

# 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

The House was called to order by the Speaker.  
Prayer by Father Gilbert Patenaude, St. Francis Xavier Catholic Church, Winthrop.  
The Journal of Monday, February 10, 1986, was read and approved  
Quorum call was held.

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PAPERS FROM THE SENATE

LATER TODAY ASSIGNED

Bill "An Act to Encourage Safety on Maine Rivers" (S.P. 697)

Came from the Senate indefinitely postponed.

(The Committee on Reference of Bills had suggested reference to the Committee on Business and Commerce.)

On motion of Representative Brannigan of Portland, tabled pending further consideration and later today assigned.

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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 up for Concurrence:

Appropriations and Financial Affairs

Bill "An Act to Enable the Department of Transportation to Produce the State Map" (H.P. 1421) (L.D. 2010) (Presented by Representative ROTONDI of Athens) (Cosponsors: Representatives LANDER of Greenville, ALLEN of Washington, and RICHARD of Madison) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

(Ordered Printed)  
Sent up for concurrence.

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Energy and Natural Resources

RESOLVE, to Protect Municipalities from Loss of Property Tax in the Event of Transfers under Provisions of Land Trust Transfers (H.P. 1422) (L.D. 2011) (Presented by Representative PARADIS of Old Town) (Cosponsors: Representative ROTONDI of Athens, Senators MAYBURY of Penobscot, and WEBSTER of Franklin) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

(Ordered Printed)  
Sent up for concurrence.

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Judiciary

Bill "An Act Regarding the Integrity and Impartiality of Undercover Police Activity" (H.P. 1423) (L.D. 2012) (Presented by Representative BEAULIEU of Portland) (Cosponsor: Representative CLARK of Millinocket) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

(The Committee on Labor was suggested.)

On motion of Representative Paradis of Augusta, referred to the Committee on Judiciary, Ordered Printed, and sent up for concurrence.

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Legal Affairs

Bill "An Act to Amend the Maine Implementing Act with Respect to the Houlton Band of Maliseet Indians" (H.P. 1418) (L.D. 2007) (Presented by Representative INGRAHAM of Houlton)

(Ordered Printed)  
Sent up for concurrence.

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PASSED TO BE ENGROSSED

Bill "An Act to Extend the Deadline for the State Compensation Commission Interim Report to March 7, 1986" (Emergency) (H.P. 1420) (L.D. 2009) (Presented by Representative DIAMOND of Bangor) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

Under suspension of the rules, without reference to any committee, the bill was read twice, passed to be engrossed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

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State Government

Bill "An Act Relating to Boards and Commissions" (H.P. 1424) (L.D. 2013) (Presented by Representative GWADOSKY of Fairfield) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

(Ordered Printed)  
Sent up for concurrence.

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Study Report  
Committee on Appropriations and Financial Affairs

Representative CARTER from the Committee on Appropriations and Financial Affairs to which was referred by the Legislative Council the Study Relative to Tuition Costs for "State Wards" and "State Agency Clients" have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act to Define Eligibility for School Purposes and to Determine Financial Responsibility for the Education,

Care and Treatment of State Agency Clients" (H.P. 1425) (L.D. 2014) be referred to this Committee for public hearing and printed pursuant to Joint Rule 19.

Report was read and accepted, and the bill referred to the Committee on Appropriations and Financial Affairs, ordered printed and sent up for concurrence.

### ORDERS

On motion of Representative HEPBURN of Skowhegan, the following Joint Order: (H.P. 1419) (Cosponsors: Representatives HIGGINS of Scarborough, MICHAEL of Auburn, and BOTT of Orono)

Ordered, the Senate concurring, that "JOINT RESOLUTION MAKING APPLICATION TO CONGRESS CALLING A CONSTITUTIONAL CONVENTION TO PROPOSE AN AMENDMENT TO THE FEDERAL CONSTITUTION TO REQUIRE A BALANCED FEDERAL BUDGET," H.P. 520, L.D. 740, be recalled from the legislative files to the House.

Was read.

