

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred and Twelfth

Legislature

OF THE

STATE OF MAINE

VOLUME I

SECOND REGULAR SESSION

January 8 - April 2, 1986

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

In Senate Chamber
Tuesday
February 18, 1986

Senate called to Order by the President.

Prayer by the Honorable Michael E. Carpenter of
Houlton.

SENATOR CARPENTER: Let us pray. Our heavenly
Father as we pause at the beginning of another of our
working weeks let us be remindful that the job we are
here to do is for all the people in the State of
Maine and should always be kept in perspective with
Your work. In Christ Our Lord, Amen.

Reading of the Journal of Thursday, February 13, 1986.

Off Record Remarks

Out of order and under suspension of the Rules,
on motion by Senator VIOLETTE of Aroostook, the
following Joint Order

S.P. 806

ORDERED, the House concurring, that when the
House and Senate adjourn, they adjourn to Friday,
February 21, 1986, at 12:00 in the afternoon.

Which was READ and PASSED.

Under suspension of the Rules, ordered sent down
forthwith for concurrence.

Out of order and under suspension of the Rules,
on motion by Senator VIOLETTE of Aroostook, the
following Senate Order

ORDERED, that a message be sent to the House of
Representatives proposing a Convention of both
Branches in the Hall of the House at 10:45 in the
morning, for the purpose of extending to the
Honorable Vincent L. McKusick, Chief Justice of the
Maine Supreme Judicial Court, and Members of the
Judiciary, an invitation to attend the Convention and
make such communication as pleases the Chief Justice.

Which was READ and PASSED.

The Chair appointed the Senator from Aroostook,
Senator VIOLETTE, to deliver the message. The
Sergeant-At-Arms escorted the Senator to the House of
Representatives.

Senate at Ease

Senate called to order by the President.

Subsequently, Senator VIOLETTE reported he had
delivered the message with which he was charged.

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Prevent Discrimination Against
Retired Maine Residents who have Previously been
Members of the Maine State Retirement System"
H.P. 1429 L.D. 2020

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

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

Bill "An Act to Increase the Affordability,
Accessibility and Quality of Child Care"
H.P. 1432 L.D. 2023

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

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

At this point a message was received from the House of Representatives, borne by Representative DIAMOND of Bangor, informing the Senate that the House of Representatives concurs with the proposition for a Joint Convention, to be held in the Hall of the House, for the purpose of extending an invitation to the Honorable Vincent L. McKusick, Chief Justice of the Maine Supreme Judicial Court, and Members of the Judiciary, an invitation to attend the Convention and make such communication as pleases the Chief Justice.

Bill "An Act to Clarify the Law to Provide for Notice to the Mother When an Individual Acknowledges Paternity of a Child Born out of Wedlock"
H.P. 1430 L.D. 2021

Comes from the House referred to the Committee on JUDICIARY and ORDERED PRINTED.

Which was referred to the Committee on JUDICIARY and ORDERED PRINTED, in concurrence.

Bill "An Act to Exempt Prisoners and Adult Offenders who are Performing Court-ordered Public Restitution from the Provisions of the Workers' Compensation Act"
H.P. 1433 L.D. 2024

Comes from the House referred to the Committee on JUDICIARY and ORDERED PRINTED.

On motion by Senator CLARK of Cumberland, referred to the Committee on LABOR and ORDERED PRINTED in NON-CONCURRENCE.

Under suspension of the Rules, ordered sent down forthwith for concurrence.

Bill "An Act to Authorize the Creation of Detention Districts" (Emergency)
H.P. 1434 L.D. 2025

Comes from the House referred to the Committee on JUDICIARY and ORDERED PRINTED.

On motion by Senator CLARK of Cumberland, referred to the Committee on HUMAN RESOURCES and ORDERED PRINTED in NON-CONCURRENCE.

Under suspension of the Rules, ordered sent down forthwith for concurrence.

Bill "An Act to Improve Retraining Opportunities for Dislocated Workers" (Emergency)
H.P. 1427 L.D. 2017

Comes from the House referred to the Committee on LABOR and ORDERED PRINTED.

Which was referred to the Committee on LABOR and ORDERED PRINTED, in concurrence.

Bill "An Act to Establish Kennebec County Corrections' Improvement Fund" (Emergency)
H.P. 1435 L.D. 2026

Bill "An Act Concerning the Waldo County Budget Committee" (Emergency)
H.P. 1436 L.D. 2027

Come from the House referred to the Committee on LOCAL AND COUNTY GOVERNMENT and ORDERED PRINTED.

Which were referred to the Committee on LOCAL AND COUNTY GOVERNMENT and ORDERED PRINTED, in concurrence.

Bill "An Act to Amend Watercraft Excise Tax Laws"
H.P. 1431 L.D. 2022

Comes from the House referred to the Committee on TAXATION and ORDERED PRINTED.

Which was referred to the Committee on TAXATION and ORDERED PRINTED, in concurrence.

Bill "An Act to Place in the Unclassified Service 3 Utility Accountant III Positions at the Public Utilities Commission"

H.P. 1437 L.D. 2028

Comes from the House referred to the Committee on UTILITIES and ORDERED PRINTED.

Which was referred to the Committee on UTILITIES and ORDERED PRINTED, in concurrence.

Study Report

Committee on HUMAN RESOURCES

Report of the Committee on HUMAN RESOURCES to which was referred by the Legislative Council the Study Relative to Maine's Certificate of Need Process have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act to Revise the Certificate of Need Process"

H.P. 1428 L.D. 2018

Be referred to the Committee on HUMAN RESOURCES for Public Hearing and printed pursuant to Joint Rule 19.

Comes from the House with the Report READ and ACCEPTED, and the Bill referred to the Committee on HUMAN RESOURCES and ORDERED PRINTED.

Which Report was READ and ACCEPTED, in concurrence.

The Bill referred to the Committee on HUMAN RESOURCES and ORDERED PRINTED, in concurrence.

COMMUNICATIONS

The Following Communication:

Revised 2/11/86

STATE OF MAINE DEPARTMENT OF EDUCATIONAL AND CULTURAL SERVICES AUGUSTA, MAINE 04333

January 31, 1986

To: Joy O'Brien, Secretary of the Senate Edwin Pert, Clerk of the House G. William Buker, Bureau of the Budget

From: Robert Eugene Boose, Commissioner

Re: Recommendation for 1986-1987 Funding Levels for Adult Education

Pursuant to the provision of Title 20-A, M.R.S.A., Chapter 315, Section 8606, I am required to certify annually prior to February 1 to the Legislature and to the Bureau of the Budget a recommendation for the funding level for the various program categories in Adult Education.

