

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

Senate Legislative Record
One Hundred and Eighteenth Legislature
State of Maine

Volume 1

First Regular & Special Session
December 6, 1996 to May 19, 1997

Pages 1 - 980

unconstitutional for the first 45 days then it would be legal, so I would hope the Body would take this under consideration. It's a middle ground and it's maybe a veto proof amendment, hopefully it would be, and I would hope you would join me in supporting this amendment and I would like to call for a roll call when we do vote on this, Mr. President. Thank you very much for your indulgence.

The same Senator requested a Roll Call.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Rand.

Senator **RAND:** Thank you Mr. President, men and women of the Senate. I hope that you will reject this amendment. One of the facts that has come out in the past several years, there's a history behind this whole strike breaker legislation. As we know there was S-55, which was filibustered to death in Congress and the Senate. There is some question as to constitutionality and it's a lawyer's argument to be made. A case could be made either way. The point though, that I think that has to be made is that there's only four countries in the world, that I know of, that permanently replace striking workers, North Korea, China, Cuba and the United States of America. This is a condition that has to change. Every other democratic country in the world operates under the assumption that workers have the right to withhold their labors and then when the dispute is settled, they have the right to get their job back. And also, remember that the constitutional dispute hinges on a couple of very important things. When the Congress passed laws that insured that striking workers could have their jobs back, they said in that legislation they will not lose their jobs. After the strike they can be rehired. The problem exists, of course, in the other part of the law which says they can't be fired but they can be permanently replaced. This will all come to a head eventually if states like Maine and the representatives of the working people who serve in the state legislatures support the working people of their states. I would ask you to, please, oppose and vote no on the proposed amendment. Thank you.

On motion by Senator **PINGREE** of Knox, **TABLED** until Later in Today's Session, pending the motion by Senator **FERGUSON** of Oxford to **ADOPT** Senate Amendment "A" (S-167). (Roll Call Requested)

Senate

Bill "An Act to Ensure Enforcement of Protection from Abuse Laws" S.P. 387 L.D. 1272

Which was **READ A SECOND TIME** and **PASSED TO BE ENGROSSED**.

Sent down for concurrence.

Senate As Amended

Bill "An Act to Create the Position of Director of Econometric Research within the Bureau of Taxation" S.P. 74 L.D. 213 (C "A" S-141)

Bill "An Act to Amend the Laws Pertaining to Wine Tasting" S.P. 108 L.D. 387 (C "B" S-122)

Bill "An Act to Create an Historic Preservation Tax Credit" S.P. 126 L.D. 405 (C "A" S-139)

Bill "An Act to Provide Municipal Notification of Utility Services" S.P. 183 L.D. 601 (C "A" S-146)

Bill "An Act to Provide for an Additional Staff Member for the Business Enterprise Program" S.P. 187 L.D. 605 (C "A" S-145)

Bill "An Act Relating to Value of Property Held by Portland Yacht Club" S.P. 210 L.D. 669 (C "A" S-149)

Bill "An Act Concerning Trust Investments by Trustees in Affiliated Securities and Bonds" S.P. 278 L.D. 886 (C "A" S-151)

Resolve, Establishing a Commission to Study the Funding and Distribution of Teletypewriters and Other Telecommunications Equipment for People with Disabilities S.P. 293 L.D. 944 (C "A" S-152)

Bill "An Act to Protect the Confidentiality of Financial Records" S.P. 295 L.D. 946 (C "A" S-148)

Bill "An Act to Ensure the Accurate Collection of Excise Tax on New Motor Vehicles" S.P. 303 L.D. 1011 (C "A" S-140)

Bill "An Act to Increase Access to Education, Training and Employment for Displaced Homemakers" S.P. 328 L.D. 1106 (C "A" S-142)

Bill "An Act to Require Economic Impact Criteria on State Procurement Procedures" S.P. 361 L.D. 1220 (C "A" S-147)

Bill "An Act to Amend the Maine Probate Code to Eliminate Interest on Claims of Creditors of Insolvent Estates" S.P. 401 L.D. 1296 (C "A" S-150)

Which were **READ A SECOND TIME** and **PASSED TO BE ENGROSSED, As Amended**.

Sent down for concurrence.