The SPEAKER: The Chair recognizes the Representative from Skowhegan, Representative Hepburn.  
Representative HEPBURN: Mr. Speaker, Ladies and Gentlemen of the House: The reason for this Order, to bring back the Bill that we talked about last year, is that conditions have changed a lot concerning how the federal deficits are affecting our economy and I think it really deserves our reconsideration of this bill at this point.

Last year, we talked of giving Congress and the President another chance to work out the federal deficit problems -- we were all buoyed by the hopes that Gramm-Rudman-Hollings would, in fact, point us in the proper direction but it now appears that there are going to be constitutional problems with that and the mechanism has broken down. In the meantime, the dollar continues to remain strong, we have an increasing number of shoe factories closing down, we are now getting layoffs in the paper industry (most recently in the Millinocket area), potato farmers are going broke in Aroostook, our lumber industry is continuing to face hard times and our fishermen are also feeling the full brunt of Canadian imports directly as the result of the strong dollar and high budget deficits. I really hope that you will go along with me and allow this bill to be debated again.

Mr. Speaker, I would ask for a roll call.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of more than one-fifth of the members present and voting. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken and more than one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Diamond.

Representative DIAMOND: Mr. Speaker, Men and Women of the House: I ask you to oppose this motion before this body and I ask you to do so with some hesitation. I appreciate the efforts of the gentleman from Skowhegan and the others who support

an effort to revive this issue. As most of you know, this was dealt with last year and was defeated. At that time, as the gentleman mentioned, there were some concerns over what Congress was going to do, the possibility of some Congressional resolution of the problem and, for that reason, some members opposed that particular piece of legislation when it was presented last year. I would say the majority of this body though felt that that was an inappropriate action for us to take simply because of our concern over the inability of Congress and the President to deal with the problem in a responsible manner.

Last week, Representative Davis, Representative Hayden and I were in Washington to talk with members of Congress about the deficit situation and the impact of Gramm-Rudman-Hollings on the State of Maine and other states. It was clear that Congress was slowly coming around to the realization that some change has to be made in order to deal with the problem without inflicting any incredible pain on Maine and the other states and the nation as a whole. There is no question that Congress realizes that some mistakes were made last year in the preparation of that particular legislation and they are very concerned about the impact that it is going to have on the people of the respective states and their respective districts.

The President, unfortunately, has not gotten that message. Anyone who watched last night's Presidential news conference will realize that the President is still insensitive to the problems facing our states, our municipalities and the impact of his blind commitment to balancing the budget without dealing with the revenue problems facing this nation. I think the most appropriate way for this body to go would be to appeal to the President to act more responsibly in dealing with the financial crisis facing this state. I think if we seriously want to deal with bringing the nation's house in order without imposing any undue and unnecessary hardship on the states and the municipalities, then we have to appeal to President Reagan. He is the target of our concern. He should be the target of our appeals and, for that reason, I think recalling this appeal to Congress makes no sense. I would be glad to work with the Representative from Skowhegan in appealing to President Reagan to look more favorably and more realistically on the financial crisis facing this country and I would gladly do so and pledge to help him on that if he chooses to go that route. But as far as this particular Order goes, I ask you to oppose his motion so we can move onto other items this morning.

The SPEAKER: The Chair recognizes the Representative from Livermore Falls, Representative Brown.

Representative BROWN: Mr. Speaker, I would like to pose a question through the Chair to the gentleman from Bangor, Representative Diamond.

I was a little unclear as to what you are proposing we do as an alternative to this Order. Are you proposing that we instead contact the President of the United States directly and urge him to propose a tax increase to the people of the United States?

The SPEAKER: The Representative from Livermore Falls, Representative Brown, has posed a question through the Chair to the Representative from Bangor, Representative Diamond, who may respond if he so desires.

The Chair recognizes that Representative.

Representative DIAMOND: Mr. Speaker, Ladies and Gentlemen of the House: In response to the question from the good gentleman from Livermore Falls, I am not suggesting that we do anything more than appeal to the President to be more open at the bargaining table. I think, through the discussions that we had, both Democrats and Republicans, with members of Congress representing both parties, it was clear that they felt that President Reagan was unwilling to debate any issue other than his own budget and his own proposals for balancing that budget over a period of years. Congress feels that they are most inappropriate and most unrealistic and in order for Congress and the President to come to some accommodation, it is necessary for both to be more open-minded. The President so far has indicated that he is going to stick to his guns; Congress said they are willing to put most anything on the table -- that is all I am suggesting and I hope that is the direction Congress and the President take.