Please see recommendation below:

EDUCATION: ADULT EDUCATION

1986 = 1987

All Other (Category 6300-Grants to Cities and Towns) \$2,528,326 * (This includes grants to programs for High School Completion, Adult Literacy, General Adult Ed., Adult Handicapped, Adult Voc. Ed., and Administration)

* For FY 87 the current budget allocation for grants to cities and towns is \$2,220,106 which leaves a balance of \$308,220 (See attached memo).

Which was READ and with Accompanying Papers ORDERED PLACED ON FILE.

The Following Communication:

STATE OF MAINE EXECUTIVE DEPARTMENT DIVISION OF COMMUNITY SERVICES STATE HOUSE STATION 73 AUGUSTA, MAINE 04333

February 11, 1986

The Honorable Charles P. Pray President of the Senate State House Augusta, Maine 04333

Dear President Pray:

In accordance with Title 22 M.R.S.A. Section 5204(3), I am submitting to the 112th Legislature a report on Maine's Home Energy Assistance Program for the year 1984-85.

I would be happy to answer any questions you may have concerning this report.

Sincerely,

S/Nancy A. Boothby Director

Which was READ and with Accompanying Papers ORDERED PLACED ON FILE.

Which was referred to the Committee on LOCAL AND COUNTY GOVERNMENT and ORDERED PRINTED.

Under suspension of the Rules, ordered sent down forthwith for concurrence.

The following Communication: S.P. 807

STATE OF MAINE
112th LEGISLATURE
AUGUSTA, MAINE 04333

February 18, 1986

Senator Edgar E. Erwin
Representative John M. Michael
Chairpersons
Joint Committee on Agriculture
112th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor Joseph E. Brennan has nominated Barbara Gottschalk of Brunswick for Appointment as the Commissioner of the Department of Agriculture.

Pursuant to Title 7 M.R.S.A Section 1, this nomination will require review by the Joint Standing Committee on Agriculture and confirmation by the Senate.

Sincerely,
S/Charles P. Pray
President of the Senate
S/John L. Martin
Speaker of the House

Which was READ and referred to the Committee on AGRICULTURE.

Sent down for concurrence.

SENATE PAPERS

Bill "An Act to Establish a Piscataquis County Budget Committee" (Emergency)
S.P. 805 L.D. 2031

Presented by President PRAY of Penobscot
Cosponsored by: Representative LAW of
Dover-Foxcroft, Representative LANDER of
Greenville, Representative MASTERMAN of Milo
Approved for Introduction by a Majority of the
Legislative Council pursuant to Joint Rule 27

COMMITTEE REPORTS

House

Ought to Pass As Amended

The Committee on HUMAN RESOURCES on Bill "An Act to Require Notice of the Smoking Policy in Restaurants"

H.P. 1193 L.D. 1690

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-504).

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-504).

Which Report was READ.

THE PRESIDENT: The Chair recognizes the Senator of Aroostook, Senator Violette.

Senator VIOLETTE: Mr. President, with reference to this Bill a point of parliamentary inquiry?

THE PRESIDENT: The Senator may state his inquiry.

Senator VIOLETTE: Is L.D. 1690 properly before the Body?

THE PRESIDENT: The Chair would Rule that L.D. 1690, is in violation of Joint Rule 37, similar to Bill L.D. 1379 which was introduced in the last session. The Chair will Rule this Bill improperly before the Senate.

Which was RULED NOT PROPERLY BEFORE THE BODY, being in violation of Joint Rule 37 in NON-CONCURRENCE.

Sent down for concurrence.

The Committee on LEGAL AFFAIRS on Bill "An Act to Allow Municipal Officers to Delegate their Authority to License Catered Off-premise Functions"

H.P. 1189 L.D. 1686

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-507).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-507).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-507) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on STATE GOVERNMENT on Bill "An Act to Clarify the Surety Bonding Process for Contractors"

H.P. 1253 L.D. 1763

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-505).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-505).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-505) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Senate

Ought to Pass As Amended

Senator BUSTIN for the Committee on BUSINESS AND COMMERCE on Bill "An Act Authorizing Mutual Financial Institutions to Reorganize into Mutual Holding Companies"

S.P. 560 L.D. 1489

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-376).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-376) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Off Record Remarks

Senate at Ease

Senate called to order by the President

SECOND READERS

The Committee on Bills in the Second Reading reported the following:

House As Amended

Bill "An Act Relating to Dividends on Insurance Policies"

H.P. 1227 L.D. 1734 (C "A" H-503)

Which was READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended, in concurrence.

Senate

Bill "An Act Concerning the Conservation and Preservation of Unique State Historical and Library Research Material"

S.P. 696 L.D. 1782

Bill "An Act to Allow the Maine Maritime Academy to Participate in the New England Regional Student Program"

S.P. 755 L.D. 1919

Bill "An Act to Continue Protection and Advocacy Services at the Current Level" (Emergency)

S.P. 663 L.D. 1700

Which were READ A SECOND TIME and PASSED TO BE ENGROSSED.

Sent down for concurrence.

ORDERS OF THE DAY

Off Record Remarks

The Chair laid before the Senate the Tabled and specially assigned matter:

HOUSE REPORTS - from the Committee on STATE GOVERNMENT on Bill "An Act to Change Martin Luther King Day from a Special Observance Day to a State Holiday" (Emergency)

H.P. 1335 L.D. 1872

Report A - Ought to Pass as Amended by Committee Amendment "A" (H-500)

Report B - Ought Not to Pass

Report C - Ought to Pass as Amended by Committee Amendment "B" (H-501)

Tabled - February 13, 1986, by Senator VIOLETTE of Aroostook.

Pending - ACCEPTANCE OF ANY REPORT.

(In Senate, February 13, 1986, Reports READ.)

(In House, February 12, 1986, Bill and Accompanying Papers INDEFINITELY POSTPONED.)

On motion by Senator ANDREWS of Cumberland, Report A, OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-500) ACCEPTED in NON-CONCURRENCE.

The Bill READ ONCE.

Committee Amendment "A" (H-500) READ.

On motion by Senator MATTHEWS of Kennebec, Senate Amendment "A" (S-377) to Committee Amendment "A" (H-500) READ and ADOPTED.

Committee Amendment "A" (H-500) as Amended by Senate Amendment "A" (S-377) thereto ADOPTED, in NON-CONCURRENCE.

Under Suspension of the Rules, READ a Second Time

THE PRESIDENT: The Chair recognizes the Senator from York, Senator Hichens.

Senator HICHENS: Mr. President and Members of the Senate. I stand here this afternoon, in opposition to L.D. 1872, as Amended.

Senator VIOLETTE of Aroostook was granted unanimous consent to address the Senate off the Record.

Senate at Ease

Senate called to order by the President

At this point the Senate retired to the Hall of the House, where a Joint Convention was formed.

