees who are at factories with 100 or more employees.

The SPEAKER: The Chair recognizes the Representative from Medway, Representative Stanley.

Representative **STANLEY**: Mr. Speaker, Men and Women of the House. I stand before you today because I come from a company that is going to lay off 300 people. I come from a company that may shut down or trying to sell one of the mills they own up in the Millinocket area. I just experienced what is going on up in Pinkham. My main concern is we need this severance pay because of people. The other concern I am worried about is what they call an asset sale. In this asset sale, anything that is negotiated opens up everything with the new company. These companies that I am employed with and a lot of other people are employed with through the state are not from the Millinocket area. The company I work for, their headquarters are in South Carolina and more and more companies are doing this. They are being bought out by companies all over the country that are moving into Maine and taking over land and everything else.

The problem I have is the way these people are coming in. You are dealing with somebody from Wall Street. You are not dealing with the guy that lives across the road from you. This person is coming out of Wall Street. He knows the ins and outs. They incorporate in different states and abide by different laws and do different things. When we are talking asset sales. We are talking something all together different. It is not a business sale. It is not a corporation sale. It is a sale of different kind all together. It is something that can really devastate the people that have been employed when you go from one seller to a different buyer. It is a situation that is going to affect a lot of people in our communities. You look at the communities we have today, take Millinocket, Winslow, Rumford, Woodland or Wiscasset. Take all your big places that have been bought out be different corporations based in different parts of the country.

We have to take a real hard look at it. What these people have is something that they negotiated. When you go with an asset sale, that asset sale throws away what you negotiated right out the door. I think it is something that I think we, as a state, should take a hard look at. I tell you what. We got good jobs, but we are going to lose the good jobs. The reason why we are losing the good jobs because of the way we are going about these big businesses come and take care of the way we have lived our life the last 100 years. I think that we should support the pending motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Rumford, Representative Cameron.

Representative **CAMERON**: Mr. Speaker, Men and Women of the House. As most of you know, I live in Rumford. Rumford has a paper mill. Rumford is a classic one-horse town. I don't think that that is that unusual in the case of employers that employ over 100 people. Many, many of the employers around the state that employ that number of people are in small rural communities. Why I mention this is because I think it is

important that you recognize that when people get laid off in these communities, they can't go next door and get another job. It isn't just about the money. In many cases we are talking about people having to uproot and move their families and their children out of the schools and move to other parts of the state or, unfortunately, out of the state. It is a very traumatic period for everybody involved.

Take an employee who has been in a facility for 25 or 30 years. They have become comfortable in that community. They have become a part of that community, an integral part of that community. They become an integral part of the success of that company. If they lose that job after 30 years and let's say that made \$500, \$600 or \$700 a week. They are excellent jobs. There is no denying that. Let's say it was \$500 a week and they had 30 years. That is only \$15,000. They have got a mortgage. They have a car payment and they have got a family. Maybe they have got a couple of kids in college. That \$15,000 isn't going to get them very far, folks, until they get somewhere else. Let's say it was \$1,000 a week. That is \$30,000 for 30 years of service. I don't think that that is unreasonable. In many cases, as you have heard here already today, due to NAFTA and a number of other issues that have occurred in this country, these companies are leaving this country. They are not going out of business. Some are truly going out of business, but some are leaving this country to send their products back into this country for the good prices. I think it is important to remember that the folks who we are talking about are Maine citizens and many, many of them are in rural communities that don't have many other opportunities. It is a little different in more of the urban parts of Maine, let's face it, there aren't many urban parts of Maine. When you get in the urban areas of Maine many of the employers are not 100 plus employees. They are not even covered to begin with, if I understand the present law correctly. I would urge you to support this motion as it is and remember Dirigo stands for being in the lead. We are not the first on. We are the first one, that is a good thing and not a bad thing. I would urge you to support the pending motion.

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

Representative **DUPLESSIE**: Mr. Speaker, Ladies and Gentlemen of the House. I rise in strong support of the pending motion. I feel there has been some misrepresentation here this morning. This is not a new law. This is only correcting a loophole in the law that has been on the books since 1979. This law was challenged by business and industry in this state. It goes back to an area that is continuing to be hard hit. My business is closing. In the mid '80s it was a chicken processing plant in Winslow, Maine that closed. The law was challenged. It went to the highest court of this land, the Supreme Court. The Supreme Court did not say this was bad law. The Supreme Court ruled that this law was constitutional and was a just law. I ask everyone to please support this pending motion. We have an obligation to the citizens of our communities, not to the investors of the corporations. Thank you.