Bill "An Act to Require the Purchaser of Tobacco Products to Produce Suitable Identification" S.P. 133 L.D. 412 (C "A" S-132)

Which was **READ A SECOND TIME**.

On motion by Senator **MITCHELL** of Penobscot, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (S-132).

On further motion by same Senator, Senate Amendment "A" (S-157) to Committee Amendment "A" (S-132) **READ**.

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Mitchell.

Senator **MITCHELL:** Thank you Mr. President, women and men of the Senate. I speak to you this morning on behalf of the small businesses which provide entertainment or services in an environment requiring no admittance by minors. By us enacting this bill without my amendment that I presented, we are incurring an added expense to these businesses by requiring them to acquire licenses to sell cigarettes in particular environments. These environments are billiard rooms, off track betting, lounges, beanos, and private clubs. It is the request from these businesses that we acknowledge and allow vending machines in these particular environments where no minors are allowed. If minors are allowed, they are accompanied by an adult for supervision. By us accepting this amendment and voting for it, we will be allowing these businesses to conduct their businesses as they currently are without having to have the vending machines removed and incurring the additional expense. So I would ask you at this time to, please, support this amendment to allow this to pursue under the current operation. So please join me in voting for this amendment.

On motion by Senator **PINGREE** of Knox, **TABLED** until Later in Today's Session, pending the motion by Senator **MITCHELL** of Penobscot to **ADOPT** Senate Amendment "A" (S-157) to Committee Amendment "A" (S-132).

Bill "An Act to Provide for State and Federal Criminal Record Checks on Educational Personnel in the State"

S.P. 174 L.D. 503
(C "A" S-127)

Which was **READ A SECOND TIME**.

On motion by Senator **PENDLETON** of Cumberland, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (S-127).

On further motion by same Senator, Senate Amendment "A" (S-169) to Committee Amendment "A" (S-127) **READ** and **ADOPTED**.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Pendleton.

Senator **PENDLETON:** Thank you Mr. President, men and women of the Senate. I hope you'll vote with me to Adopt this amendment. This amendment is attached to "An Act to Provide for State and Federal Criminal Record Checks on Educational Personnel in the State." It's an issue that came out of the committee unanimous. However, we had a date for it's implementation as January 1, 1999, and found that it would cause us to have to have a fiscal note, so we moved the date to July 1, 1999. Thank you.

Committee Amendment "A" (S-127) as Amended by Senate Amendment "A" (S-169) thereto, **ADOPTED**.

Which was **PASSED TO BE ENGROSSED, As Amended**.

Sent down for concurrence.

ENACTORS

The Committee on **Engrossed Bills** reported as truly and strictly engrossed the following:

An Act to Provide for Long-range Revenue Forecasts
S.P. 62 L.D. 172
(C "A" S-105)

An Act to Establish a 30-day Temporary Sea Urchin and Scallop Diving Tender License
H.P. 252 L.D. 316
(H "A" H-205 to C "A" H-192)

An Act to Streamline the Eviction Process
H.P. 262 L.D. 326
(C "A" H-190)

An Act to Change the Burden of Proof for Timber Trespass and Timber Theft Violations
S.P. 118 L.D. 397
(C "A" S-103)

An Act to Ensure Responsible Coordination of Medical Care under Managed Care
H.P. 401 L.D. 546
(S "A" S-113)

An Act Concerning the Importation of Marine Organisms That May Be Dangerous to Indigenous Marine Life or Its Environment
H.P. 501 L.D. 692
(C "A" H-193)

An Act to Increase the Department of Marine Resources' Involvement in Dredge Permitting
H.P. 595 L.D. 786
(C "A" H-194)

An Act to Clarify the Duties of the Office of the Public Advocate
S.P. 241 L.D. 810
(C "A" S-109)

An Act to Permit Teachers to Transfer Retirement System Creditable Service Earned as a Teacher's Aide while Employed by a School and Covered by a Participating Local District
H.P. 750 L.D. 1027
(C "A" H-177)

An Act to Enhance Live Animal and Embryo Exports From Maine
S.P. 355 L.D. 1174
(C "A" S-102)

An Act to Extend the Removal Deadline for Certain Repaired Concrete Underground Oil Storage Tanks
S.P. 395 L.D. 1292
(C "A" S-108)