The SPEAKER: The Chair recognizes the Representative from Scarborough, Representative Higgins.

Representative HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I am not terribly surprised that the gentleman in the far corner would attempt to turn this around and to bring the President into the debate here today to sort of diffuse the actions of Congress but I think we all know, whether it is a budget here at the state level or one at the federal level, that the Executive Branch and the Legislative Branch work together and I think that is what we are trying to debate here today. I think it is most unfortunate that he is trying to point a moral finger at the President than he does at Congress. I think we all know we are equally to blame here at the state level and that the Congress and the President are equally to blame for any deficits at the federal level. So, I am disappointed that that would happen but it is not terribly surprising. It sort of reminds me of the quip: "that everyone wants to talk about the weather but nobody wants to do anything about it."

This particular Order would recall the bill, that I submit to you does do something about it, and that is, it says to Congress that you must balance your budget. It is the most critical financial fiscally prudent thing that Congress can do. The American people are demanding it and, even though there are some problems with Gramm-Rudman, which I think most people feel wasn't the way to go, but I think it was a way in which Congress may be able to come to grips with its problems. So far, they have been unwilling to take the heat for balancing the budget. Maybe that will be the instigating initiative that says to them, "you must do it because the people of the United States are demanding it."

I would hope today that you would reconsider and bring this bill back for us to debate because I think the people in the State of Maine and the people of the United States sincerely want it dealt with and it is the only way that this legislature can speak out effectively to members of Congress, hold their feet to the fire, if you will, and say, we are asking you to do something and to do it now.

The SPEAKER: The Chair recognizes the Representative from York, Representative Rolde.

Representative ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: The previous speaker said something about doing something now -- as I

understand it, this would call for a Constitutional Convention and it would seem to me that if a Constitutional Convention were called and then a proposed amendment had to go through all of the 38 states that have to ratify it, this would probably take several decades before anything came into effect.

I would like to ask a question through the Chair. In the budget that President Reagan just presented to Congress, how much is that unbalanced by? Can somebody tell me that?

The SPEAKER: The Representative from York, Representative Rolde, has posed a question through the Chair to anyone who may respond if they so desire.

The Chair recognizes the Representative from Auburn, Representative Michael.

Representative MICHAEL: Mr. Speaker, Ladies and Gentlemen of the House: My answer to the question is, who cares? This Order before us is designed to eliminate unbalanced budgets so that is what we should be addressing now.

I am a little bit disappointed to see my buddy turning this into a partisan matter -- give me a break. At least the Republicans have the guts to take on their incumbent President -- it has been a long time since I have seen the Democrats do that, although I always do (and a few others) -- but really, at least they are willing to take on their own President and say, look we need to balance this budget, it takes some guts. All you guys can come up with is, the President is really messing things up, blah, blah, ---- look, dig down deep, the public wants this stuff, let's review this matter again. It is always appropriate to review the financial state of the union. It is always appropriate to take a look at something that threatens us to go over the edge of the cliff. I don't understand why people won't support this and I say that most of us, on the Democratic side, have gotten to the point where we are not thinking for ourselves in this matter. You know, we have heard that we are not supposed to support this bill -- I recommend that we do. I think if you go back home and ask the public, they will say they support this idea.

In answer to the gentleman from York's statement, this bill will make something happen now -- if you will recall the debate from a couple of years ago, because we are two states short from calling a Constitutional Convention, the last time we were two states short of calling a Constitutional Convention was when we had a demand out to directly elect the U.S. Senators and one more state passed a Resolution and Congress acted.

This ongoing joke has continued for years now and we have talked about balancing the budget and nobody does it. I am pleased that my fearless leader reports that Congress is now serious about it but I seriously question that. Now, if you are serious about this, bring this bill out, pass it, and you will make something happen from the little tiny State of Maine. Otherwise, it is just partisan nonsense and I do not appreciate this partisan stuff. It is not appropriate, no one is defending the President and here is a tool which you can use to create some leverage for ourselves instead of sending President Reagan a valentine card. But if you really want to, I will sign it too.

