

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Ninth
Legislature***

OF THE

STATE OF MAINE

Volume II

First Regular Session

May 7, 1979 to June 15, 1979

INDEX

First Confirmation Session

August 3, 1979

INDEX

First Special Session

October 4-5, 1979

INDEX

Second Special Session

October 10-11, 1979

INDEX

Second Confirmation Session

December 7, 1979

INDEX

It is a very simple bill which would hopefully expedite the bargaining process, but it binds only the Executive and the state employees. If we did not agree, then they go back to the table. It is a very simple bill and please don't be misled by the word 'binding arbitration'. I have a feeling that some people have seen that word in the title and have read no further. I would request that you go back and read the bill; it is a very good bill.

The SPEAKER: The Chair recognizes the gentleman from East Millinocket, Mr. Birt.

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: Some time ago, I went and looked up or tried to find out in talking with a local minister what the word 'Amen' meant. As far as I can determine, it comes out of a great philosophy of which I agree. I don't think I could ever have said any better than what has been said, and I will say "Amen" to what the gentlewoman from Vassalboro has said.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Soulas.

Mr. SOULAS: Mr. Speaker, Ladies and Gentlemen of the House: As the cosponsor of this bill, and just to give you a brief idea of what happened at the hearing, this hearing was held at the Civic Center and we expected an enormous amount of people, and there were, all the people who were there supported the bill. Absolutely no one was there who spoke against the bill.

The SPEAKER: The Chair recognizes the gentleman from Farmington, Mr. Morton.

Mr. MORTON: Mr. Speaker and Members of the House: The gentlelady has raised some questions in my mind by her remarks this morning, the gentlelady from Vassalboro. I have read the bill, I have read it quite carefully and I went out and got the law books to see what it was replacing, and the bill says very clearly "The determination by the arbitrator shall be final and binding on the parties," meaning both the union and the Governor, "subject to submission of cost items to the legislature pursuant to Paragraph 1-E, Sub 3" which is presently the one that is in existence and which we are all much aware of as being a requirement that cost items come to the legislature.

But I think you perhaps should also read what this new paragraph replaces, and that says, with respect to controversies over salaries, pensions and insurance, the arbitrator will recommend terms of settlement and make findings of fact. Such recommendations and findings shall be advisory and shall not be binding upon the parties. The determination of the arbitrator on all other issues shall be final and binding.

So, what you are doing here is a fundamental change in the process, and you are telling the Chief Executive and the union that cost items will be binding on them and must be submitted to the legislature. You know, the extension of this, it seems to me, is why there has been such a great deal of rhetoric expended in this body in the last five or six weeks in relation to the legislature getting into the bargaining process. Frankly, I don't quite see why this is the greatest thing since sliced bread. It does seem to be a fundamental change, and I think we ought to take a real strong look at it.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Pittsfield, Mr. Wyman, that the Majority "Ought to Pass" Report be accepted. All those in favor will vote yes; those opposed will vote no.

The Chair recognizes the gentleman from Rockland, Mr. Gray.

Mr. GRAY: Mr. Speaker, I would like to pair my vote with the gentlelady from Hampden, Mrs. Prescott. If she were here, she would be voting yes and I would be voting no.

ROLL CALL

YEA — Bachrach, Baker, Beaulieu, Benoit, Birt, Blodgett, Brannigan, Brennerman, Bro-

deur, Brown, A.; Brown, D.; Brown, K. C.; Call, Chonko, Churchill, Cloutier, Connolly, Cox, Davies, Diamond, Doukas, Dow, Dutremble, D.; Dutremble, L.; Elias, Fowley, Gould, Gowen, Gwadosky, Hall, Hickey, Hobbins, Howe, Jacques, P.; Jalbert, Joyce, Kane, Kelleher, Laffin, LaPlante, Lizotte, Locke, MacEachern, Mahany, Marshall, Martin, A.; Matthews, Maxwell, McHenry, McKean, McSweeney, Michael, Mitchell, Nadeau, Nelson, M.; Nelson, N.; Paradis, Paul, Pearson, Post, Reeves, P.; Rolde, Simon, Soulas, Strout, Theriault, Tierney, Tozier, Tuttle, Vincent, Violette, Vose, Wood, Wyman, The Speaker.

NAY — Aloupis, Austin, Berube, Bordeaux, Brown, K. L.; Bunker, Carrier, Carroll, Carter, D.; Carter, F.; Conary, Cunningham, Curtis, Damren, Dellert, Dexter, Drinkwater, Dudley, Fenlason, Fillmore, Garsoe, Gavett, Gillis, Hanson, Higgins, Huber, Hunter, Hutchings, Immonen, Jackson, Kany, Kiesman, Lancaster, Leighton, Leonard, Lewis, Lougee, Lowe, Lund, MacBride, Masterman, Masterston, McMahon, McPherson, Morton, Nelson, A.; Payne, Peltier, Peterson, Reeves, J.; Rollins, Roope, Sewall, Sherburne, Silsby, Small, Smith, Sprowl, Stetson, Stover, Studley, Tarbell, Torrey, Twitchell, Wentworth, Whittemore.