After Joint Convention

In Senate

Senate called to order by the President

Senator VIOLETTE of Aroostook was granted unanimous consent to address the Senate off the Record.

Senator PERKINS of Hancock was granted unanimous consent to address the Senate off the Record.

On motion by Senator CLARK of Cumberland RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

Off Record Remarks

I have the deepest respect for Martin Luther King and his accomplishments during his short lifetime, ended by an assassin's bullet. I sincerely believe that he will be remembered for generations to come, for the principles he lived and died for, but I do not believe that a State holiday, especially on a Monday, that only once every few years falls on his Birthday, is the proper way to remember this great man.

Most students and adults in Maine do not know the significance of the Monday holidays we observe now, only that it is another long weekend to picnic, visit or shop. For a few years, the significance of Martin Luther King holiday will be noted. After that, it will be just another day off from school or work.

Many great Americans hardly have their birthday noted. Even last week, the birthday of the great emancipator, Abraham Lincoln passed by without many students and more adults aware of the significance of that day. Other great men and women's birthdays are not mentioned by the media, let alone an occasion for special remembrance.

Several proponents of L.D. 1872 appearing before the State Government Committee, expressed the need for proper recognition for Martin Luther King. I agree. But a day off from work which costs the taxpayers of Maine 1.4 million dollars and a day off for school students in our public schools is not, in my mind, proper recognition, especially when by the Amendment, businesses will be open as usual.

If significant programs were conducted on Mr. King's birthday each year in the classrooms of our schools, and recognition such as we witnessed on television ceremonies and in many communities last month, continued year after year, Mr. King would be given the recognition he rightfully deserves.

For these reasons, I hope that you will vote in opposition to the Majority Report, as did 60% of those answering the WCSH T.V. poll yesterday, and instead encourage the Board of Education to promote proper observances in our schools and urge communities and organizations to observe Martin Luther King Day in the proper way.

THE PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Kany.

Senator KANY: Mr. President and Members of the Senate. I urge you to support the holiday to honor the memory of Dr. Martin Luther King, Jr., who was a magnetic, charismatic speaker, who could have used this gift to further negative goals. A holiday would be a reminder that rapid change can occur. Rapid progress can occur without violence and revolution.

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

Senator ANDREWS: Thank you, Mr. President. Mr. President, men and women of the Senate. I also hope you will join the majority of the Members of the Joint Standing Committee on State Government in passing this important Bill today. We had a very moving public hearing in the State Government Committee room just a few weeks ago, when we took up this subject. We had men and women, boys and girls from all over the State, from all walks of life coming before the Maine Legislature and asking for the Legislature to join the Congress and the President of the United States, in making this truly a National and State holiday.

Sitting in that State Government Committee room and listening to the testimony, I was able to learn and appreciate, with depth, hitherto, unrecognized and unfelt, the breadth and the depth of the impact of this man on the lives of the people of Maine. There were people at that Committee hearing that talked about their personal experience with the Civil Rights Movement, and their personal experience with Dr. Martin Luther King, Jr. There were young people who came to our hearings and talked about their experiences. In fact, there was one who was born three hours after the assassin's bullet cut down Dr. Martin Luther King. He urged us to support this holiday, and talked about activities in his school to commemorate that very important day.

You know, we are talking here of not just honoring a very great man and human being. We are not just talking about a particular movement in American history. We are not talking about just the particular people or a particular geography. We are talking about America, and we are talking about celebrating a spirit. A spirit that we sometimes tend to forget. We have a great tradition in this Country that we are very, very resistant and we will reject any compulsion to act, particularly at the point of a gun.

But, we also have a tremendous depth of character as a Nation. We are able to move as a Nation by someone compelling us to act at the point of justice and freedom, and what is right. The power of that movement came in this very important period of history, for the leadership of this very great and extraordinary human being.

I know, as an individual, in my life, and in fact today, we heard from the Judiciary and we heard the Chief Justice talk about the progress being made with accessibility to our courts. I can tell you, that the leadership that the disabled community of the State of Maine has shown nationally in the fight for accessibility and integration and non-discrimination on the basis of the handicapped, would not have been possible in 1986, had it not been for Martin Luther King, Jr. So, we are not just talking about an individual or a group or geography, or a time. We are talking about America. And we are talking about the spirit that makes this Country great.

I think that is the very least, and you know, it is true, that some people will take that holiday like any holiday, and not think about what the holiday stands for.

We can't do anything about that. We can't legislate that someone think about the greatness of this human being, and the greatness of the American spirit. But we can do our part, as a Legislature, by setting this day aside as a State holiday.

One other comment, we as a Committee were concerned about, was about any fiscal implications by any piece of legislation before our Committee. We received a report by the Office of the Fiscal and Program Review, indicating to us and I will read this: "Enactment of this legislation will result in increased costs to the various operating funds of the State, due to the holiday pay that will be received by the certain State employees working on Martin Luther King Day. The impact of the General Fund will be approximately \$120,000 to \$150,000 of the actual amount of money that will have to be appropriated in the future, will vary based upon each Department's ability to absorb the additional holiday pay for their employees". Let me just tell you, simply, as a matter of fact, that the Executive Branch will be determining, and often that happens as a result of collective bargaining, what the terms and conditions of the holiday pay will be.

So, the \$120,000 to \$150,000 figure, I am told, is an outside projection, it certainly could be less than that, but I have heard no evidence, whatsoever from any of the authorities here in the State, that report to the State Government Committee, the figure of 1.4 million dollars. This is the first I have ever heard of it. I do not believe that it has come from the Office of Fiscal and Program Review. I would like anyone to explain that 1.4 million dollar figure to me. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Knox, Senator Chalmers.

Senator CHALMERS: Thank you, Mr. President. Mr. President and ladies and gentlemen of the Senate. If I may take just a minute of your time. I did not speak before the Committee when they had their hearing. There were many others with personal experiences more moving than anything I thought I could say at that time. However, to my fellow Senators, I would like to give you my personal opinion.

I lived in Athens, Georgia in 1957 to 1968, and I can tell you those were mind changing times in this Country. I lived through, what was a peaceful revolution, and dynamic revolution, largely and solely responsible was Martin Luther King, Jr. It seems to me that you would have to live down in the South, in Georgia, to experience the frustration, the anger, the bitterness, that was there. It seemed to me that it took his great stand to stop that, to help us.

I have been criticised by my friends, when I say that we should celebrate a Martin Luther King Day, because he saved us from a time as bloody as South Africa is going through now. They are right, that is not why we should honor him.

We should honor him for something that he did for each of us. For teaching us about the law and the Lord. For teaching us to respect the law. For taking something Gandhi was using across the world and bringing it over here in America and utilizing it over here. By teaching us that there are unjust laws, and that you can disobey them if you want to, but only if you are willing to pay the price that society has already set up.