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

Representative **PLOWMAN**: Thank you Mr. Speaker. Point of order. A question perhaps and then a point of order. Has this bill currently before us, the bill that was printed, has it arrived here without any changes?

The SPEAKER: In response to the Representative's question, the pending motion is acceptance of the Majority Ought to Pass Report. That is LD 476. If this motion does

prevail, the next consideration before the body would be adoption of Senate Amendment "A" to LD 476.

The Chair recognizes the Representative from Hampden, Representative Plowman.

Representative **PLOWMAN**: Mr. Speaker, Men and Women of the House. In examining current law and comparing it with LD 476, LD 476 seeks to amend Section 2 of 26 MRSA 625-B, Subsection 3-A. That subsection under current law reads, "Mitigation of severance pay liability, there shall be no liability for severance pay to an eligible employee if, a relocation or termination of a covered establishment is necessitated by a physical collimate." This should, if you are seeking to change when there can be negotiation, it should address Subsection 3-V. I would therefore ask for a ruling as to whether this bill is out of order.

Representative **PLOWMAN** of Hampden, asked the chair to rule if the Bill was properly before the body.

The SPEAKER: The Chair understands the Representative has requested a ruling as to whether this item is out of order. The Chair would require to the Representative from Hampden, Representative Plowman, as to what rule she is referring to.

Representative **PLOWMAN**: Mr. Speaker, the legislation proposed does not address the section of law, which is asked to be changed. I would not know the rule number, but I would point out to you that the section of law quoted in the bill, is not the section of law which deals with the negotiation of severance pay. It is the section of law which provides that there is no liability if a plant or a business closes due to physical climate. We are discussing a change to the wrong section of law. I would be glad to approach the rostrum in showing you.

The SPEAKER: The Chair would rule that the matter is properly before the body. The title of the bill is not what is before the body. It is the substance of the bill and that is what is being debated today. If there is, as the Chair has pointed out, a further amendment that will be offered if this motion does pass. The Chair finds this matter is properly before the body.

The Chair **RULED** the Bill was properly before the body.

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

ROLL CALL NO. 26

YEA - Ahearne, Bagley, Baker, Berry RL, Bolduc, Bouffard, Bowles, Brennan, Brooks, Bryant, Bull, Cameron, Carr, Chick, Chizmar, Clark, Colwell, Cote, Cowger, Davidson, Davis, Desmond, Dudley, Dugay, Dunlap, Duplessie, Etnier, Fisher, Frechette, Fuller, Gagne, Gagnon, Gerry, Goodwin, Green, Hatch, Jabar, Jacobs, Kane, LaVerdiere, Lemoine, Lemont, Mailhot, Martin, Matthews, Mayo, McAlevey, McDonough, McGlocklin, McKee, Mendros, Mitchell, Murphy E, Muse, Norbert, O'Neal, O'Neil, Perkins, Perry, Pieh, Povich, Powers, Quint, Richard, Richardson J, Rines, Rosen, Samson, Sanborn, Savage W, Saxl JW, Saxl MV, Shiah, Sirois, Skoglund, Stanley, Sullivan, Tessier, Thompson, Townsend, Tracy, Tripp, Tuttle, Twomey, Usher, Volenik, Watson, Wheeler GJ, Williams, Mr. Speaker.

NAY - Andrews, Belanger, Berry DP, Bragdon, Bruno, Buck, Bumps, Campbell, Cianchette, Clough, Collins, Cross, Daigle, Duncan, Foster, Gillis, Glynn, Gooley, Heidrich, Honey, Jodrey, Jones, Joy, Kasprzak, Kneeland, Labrecque, Lindahl, MacDougall, Mack, Marvin, McKenney, McNeil, Murphy T, Nass, Nutting, O'Brien, Peavey, Pinkham, Plowman, Richardson E, Savage C, Schneider, Sherman, Shields, Shorey, Snowe-Mello,

Stanwood, Stedman, Tobin D, Tobin J, Trahan, Treadwell, True, Waterhouse, Weston, Wheeler EM, Winsor.

ABSENT - Lovett, Madore, Stevens.

Yes, 90; No, 57; Absent, 3; Excused, 0.

90 having voted in the affirmative and 57 voted in the negative, with 3 being absent, the Majority **OUGHT TO PASS** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-17)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Tuesday, March 16, 1999.