ABSENT — Barry, Berry, Boudreau, Bowden, Davis, Hughes, Jacques, E.; Norris.

PAIRED — Gray-Prescott.

Yes, 75; No, 66; Absent, 8; Paired, 2.

The SPEAKER: Seventy-five having voted in the affirmative and sixty-six in the negative, with eight being absent and two paired, the motion does prevail.

Thereupon, the Bill was read once and assigned for second reading tomorrow.

Divided Report

Majority Report of the Committee on Legal Affairs reporting "Ought Not to Pass" on Bill, "An Act Equalizing the Retail Price of Alcoholic Beverages Throughout the State" (H. P. 674) (L. D. 834)

Report was signed by the following members:

Messrs. COTE of Androscoggin
FARLEY of York

— of the Senate.

Messrs. STOVER of West Bath
CALL of Lewiston
VIOLETTE of Van Buren
DUDLEY of Enfield
McSWEENEY of Old Orchard Beach

— of the House.

Minority report of the Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-337) on same bill.

Report was signed by the following members:

Mr. SHUTE of Waldo

— of the Senate.

Messrs. DELLERT of Gardiner
MAXWELL of Jay
SOULAS of Bangor

Ms. BROWN of Gorham

Miss GAVETT of Orono

— of the House.

Reports were read.

On motion of Mr. Violette of Van Buren, the Majority "Ought Not to Pass" Report was accepted and sent up for concurrence.

Consent Calendar

First Day

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

(H. P. 1172) (L. D. 1432) Bill "An Act to Extend the Period for Tax Abatement From One to 5 Years if the Abatement is Justified by an Admitted Error in Assessment Records or Procedure" Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-349)

(S. P. 373) (L. D. 1153) Bill "An Act to

Amend the Uniform Criminal Extradition Act and the Uniform Interstate Compact on Juveniles" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (S-142)

(H. P. 613) (L. D. 777) Bill "An Act Creating a Statehouse and Blaine House Commission" Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-352)

(H. P. 1034) (L. D. 1282) Bill "An Act to Refine the State's Accounting System" Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-351)

(H. P. 937) (L. D. 1147) Bill "An Act to Amend the Method of Appointment to the Advisory Committee on Medical Education" Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-353)

No objections being noted, the above items were ordered to appear on the Consent Calendar of May 9, under 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. 684) (L. D. 864) Bill "An Act Appropriating Funds for Promotion of Direct Marketing of Agricultural Commodities"

(H. P. 157) (L. D. 185) Bill "An Act Relating to Juvenile Clients of the Protective Care Division of the Department of Human Services"

(H. P. 1017) (L. D. 1250) Bill "An Act to Prohibit the Licensing of Deceptively Similar Names for Firms or Corporations of Agents, Brokers, Adjusters or Consultants under the Insurance Law"

(H. P. 969) (L. D. 1207) Bill "An Act to Extend a Barber Shop License 60 Days upon Death of the Barber to Allow Transitional Time for Getting a New License"

No objections having been noted at the end of the Second Legislative Day, the House Papers were passed to be engrossed and sent up for concurrence.

Tabled and Assigned

(H. P. 1243) (L. D. 1487) Bill "An Act to Regulate State Liquor Stores and Agencies" (C. "A" H-338)

On the objection of Mr. Carrier of Westbrook, was removed from the Consent Calendar.

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (H-338) was read by the Clerk.

On motion of Mr. Carrier of Westbrook, tabled pending adoption of Committee Amendment "A" and tomorrow assigned.

Tabled and Assigned

(H. P. 545) (L. D. 676) Bill "An Act to Clarify Certain Provisions Relating to the Statistical Reporting of Abortions" (C. "A" H-339)

On the objection of Mrs. Bachrach of Brunswick, was removed from the Consent Calendar.

The SPEAKER: The Chair recognizes the gentlewoman from Brunswick, Mrs. Bachrach. Mrs. BACHRACH: Mr. Speaker, I would like to pose a question to anyone who can answer. As I see in this L. D., they are protecting the identity of anyone who has had an abortion or miscarriage, and then the last section, Section 4, says that these reports must be made to the clerk of a municipality. I would like to know how they can protect the identity of the patient in reporting to the clerk of the municipality.

Thereupon, on motion of Mrs. Sewall of Newcastle, tabled pending acceptance of the Committee Report and tomorrow assigned.

(H. P. 1027) (L. D. 1258) Bill "An Act to Revise the Fees for Service of Civil Process" (C. "A" H-340)