That is an important lesson for all of us to learn. It seems to me that I can do no more than stand up to be counted for him, on this day, and to speak out for what he did for all of us. We should honor him for his ideas, not the man. I ask you to support L.D. 1872.

THE PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Gauvreau.

Senator GAUVREAU: Thank you, Mr. President. Mr. President and men and women of the Maine Senate. I am going to urge you also, today, to fully support L.D. 1872, as Amended. I want to take some time in my remarks, this afternoon. I think it is critical, not only that this Body respond positively to L.D. 1872, but articulate a rational and fair debate for policy reasons, why we should take this initiative.

I am going to share with you, perhaps a different perspective. One of the arguments which we have heard consistently in the debate, has been why have a State holiday for Dr. King. We already have a Federal holiday, and beyond that, we have legislation supported by some Members in this Body, over a decade old, which allows and authorizes the Governor to declare a holiday for commemoration purposes.

It is my keen sense and strong belief that we have to take a more forthright step to honor, not only Dr. King, but also the movement and the principles that he stood for. Now, I will take you back, with your permission, for a century ago, shortly after the Civil War, and the response of our Government to the horrors of racial discrimination in our society, and in our State. The Federal Congress, shortly after the Civil War, adopted meaningful legislation, commonly referred to as the Civil Rights Act, in 1871 and 1875, which sought to ensure that all citizens of our Nation enjoyed the basic fundamental rights, without regard to prior conditions of slavery.

The legislation was geared primarily at ensuring that black persons in our society, be fully allowed to enjoy all the fruits of our liberties. To vote, to have basic rights to fairness of housing and treated as equals in our society. But, all too often, we found that the black codes which were prevalent before the Civil War, again emerged. The era of Jim Crow was prevalent. And perhaps in its' most enormous decision ever rendered, by the High Court of the United States, a case of Plessey vs. Ferguson, was articulated a doctrine, which I think we all now have reputed thoroughly, but which we must, and I will call you back today to consider. A doctrine that is separate, but equal.

If you will bear with me, I will take you back to a case. The issue before the Supreme Court of the United States was whether or not the Louisiana statutes, which mandated equal but separate accommodations for the races in the railway transport was constitutional under Louisiana law, or under the so-called Civil Rights Amendment, including the 14th Amendment to the United States Constitution, which does ensure that all citizens the right to equal protection.

I will quote to you what the Supreme Court stated at that time: "The object of the 14th Amendment was undoubtedly to enforce the absolute equality of the two races before the law, but in the nature of things, it could not have been intended to abolish the stations based upon color, or to enforce social, as distinguished from political equality, or a co-mingling of the two races, upon terms unsatisfactory to either. Laws permitting, and even requiring their separation in places, where they are allowed to be brought into contact, do not necessarily apply the inferiority of either race to the other, and have been generally, if not universally recognized in the State Legislatures, in the exercise of their police powers. The most common instance of this is connected with the establishment of separate schools for white and colored children, which has been held to be a valid exercise of the legislative power. Even by courts of States, where the political right of the colored race have been longest and most earnestly enforced, the case reduces itself to the question whether the statute of Louisiana is a reasonable regulation, and with respect to this, there must necessarily be a large discretion on the part of the Legislature in determining the question of reasonableness, it is at liberty to act with reference to the established usages, customs and traditions of the people, and with a view to the promotion of their comfort and the preservation of the public peace and good order."

The Court went on to state as follows: "We consider the underlying fallacy of the Plaintiff's argument that is attacking the statute, to consist in the assumption that the enforced separation of the two races stamps the colored race with a badge of inferiority. If this be so, it is not by reason of anything found in the Act, but solely because the colored race chooses to put that construction upon it".

The argument also assumes that social prejudices may be overcome by legislation and equal rights cannot be secured to the Negro except by an enforced co-mingling of the two races. We cannot accept this proposition. I submit to you, that that doctrine is repugnant to all of us. That, in fact, it is the obligation of us, in State Government, as well as in Federal Government to make sure that all persons enjoy equal rights, without regard to race, sex, color or national origin.

Now, it is true that the Federal Court, since that time, overturned Plessey vs Ferguson, and repudiated its' integrity. Never the less, even well into the 20th Century, we saw the messages of separate, but equal. We saw it in equal housing accommodations, equal transport accommodations, equal but separate facilities in public housing, in public schools, in voting. The U. S. Congress acted in 1960, and again in 1964, to protect the rights of all citizens for public accommodation, and for voting. In 1968, moved to do so in the area of public housing, again. The reason I have mentioned this, is because time and time again, it was encumbered upon the Federal Congress to take forthright measures to ensure, under law, racial equality.

It is an unfortunate fact of our history, that State Governments, all too often were unwilling, or unable to see their way clear to ensure that all persons had equal blessings of liberty under our Constitution. I think this is why the idea of a State holiday is so significant. It is simply not adequate to, once again, have the Federal Congress tell us we should commemorate, and we should honor Dr. King. We should have frailty to the principle of racial equalities.

We, in State Government, have an obligation to uphold. We have to, in legislation such is before us today, symbolize our strong commitment to racial equality. I do not view this as simply, another State holiday, another day for State employees, or whatever, to have off. The issue, far transcends that. I have no doubt that the people in this Legislature share my strong convictions for racial equality, but I just can't help, as I look out at a sea of white faces, and wonder whether or not, the sensibility, the sensitivity of this issue is as strong to us. Do we feel this as strongly as other people in other States with perhaps larger populations of minorities? Perhaps we don't, because we have not had the personal experience.

I was honored to have the opportunity, in my youth, in my college to spend summers in Washington, and I became very, very sensitive, indeed, in the late 1960's to the issues of social equality facing our country. These principles which I speak of today, are so ingrained in me that I cannot help but urge all of you to adopt the measure before us today to establish a State holiday in remembrance of Dr. Martin Luther King.

I agree with the good Senator from York, Senator Hichens, when he states that we have to do more than this. He is absolutely correct. We can never forget, and should never be allowed to forget what this Nation did to the black people in this Country. I think, by honoring Dr. King, and honoring all of those who stood by him, in those most torturous days of our history, that we can take some small, but meaningful step to ensure that the horrors which we had in this Country will never be retried upon us.

THE PRESIDENT: The Chair recognizes the Senator from Franklin, Senator Webster.

Senator WEBSTER: Mr. President, I request a Division.

THE PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Matthews.