The Chair laid before the House the following item which was **TABLED** earlier in today's session:

Bill "An Act Governing Privileged Communications between Victims of Crimes and Governmental Victim Witness Advocates" (H.P. 1174) (L.D. 1685)

Which was **TABLED** Representative THOMPSON of Naples pending **FURTHER CONSIDERATION**.

Subsequently the House voted to **RECEDE AND CONCUR**.

TABLED AND TODAY ASSIGNED

The Chair laid before the House the following item which was **TABLED** and today assigned:

JOINT RESOLUTION - Memorializing Congress to Protect and Preserve Social Security

(S.P. 517)

- In House, **READ AND ADOPTED** in concurrence.

TABLED - March 10, 1999 by Representative MURPHY of Kennebunk.

PENDING - Motion of same Representative to **RECONSIDER**.

Subsequently, the House **RECONSIDERED** its action whereby the Joint Resolution was **ADOPTED**.

The **SPEAKER**: The Chair recognizes the Representative from Kennebunk, Representative Murphy.

Representative **MURPHY**: Mr. Speaker, Men and Women of the House. This was a Joint Resolution that when I looked at the title, "An Act to Protect and Preserve Social Security." That is just an automatic green light. With these Joint Resolutions to the Congress, I began reading all the whereas and by the time I got down to the twelfth whereas, I began to get the impression that it did the opposite of protecting and preserving social security. The twelfth whereas identified that the Congress has, currently, proposals to shift a portion of social security contributions from insurance to personal investment accounts for each wage earner. The thirteenth whereas and paragraph is a statement against anti-individual investments on the part of the worker. The fourteenth whereas and paragraph, again, is anti-individual investment. When we get to the fifteenth, we get to the heart of the matter of the resolution. That fifteenth whereas and paragraph advocates for the central management of social security contributions and the equities market.

It is a very complex issue. Congress is just beginning to debate that issue. The sixteenth whereas led me to believe that the crafting or the drafting of this didn't come from Maine, but elsewhere. It talks about the workers now having available to them tax sheltered accounts. It talks about the American families. One-half of those families are now covered by IRAs, 401K or 403K. I would say that whomever the drafter of that is doesn't realize that this is the poorest state in New England. Our lean families and households I don't think come anywhere

near that half being covered by those outside programs. I think if we looked at the figures, we would see that Maine working families, more so than all the other states in New England, are dependent upon social security. We all realize that social security covers retirement, survivors and it also covers disability.

We are looking at a proposal that I am wondering what committee addresses this and what learned authority has brought this to this Legislature to send as a position on the part of this Legislature to the Congress. We are talking about a gamble. Who can give us assurances that those funds for retirement, disability and survivorship aren't going to be at risk in the market? Who in this Legislature or who within this state is analyzed that if that decision is made, what is the best root, the individual account managed by the worker or a central bureaucracy doing the investment.

Really, if you are for this resolution, then you have really made some really complex decisions already. Yes, you agree that the contributions ought to be invested in the equities market. If you answer yes to that, then there is a choice between individualized accounts or the central bureaucracy making that decision. If you vote yes on this resolution, then you have made that decision already. I am wondering where the source of the information is. It is really a complex issue. I would remind you of Southern California. A county treasurer that decided to roll the dice in the equities market betting which way. That was a simple choice, up or down, which way interest rates were going. He drove the county into bankruptcy with funds that weren't his.

I have only seen one voice that I would respect so far on this debate. It is only one voice in a very complex debate beginning in the Congress. It is Alan Greenspan in reaction to the question, should be invest in the equities market with out contributions for social security and should we invest individualized or central? To quote Alan Greenspan, "Investing a portion of social security trust fund assets in equities as the administration and others have proposed would arguably put at risk the efficiency of our capital markets and thus our economy." The fed chairman also said it would be nearly impossible to protect the system from political influences. "Even with herculean efforts, I doubt it would be feasible to insulate over the long run the trust funds from political pressures direct and indirect to allocate capital to less than its most productive use," Greenspan told the Congressional Ways and Means Committee. Greenspan also said, "There is evidence that suggests that the greater portion of trustees who are political appointees, the lower the rate of return." Alan Greenspan in reaction to this proposal that is before you has said that it will have a negative affect on the equities market, the economy and the lower the rate of return means it has a negative affect, direct impact on the quality of life of our retirees, survivors and the disabled among us.