Senator MATTHEWS: Mr. President and Members of the Senate. I would like to start by saying that I appreciate those remarks by my fellow colleagues in this Senate. I think they have said many of the things that I wanted to say today. I want to bring to your attention a statement and some words that were shared with us just over an hour ago by the Chief Justice of the Maine Supreme Court. He said in the Joint Convention: "Next year the whole Nation will commemorate the 200th anniversary of the signing of the United States Constitution, on September 17, 1787." The British statesman, Gladstone, a century ago, called the American Constitution "the most wonderful work of government ever struck off at a given time by the brain and purpose of man."

We were part of one of the thirteen original States, the District of Maine with the Commonwealth of Massachusetts. Our four representatives participated in what Catherine Drinker Bowen, in her story of the Constitutional Convention called "Miracle at Philadelphia". The next year, Maine towns sent 46 delegates on the trip to Boston, to take part in State ratification of the Convention. Next year is a very important day in the history of the United States of America, and I can't think of a more important note, to stand before this Body of the Maine Senate, speaking for a man by the name of Martin Luther King, Jr., who fought for those principles that were laid down in the Constitution.

Who, because of his work, his dedication to humanity, not just black people but all people, fought to bring the right to vote to the black people in this Country, and the rights that many of us, as minorities of ethnic origin are sharing today. What a better send off for the State of Maine, and this Country to pass this Bill in honor of Martin Luther King, Jr., as a State holiday.

As I drove down here today, I had just a thousand things racing through my mind. There are many issues that we debate in the Senate, and in this Legislature that are very important, which deal with economics and deal with State policy, agriculture, you name it, they are all very important issues. But, you know, it seems to me, and I guess I recall someone saying, that a democracy is a living and a breathing instrument of man, and if that instrument doesn't continue to grow, then we all die. Our Constitution dies, our society dies, our democracy crumbles.

We, in America, have gone through some tough times, but we have been willing to persevere. Martin Luther King was a great man, a great American. He fought for social justice, he fought for equality of man, he fought for civil rights, he fought for all of the things epitomized in the Constitution of the United States. That Constitution did not include him, did not include the race of black people in this Country, and it was not until the issue was brought to the calls of justice in this Country, that that happened.

I can't think of a more important thing for us to be voting on today. I certainly can't think of a more important issue for a Democracy to make a stand on. We are looking at a world that is troubled. Just recently we saw the release of Scharansky from the Soviet Union. He fought for social justice in the Soviet Union. He fought for equality in the Soviet Union. He fought against the discrimination of the Jews in the Soviet Union. Are we going to turn around as a Maine Legislature today, and say that we still do not believe that blacks should have that accorded to them? That we should not honor a man that fought like Scharansky did against suppression? I don't believe that will happen, because I believe in the collective good will of this Senate, and the good will in the nature of the people in the State of Maine.

I hope that you will look into your hearts, both D's and R's, all of us are Senators, and ask yourselves, does this man deserve a State holiday? What did this man do for this Nation? And you can only say, he did a great many things, many things that our children should know about. I hope, at the end of this debate today, we will have a unanimous vote of the Senate for Martin Luther King, Jr. I sincerely hope that and I thank you.

THE PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Carpenter.

Senator CARPENTER: Mr. President and ladies and gentlemen of the Senate. At the risk of belaboring the point, I wonder if the opposition, and I do not think there is anybody here today who lived through the late sixties who would disagree that the results brought about by Dr. King were bad. As I listened to the debate as it raged here in the hallways the past few weeks, and I tried to pick up on exactly what the points were. The one point that seems to be coming out time and time again, was that this man promoted civil disobedience. This man promoted opposition, passive opposition to laws.

The laws that we are talking about are laws that affected black people at that time. Look at those laws. I think that is what we have to do. I don't think that we have to vote for this Bill today, because we are an admirer of Dr. King, personal, political, religious or philosophical views, but rather as a matter of symbolism.

Actually, today, he is a symbol of a movement which he didn't really found. It was there before he came along. He seemed to have crystalized it, and it certainly has lived on, grown and prospered since his death. I also, as Senator Gauvreau, have had some personal experiences. I am just a country boy from Aroostook County. What do I know about racial discrimination? I had the occasion to be in a part of this Country in the late sixties with my room mate, who happened to be black. I didn't know it was wrong for a white person to share an apartment with a black person, until I tried to use some of the public facilities in this particular area of the Country. I was told, not he, I was told "Sir, he can't come in here". I was just flabbergasted. That sort of heightened my awareness of all of this.

That no longer is, today. That is the way it should be. I do not think there is a man or a woman in this Senate who could stand up and say that was right, then, or would it be right today. But it is different today. Our Country is different today. Our State laws are different today. You have to ask yourself "Why?" Because of the symbolism that is embodied in the spirit in the life of this one individual.

The civil disobedience question. I just want you to think about this. How do we treat somebody who has promoted civil disobedience against the oppression, if you will, of some of the laws of this Country? How do we treat them? We give them sanctuary in this country and we call him Alexander Solzhenitsyn. How do we treat somebody who steps beyond, steps further than Dr. King ever went and actually brought about a blood bath in his country. Actually brought about by his actions or at least in part due to his actions that man should take up weapons, brother against brother, and divide a country. How do we treat those people. We call them one of the greatest Presidents that every lived. We call him Abraham Lincoln. What about a man who said I can't take these laws anymore I am going to take up arms against the authority they call him our Founding Father, George Washington.

Is there a person in this Chamber today that because of an election that was so unfair similar to the elections that were held in parts of this country, not that many years ago, is there a person in this Chamber today who isn't rooting for Corazon Aquino and the campaign of civil disobedience which she is promising to run the Philippines in the next few months. Is there a person in this Chamber who can honestly say that they think she is wrong and that what she is trying to promote is wrong.

I don't think there is a person in this Chamber today and that's exactly what Dr. King stood for, that's the symbolism which took a life unto itself after his death and has grown and I don't think there is a person in this Chamber today regardless of Party or regardless of Political Philosophy who would not say that in the area of civil rights one, that we are not better off then we were in those days. Two, that it would have not come about without Dr. King. I think the very least that a non-racially controverted state, like Maine, small and maybe insignificant in the scheme of things. I think it is the very least we can do here today and I would ask that you support the pending motion. Thank you.

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

Senator NAJARIAN: Mr. President, Members of the Senate. I will be very brief. The debates in here today reminded me of what Martin Luther King, Jr. said he wanted said about himself at his funeral. I thought what he wanted said about him at his funeral he might want to have had said about him in this Senate Chamber.

First of all he said, "tell them not to talk too long. Tell them not to mention that I have a Nobel Peace Prize. Tell them not to mention that I have three or four hundred other awards. I would like somebody to mention that day, the day of his funeral, that Martin Luther King, Jr. tried to give his life serving others. Say that I was a drum major for justice. Say that I was a drum major for peace. Say that I was a drum major for righteousness." And that he was.

THE PRESIDENT: The Chair recognizes the Senator of Penobscot, Senator Pearson.

Senator PEARSON: Mr. President, Men and Women of the Senate. Last week in another area there was a debate that took place which I was not privy to. I understand there were some unfortunate things that were said. I feel very sorry about that.

I also hope that people will understand that a broad brush should not be applied to all people because of unfortunate remarks that might have been made. I remember I heard an advertisement on the radio lately, and I can't remember exactly how it goes, but it goes like this; It says that the only time politicians move is when their running for office. Everybody thinks that's funny, everybody I guess except me, because what it does is it tends to paint with a broad brush everybody who is in office and truly, truly dedicated people.

I came down this morning, and as most of you know, I have represented for a long, long time what I consider the number one minority in the State, as far as race is concerned, and that is the Indian Reservation. I am very familiar with peoples thoughts that are not kind, at times, but they are not always representative of the whole society and I hope that the black and white population of this State understands that unkind things that might be said are not to be interpreted as representative of everybody.

I came down this morning thinking that we were going to be debating another bill and I stole out of my friends drawer this morning, his college textbook on Government. While this debate was going on I looked in the index on Martin Luther King, nine different pages, in the University textbook on Government, of Dr. King. While people have been debating I have been listening with one ear and reading this with my eyes, and it really brings back an awful lot of memories from the sixties, but probably the most dramatic thing he every said which will never ever be lost in American prose is his speech "I had a dream." One part of it says, "In spite of all the difficulties and frustrations of the moment I still have a dream. It is a dream deeply rooted in the American dream. I have a dream that one day this nation will rise up and live out the true meaning of its creed. We hold these truths be self-evident that all men are created equal."

THE PRESIDENT: The Chair recognizes the Senator from Franklin, Senator Webster.

Senator WEBSTER: Mr. President, Ladies and Gentlemen of the Senate. I am somewhat confused here today, I heard earlier that this measure would cost 1.4 million, I have been told by others it would cost \$150,000-\$200,000 and the only concern I have heard from constituents of mine is that it is going to cost money. It is a nice gesture, I guess I feel I should stand up and let people know why I am voting the way I do.

I am not old enough to remember Mr. King, I was in grammar school when Mr. King was shot. I am sure from the things I have heard today, and what I have read that he was a great American and should be commended for what he did. I guess my concern would be, someone has to prove to me in a time of tight financial situations this State is in, how we can justify spending the kind of money even \$200,000 to create yet another holiday. I have been told that this will cost 1.5 million dollars without benefits and I guess my biggest concern or my conclusion from this debate and from the discussions I have received in the halls and I want to commend the Senate I have heard nobody make any slanderous remarks towards Mr. King. I think we should feel honored of that because I don't think anything can be said slanderous towards him.

I guess it is kind of ironic, first of all, I remember back when the bill was submitted and the Governor immediately came out and supported this measure unfortunately there wasn't enough time to pass this bill, at least that was what we were told. I remember coming here over the last five years and passing bills in one day if it was really something that was wanted. I think the Governor, and many people who support this, want this bill as long as the next Governor has to fund it. A million dollars is a lot of money if that is what it is going to cost, it seems to me, ironic, the more liberal people that support this measure who are suppose to be champions to the poor and needy are now supporting this measure. I am sure they are going to go home and tell the poor and needy that they are protecting them too. It seems to me if we only have a few dollars, and we do, that we ought to spend them the best and for the most wise things and I would question, I guess, how we can really justify spending this much money to commemorate someone and I am sure we could find many people in this country, many people here in Maine, who are worthy of being commended and worthy of having a State holiday and I am not questioning at all that Mr. King would be worthy of that. I guess my reason of opposition of this measure is simple a matter of cost. It seems to me that we could use the tax dollars for this State better, and for more needy things then for this measure. Thank you.

THE PRESIDENT: The Chair recognizes the Senator of Aroostook, Senator VIOLETTE.

Senator VIOLETTE: Mr. President, Ladies and Gentlemen of the Senate. I will be brief. I am surprised by the comments of the Senator from Franklin, Senator Webster. To me it is indeed a great tragedy, not only in this State and in this Country, when \$150,000 is going to preclude, we here in this State, from standing up and honoring somebody who is a person of peace, a person who stood for many of the most positive things upon which this Country was founded and based.

I guess, if spending \$150,000 or whatever the cost is, means that this Senator or any other Member of this Body and this is not a liberal conservative issue. It is unfortunate that it has to be characterized as a liberal issue by the good Senator, it certainly isn't. But if we are I am certainly going to consider myself a liberal when it comes to this issue.

Many other issues that come before this Body cost far greater money. To me there are no others that can make the same point as we can today by spending such a miniscule amount of money in a government of billions of dollars. It is simply unacceptable to this Senator, as I trust it is to my colleagues today here in this Chamber. To use the basis of cost on this issue is the Senator suggesting that because perhaps we are in difficult times when have we never not been in need of more money. We are always in need of more money, but we do things because we know them to be right and this is one of those.

Is he suggesting, perhaps, that we should not have some of the other holidays that we have here in this State, because yes, there is a loss of revenue or cost with respect to each of those others, but yet we have found it appropriate to continue those traditions and what we wish to do here today is to add another to that list of other individuals or special groups of individuals or special days that we honor. So I hope today, that if this is the only argument that can be made against this legislation that we will remove such unwarranted and in my opinion, rather trivial excuse, excuse for voting on something so very important.

We have in this State a rather homogeneous population. Very similar kinds of people, and I can think of no State other than States such as Maine were this holiday is more necessary. We have nothing to remind us of the importance of this individual, it is not so much the individual, as this time in history, this movement and what this man stood for, those are the things we should be remembering today. Let us not forget them, let us put aside this issue, this non-issue, it is not an issue with this Senator and I trust it will not be an issue with other Members, my colleagues, when you vote in favor of this Bill.

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

Senator PEARSON: Mr. President, because I think the Senate has been the victim of some high privity I would like to ask that the fiscal note be read attached to this Bill.

THE PRESIDENT: The Chair will read the fiscal note. "If this legislation is enacted as written it would not have a fiscal impact on State Government. The Bill does not grant State employees this holiday, however, the Governor through his authority could make this a holiday for State employees. If this holiday was granted to State employees as an additional holiday there would be an indirect cost due to a loss of productivity and a possible direct cost due to overtime."

The Senator has the floor.

Senator PEARSON: Mr. President, I would like to pose a question to the Senator from Franklin, Senator Webster, as to where he got the figures of a million dollars, or whatever it was.

THE PRESIDENT: The Senator from Penobscot, Senator Pearson has posed a question through the Chair to any Senator who may care to respond.

The Chair recognizes the Senator from Franklin, Senator Webster.