I don't see any recommendation on the Maine State Retirement. I don't see any actuaries here in the recommendation. I don't see the study on our desk telling us to pledge this House to a policy which could put social security at risk. I am not sure where the drafting occurred, but based on that language, I think it is part of an agenda that we are not dealing with. Maybe this Legislature has a broader question it needs to ask itself, are we here to do the business that the people of Maine sent us to do or should we contact our Congressional Representatives, whatever party they may be, and just pass through a series of resolutions as cheerleaders for proposals that are before the Congress.

I don't have the information to put social security at risk. This resolution says that those contributions will go into the equities market and the central government will make that investment. If you vote yes, I would suggest to you that you are doing the contrary of the title. You are putting social security at risk. Are you willing to pledge the state treasury to a wrong roll of the dice? Are you willing to pledge your personal assets that if the Congress follows this route with the encouragement of the Maine House of Representatives, that you will stand by the losses in the market? I really don't think this is properly before us. It is in the US Congress. My question to the Speaker or anyone who may want to answer. Is there anyone in this body that has in hand today a study, a valid report, life experience that can guarantee to the Maine citizens that if this resolution is put into affect and we stand by it that we will not put at risk the contributions of Maine citizens, Maine workers through their social security contributions?

The SPEAKER: The Representative from Kennebunk, Representative Murphy has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Portland, Representative Saxl.

Representative **SAXL**: Mr. Speaker, Men and Women of the House. I can say a few things to the good Representative from Kennebunk's statements, but I think I have a few questions for his assertions about the Joint Resolution. I think I need his help in reading it the way he has read it.

First of all, I think it is important to note the importance of the intent of this resolution, which is to protect and preserve social security. As many of you know, social security doesn't know partisan bounds. Republican, Democrats and Unenrolled all alike are eligible and participate in the social security system in the State of Maine. It preserves and protects Maine seniors, but it also protects those folks who are disabled or who become vulnerable at some point in their life. Say that you have an untimely death in your family and you have children whom you have to care for and the wage earner dies unexpectedly. Social security has been there for hundreds and thousands, if not millions of Maine people and certainly millions of people throughout this nation. I know that over 50 percent of Maine women would live in poverty if it weren't for the social security system in the State of Maine. What I know is that preserving and protecting social security in the State of Maine is just plain common sense.

As for the investment plans that are out there around social security, I have been looking at the whereases on here as the good Representative from Kennebunk has spoken and I don't see where the whereases in this suggest that we should invest our funds, social security funds, in the private market. In fact, I think it says that we should not expose ourselves to the risk of speculative and vigorous investment markets. I think that his words from Alan Greenspan are absolutely right. Folks like the AARP, which as we all know are not a Republican or a Democratic agenda. It is a group that has worked for everybody has said great things about protecting and securing social security. They say that social security reserves should continue to dedicated only for social security purposes. They support dedicating an appropriate portion of the budget surplus to extending the solvency of social security. They also talk about these individual investment accounts. They say they support people having access to IRAs or 401Ks or 403Ks or whatever investment strategy that an individual is able to make on their own. The Representative from Kennebunk is absolutely right. A lot of Maine people cannot do that. We shouldn't rely on that. That is why we need social security. They say these accounts

should be in addition to and not a replacement for the guaranteed benefits provided by social security. When I read these whereases, that seems to be what they say. It says it shouldn't be splintered individual stock accounts. It says you should have social security be solvent so it protects the women, the children, the men and people of retirement age, people with disabilities and people who have untimely deaths in their families.

If I could understand better the Representative from Kennebunk's concerns regarding how this resolution suggests that we should destabilize social security, I would be in much better shape. I would respect that given the time we could meet privately, if you like, but I don't read these whereases that way. I pose a question through the Chair to my good friend from Kennebunk, could you explicitly state in this resolution where it states that social security should be invested in a way contrary to the suggestions of Alan Greenspan who, as we all know have done a great job in preserving and strengthening our economy. Thank you.

The SPEAKER: The Representative from Portland, Representative Saxl has posed a question through the Chair to the Representative from Kennebunk, Representative Murphy. The Chair recognizes that Representative.

Representative **MURPHY**: Mr. Speaker, Men and Women of the House. In response to the question, I was hoping to get a response to my earlier question, but I would be pleased to answer the question posed to me by my good friend from Portland. I think the good gentleman is correct that when one reads the title, titles don't get you into trouble. It is the whereases that get you into trouble. The fifteenth paragraph is very clear. It is asking the Maine Legislature to take a position in support of the central management of social security funds in the private equity market. The earlier paragraphs make an argument against individualized accounts. I can't vote knowingly on either of those proposals. I don't feel comfortable without that information, without that review of rolling the dice with those social security dollars. I would hope that we could defeat the pending motion and then properly refer this to a committee that deals with retirement issues, which would be the Labor Committee. Thank you.