Senator WEBSTER: Mr. President, Ladies and Gentlemen of the Senate. During the last hour I have been sitting here listening to the debate and the good Senator from Cumberland, Senator Andrews, has given one figure. The good Senator from York, Senator Hichens, has given another. Those are the two figures I discussed in my debate. The 1.4 million and the \$200,000 or whatever it was.

Since I am on my feet I would just say that since I have been in this Legislative process every time an issue comes before the Legislature, I remember my seat mate back in the House used to say well this is only going to cost the taxpayers five cents a piece so what's five cents to the average person if we can create this needy program. For the last hundred years we have been saying what's two cents here and five cents there, and I am not debating that Mr. King was worthy as I said, but I still maintain whether it is \$100,000 or \$200,000 or whether it is \$1,000,000 there are needy people, if you want me to take that are poor, that are handicapped people that could use that money and could use it better aiding those people. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from York, Senator Hichens.

Senator HICHENS: Mr. President and Members of the Senate. As I began this debate maybe I can end it. I would like to say a few words in closing in response to the remarks that have been made.

We have heard a lot said about proper observance for Martin Luther King's Day and I think in my opening speech I mentioned proper observance, that I don't think that a Monday holiday such as was observed yesterday, on President's Day, is a proper observance for anybody. I think the man should be recognized in our school rooms that proper ceremonies as is due a man of his greatness.

A few years ago, I was in Nova Scotia on Queen Victoria's birthday and in the home that I bought there, there was a large framed picture of Queen Victoria, so I took that picture and I put it on the little organ in the hallway of our home in case someone might come into visit. There were visitors that day, as they came in a little girl of twelve came in and she looked up at the picture and I said do you know who that is? She said no. I said do you know why you are having a day off from school today? She said no. It appalled me to think that a woman as great as Queen Victoria had not even been recognized in the schools and people were observing that holiday.

As I mentioned in my previous presentation Abraham Lincoln was not even mentioned on the floor of not only in our schools, but on the floor of this Senate last week and I think that is disgraceful. I asked seven of my grandchildren over the weekend if Abraham Lincoln was mentioned in their classrooms and three of them go to Christian schools and they said yes, we said prayer in the memory of Abraham Lincoln. The other four in the public schools had no mention of his name in our schools. Abraham Lincoln was a great man. There are other great men and women in American History who's birthdays go by not even mentioned in the media and I do believe in a few years that Martin Luther King won't even be remembered on this weekend holiday in observance of his birthday. Again, I ask you to observe his birthday in the proper way, with the proper ceremonies in our schools, the proper ceremonies in our communities and throughout the nation on TV and so forth and give him the honor he deserves.

THE PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Matthews.

Senator MATTHEWS: I just want to share two brief things in response to one the Senator from Franklin, I have been told the Maine Banker's Association supports this legislation so those that will be impacted directly are in support of the Bill and again my amendment takes care of those businesses and industries that wish to stay open. The other I just wanted to share two very short letters that were written to Governor Brennan these were dated, the first letter January 23, 1986, by a school age child. Dear Governor Brennan, I am writing because I think that Martin Luther King Day is important enough to be a State holiday. What he did was right. He lead black people in a peaceful crusade for equal rights. He risked his life for their freedom. He made the world a better place to live and if I were alive when he was alive I would have joined his crusade. He was a very important person.

The Second letter, Dear Governor Joseph Brennan, Please make Martin Luther King Day a State holiday. We have been studying him in school and I think he is important enough to have a State holiday. The black people in this country would not have had equal rights if it were not for him. I don't want it to be a State holiday just because I get a day off from school. I think he is a really important human being. He not only got equal rights for black people he did it for those through love not hate. So if you want to make it a State holiday I am supporting you all the way.

I hope that you will pass this bill and the economic argument I believe has been allayed so there is really only one argument left. I hope you will make Martin Luther King Day a State holiday and see fit to pass this Bill.

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

Senator CLARK: Thank you Mr. President. Mr. President and men and women of the Senate. We received unsolicited copies of a magazine titled "The New American" and perhaps many of you did not note that in the January 13, 1986 edition was excerpted on page 11 the testimony given by the late Congressman Larry P. MacDonald of Georgia, before the House census and population sub-committee on February 23, 1982. Which is highlighted with a sub-title "A courageous statements reasons for opposing the National holiday honoring Dr. Martin Luther King, Jr. It was reviewing this magazine and having this catch my eye that I had planned to testify, as did many other Legislators, in this 112th Second Regular Session before the Joint Standing Committee on State Government during the public hearing on the Bill before us this afternoon. I found with a great deal of pride that I did not need to testify that afternoon. For there was a contingent of young Americans, teenagers, representing their generation from Brunswick High School, who articulately and feelingly shared with the Members of the State Government Committee their support of the recognition of a holiday commemorating all that is represented in our memory and in the life of Dr. Martin Luther King, Jr.

Also, with a great deal of pride one of the towns in my Senate District, my home town, issued a proclamation declaring Dr. King's birthday to be a town holiday before we, in the State of Maine, did so. And I would share with you portions of that proclamation. "This day not only celebrates the birth of a man, but more importantly celebrates the spirit and the fruits of the work this man left behind. This day celebrates the principle of freedom for all people in this nation. This day celebrates the spirit of peace and peaceful democratic processes in our community of Freeport." This day, Members of the Senate, is a time to recognize peace making for all citizens of our State. I urge you to Accept the pending motion.

THE PRESIDENT: The Chair recognizes the Senator from York, Senator Hichens.

Senator HICHENS: I request a Roll Call.

THE PRESIDENT: A Roll Call has been requested. Under the Constitution, in order for the Chair to order a Roll Call, it requires the affirmative vote of at least one-fifth of those Senators present and voting.

Will all those Senators in favor of ordering a Roll Call, please rise in their places and remain standing until counted.

Obviously, more than one-fifth having arisen, a Roll Call is in order.

The pending question before the Senate is PASSAGE TO BE ENGROSSED AS AMENDED, in NON-CONCURRENCE.

A Yes vote will be in favor of Passage to be Engrossed as amended.

A No vote will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

Senator ERWIN of Oxford, who would have voted Nay requested and received leave of the Senate to pair his vote with Senator BUSTIN of Kennebec who would have voted Yea.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators, ANDREWS, BALDACCI, BERUBE, BROWN, CARPENTER, CHALMERS, CLARK, DOW, DUTREMBLE, EMERSON, GAUVREAU, KANY, KERRY, MATTHEWS, MAYBURY, MCBREAIRTY, NAJARIAN, PEARSON, STOVER, TRAFTON, TUTTLE, TWITCHELL, VIOLETTE, THE PRESIDENT - CHARLES P. PRAY

NAYS: Senators, GILL, HICHENS, PERKINS, SHUTE, WEBSTER

ABSENT: Senators, BLACK, DIAMOND, SEWALL, USHER

24 Senators having voted in the affirmative and 5 Senators having voted in the negative, with 2 Senators having paired their votes and 4 Senators being absent, the Bill was PASSED TO BE ENGROSSED AS AMENDED, in NON-CONCURRENCE.

Under suspension of the Rules, ordered sent down forthwith for concurrence.

The Chair laid before the Senate Tabled and specially assigned matter:

Resolve, Authorizing the Sale of Certain Public Lands in Lewiston

S.P. 747 L.D. 1911

Tabled - February 13, 1986, by Senator VIOLETTE of Aroostook.

Pending - PASSAGE TO BE ENGROSSED

(In Senate, February 13, 1986, RECONSIDERED PASSAGE TO BE ENGROSSED.)

On motion by Senator VIOLETTE of Aroostook, Tabled 1 Legislative Day pending, PASSAGE TO BE ENGROSSED.

Out of order and under suspension of the Rules, the Senate considered the following:

PAPERS FROM THE HOUSE

House Papers

Resolve, Directing the Director of the Bureau of Public Lands to Convey the State's Interest in Certain Lands Surrounding Little Sebago Lake
H.P. 1439 L.D. 2030

Comes from the House, referred to the Committee on ENERGY AND NATURAL RESOURCES and ORDERED PRINTED.

Which was referred to the Committee on ENERGY AND NATURAL RESOURCES and ORDERED PRINTED, in concurrence.

Out of order and under suspension of the Rules, the Senate considered the following:

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Clarify the Application of Water Quality Standards to Hydroelectric Projects"
H.P. 1440

Comes from the House, referred to the Committee on ENERGY AND NATURAL RESOURCES and ORDERED PRINTED.

Which was referred to the Committee on ENERGY AND NATURAL RESOURCES and ORDERED PRINTED, in concurrence.

Out of order and under suspension of the Rules, the Senate considered the following:

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Make Clarifications in the Laws of Maine Relating to the Workers' Compensation Act" (Emergency)

H.P. 1441

Comes from the House, referred to the Committee on LABOR and ORDERED PRINTED.

Which was referred to the Committee on LABOR and ORDERED PRINTED, in concurrence.

Out of order and under suspension of the Rules, the Senate considered the following:

COMMITTEE REPORTS

House

Ought Not to Pass

The following Ought Not to Pass Report shall be placed in the Legislative Files without further action pursuant to Rule 15 of the Joint Rules:

Bill "An Act to Give Municipalities Greater Decision-making Powers Relating to Solid Waste Management"

H.P. 1298 L.D. 1814

Out of order and under suspension of the Rules, the Senate considered the following:

COMMITTEE REPORTS

House

Ought to Pass As Amended

The Committee on TRANSPORTATION on Bill "An Act to Clarify the Authority of Municipal Officers to Temporarily Restrict Vehicle Passage over Certain Highways"

H.P. 1203 L.D. 1710

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-510).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-510).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-510) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Out of order and under suspension of the Rules, the Senate considered the following:

COMMITTEE REPORTS

House

Divided Report

The Majority of the Committee on JUDICIARY on Resolve, Authorizing Jeanette Hodgdon Brown, Administratrix of the Estate of Kenneth R. Hodgdon, to Recover Judgment Entered in Her Favor against the State in Lincoln County Superior Court

H.P. 1186 L.D. 1683

Reported that the same Ought Not to Pass.

Signed:

Senators: CARPENTER of Aroostook
CHALMERS of Knox

Representatives: KANE of South Portland
PARADIS of Augusta
CARRIER of Westbrook
PRIEST of Brunswick
MacBRIDE of Presque Isle
STETSON of Damariscotta
DRINKWATER of Belfast
COOPER of Windham

The Minority of the same Committee on the same subject reported that the same Ought to Pass.

Signed:

Senator: SEWALL of Lincoln

Representatives: ALLEN of Washington
LEBOWITZ of Bangor

Comes from the House with the Majority OUGHT NOT TO PASS Report READ and ACCEPTED.

Which Reports were READ.

The Majority OUGHT NOT TO PASS Report was ACCEPTED, in concurrence.

(See Action Later Today)

Out of order and under suspension of the Rules, the Senate considered the following:

COMMITTEE REPORTS

House

Divided Report

The Majority of the Committee on UTILITIES on Bill "An Act Concerning Local Telephone Service Rate Structure"

H.P. 1388 L.D. 1957

Reported that the same Ought to Pass As Amended by Committee Amendment "A" (H-496).

Signed:

Senator: BALDACCI of Penobscot

Representatives: WILLEY of Hampden
RICHARD of Madison
PARADIS of Old Town
NICHOLSON of South Portland
VOSE of Eastport
WEYMOUTH of West Gardiner

The Minority of the same Committee on the same subject reported that the same Ought Not to Pass.

Signed:

Senators: WEBSTER of Franklin
ANDREWS of Cumberland

Representatives: BAKER of Portland
McHENRY of Madawaska
WEBSTER of Cape Elizabeth
CLARK of Millinocket

Comes from the House with the Minority OUGHT NOT TO PASS Report READ and ACCEPTED.

Which Reports were READ.

On motion by Senator VIOLETTE of Aroostook, Tabled, Unassigned, pending ACCEPTANCE OF EITHER Report.

On motion by Senator VIOLETTE of Aroostook, the Senate RECONSIDERED its action whereby it ACCEPTED the Majority OUGHT NOT TO PASS Report on:

Resolve, Authorizing Jeanette Hodgdon Brown, Administratrix of the Estate of Kenneth R. Hodgdon, to Recover Judgement Entered in Her Favor against the State in Lincoln County Superior Court
H.P. 1186 L.D. 1683

(In House February 18, 1986, Majority OUGHT NOT TO PASS Report READ and ACCEPTED.)

The same Senator further moved ACCEPTANCE of the Minority OUGHT TO PASS Report.

The Chair ordered a Division.

THE PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Kany.

Senator KANY: Mr. President and Members of the Senate. I wonder if we could have a little explanation. The hour is late, if somebody would prefer Tabling it and having it another day.

On motion by Senator CLARK of Cumberland, Tabled 1 Legislative Day, pending the motion of Senator VIOLETTE of Aroostook, to ACCEPT the Minority OUGHT TO PASS Report in NON-CONCURRENCE.

Senator Clark of Cumberland was granted unanimous consent to address the Senate Off the Record.

The ADJOURNMENT ORDER having been returned from the House READ and PASSED in concurrence, on motion by Senator CLARK of Cumberland, ADJOURNED until 12 o'clock, Friday, February 21, 1986.