The SPEAKER: The Chair recognizes the Representative from Pembroke, Representative Goodwin.

Representative **GOODWIN**: Mr. Speaker, Men and Women of the House. I am looking at the next to the last resolved in the petition memorializing Congress. "We, your memorialists, respectfully recommend and urge Congress to enact laws to encourage workers and their employers to save or invest for retirement. These provisions should supplement the basic benefits of social security insurance and not substitute for core protections that are vital to American working families." That is the next to last resolved in the resolution memorializing Congress. It is up to the Congress of the United States to preserve the money that is sent into Washington. They are spending it as it is received. It is going to go broke in the year 2012 or 2016 or something like that. When it reaches a point where one worker is sending money into Washington to supply a pension benefit for his neighbor. That is the problem we have in Washington. I see nothing wrong with this resolve. I urge the members to adopt it. Thank you Mr. Speaker.

The Chair ordered a division on **ADOPTION**.

The SPEAKER: The Chair recognizes the Representative from Yarmouth, Representative Buck.

Representative **BUCK**: Mr. Speaker, Ladies and Gentlemen of the House. I don't think there is anyone in this chamber that doesn't want to send some sort of a resolution to Congress concerning social security. It is on the minds of all of us. I think that all of us can agree that the social security situation in Washington needs to be fixed. It needs to be fixed in a bipartisan manner in Congress. It would be helpful, I think, if we could have a bipartisan resolution from this chamber or the entire Legislature to send to them so that it gets the attention of those people in Washington. Just as Representative Murphy has concerns about this resolution, I do as well. I agree with the speaker last, Representative Goodwin, on that particular area of the resolve. What I am wondering would there be enough interest in this House to perhaps delay this and refer it to the Labor Committee or some other committee so that we can come out with a report that all of us can support? I think it would have more affect in Washington if this were truly a bipartisan resolution. Thank you.

Representative **DUPLESSIE** of Westbrook **REQUESTED** a roll call on **ADOPTION**.

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

The **SPEAKER**: The Chair recognizes the Representative from Auburn, Representative Gerry.

Representative **GERRY**: Mr. Speaker, May I pose a question through the Chair?

The **SPEAKER**: The Representative may pose her question.

Representative **GERRY**: Mr. Speaker, Men and Women of the House. On page 2, the last sentence of the whereas it says, "For such protections to be strong, they must be insulated from economic uncertainty and be backed by the entity best capable of spreading risks." I am not sure what it means by best entity or best capable of spreading risk.

The **SPEAKER**: The Representative from Auburn, Representative Gerry has posed a question through the Chair to anyone who may care to respond

A roll call has been ordered. The pending question before the House is Adoption. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 27

YEA - Ahearne, Bagley, Baker, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bryant, Bull, Chizmar, Clark, Colwell, Cote, Cowger, Davidson, Desmond, Dudley, Dugay, Dunlap,

Duplessie, Fisher, Frechette, Fuller, Gagne, Gagnon, Goodwin, Green, Hatch, Jabar, Jacobs, Kane, LaVerdiere, Lemoine, Mailhot, Martin, Matthews, McDonough, McGlocklin, McKee, Mitchell, Muse, Norbert, O'Neal, O'Neil, Perry, Pieh, Povich, Powers, Quint, Richard, Richardson J, Rines, Samson, Sanborn, Savage W, Saxl JW, Saxl MV, Shiah, Sirois, Skoglund, Stanley, Sullivan, Tessier, Thompson, Townsend, Tracy, Tuttle, Twomey, Usher, Volenik, Watson, Williams, Mr. Speaker.

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

ABSENT - Cameron, Lovett, Madore, Murphy E, Stevens.

Yes, 74; No, 71; Absent, 5; Excused, 0.

74 having voted in the affirmative and 71 voted in the negative, with 5 being absent, the Joint Resolution was **ADOPTED** in concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

SENATE PAPERS

The following Joint Order: (S.P. 645)

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, March 16, 1999, at 10 o'clock in the morning.

Came from the Senate, **READ** and **PASSED**.

READ and **PASSED** in concurrence.

On motion of Representative **PEAVEY** of Woolwich, the House adjourned at 12:11 p.m., until 10:00 a.m., Tuesday, March 16, 1999.