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

Representative PARADIS: Mr. Speaker, Men and Women of the House: I would urge caution this

morning with this item before us. It has been said by previous speakers in this chamber that we ought to pass a Constitutional Amendment, a Resolution, asking the Congress to implement a Constitutional Convention for a balanced budget because the public demands so and, if the public wants this, we ought to accede to the public's wishes and ask for this.

I would only like to leave you this morning with one thought. It was a short little ditty that was written years ago and was used not too long ago by an important statesman. The ditty went like this: "There was a lady from Niger, who rode on the back of a tiger; they went for a ride and she came back inside with a smile on the face of the tiger." The gentleman said to remember that in the past those who foolishly sought power by riding the back of the tiger ended up inside. I would urge you to vote against this this morning.

The SPEAKER: The Chair recognizes the Representative from Orono, Representative Bott.

Representative BOTT: Mr. Speaker, Ladies and Gentlemen of the House: I don't think I am riding on the back of a tiger being on this particular item. I do want to say that the issue at hand right now is the recall of L.D. 740. I would urge my colleagues, regardless of whether you intend to vote yes or no on this issue, or regardless of how you voted last time, to recall this because a substantial number of members of this body feel that this is a current issue, an issue that deserves very careful reflection and legislative action. I hope you will vote to recall this as a courtesy to the many individuals who would like to see this before us.

The SPEAKER: The Chair recognizes the Representative from Durham, Representative Hayden.

Representative HAYDEN: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from Auburn made it clear that this isn't a purely partisan issue. The party of the administration, the party of the Senate, the party of the Congress aside, the fact is this is an issue that we have faced, that we have wrestled with, not just in the previous session, but in successive sessions back for the last decade. It is an issue that comes down to the basic question of when we have a problem, an admittedly serious problem, do we go back to the U.S. Constitution and ask for a Constitutional Convention to take care of it? We have debated that issue and with all due respect to all the proponents of this legislation and Resolution, we have come up with a decision that that is not the wise course for us to take. Not because some of us are Democrats and some of us are Republicans but because it doesn't seem to be the most reasonable step to take, even in the face of a serious decision. That is not partisan nonsense, I think it is common sense. It is for that reason that I urge you to follow the requests of the majority leader, the gentleman from Bangor.

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

Representative HEPBURN: Mr. Speaker, Ladies and Gentlemen of the House: I just wanted to allay some of the fears of some people about this convention call. The only thing that a Constitutional Convention could ever do would be to draft an amendment to the constitution. It can't take off like the original assemblage the gentleman did down in Philadelphia a few hundred years ago and completely dismantle the articles of confederation which were in place at the time.

All we are dealing with here is just an end to achieve leverage on Congress to get them to report out the amendment that they have. It has been passed by two-thirds of the Senate, it was passed by a large majority of the members of the lower house but not by the two-thirds majority necessary in 1982. We are just trying to get them to put that amendment out to the states and then let us truly debate this issue. We can't be sure exactly what the wording will be and we can't know if we want the amendment until we see the wording. All we are after here is just to look at an amendment. It is a very measured, very reasonable and very understandable goal, I think. I hope you would vote yes and support the Order.

The SPEAKER: The Chair recognizes the Representative from Orono, Representative Bott.

Representative BOTT: Mr. Speaker, Men and Women of the House: I know we have been around this this morning for a period of time. I just want to make one more brief point. Some mention was made that this convention wouldn't necessarily be called in the near future. This could be somewhere down the road. I would submit to you, that if a convention of that nature was called for the express item of proposing a balanced budget amendment to the constitution, that the whole matter could be dropped if, in the meantime, the President, the members of the Senate and the members of the Congress can come to grips with this problem that is facing this country and the problem of the deficit, I would submit to you that this is just a measure as a last resort that would be there if Congress can't come to grips with this problem. They have had a great deal of difficulty in the past coming to grips with it, so I hope that you will vote to recall this so we can come back to you and we can lay out the issues, you can vote yes or no but please, as a courtesy to your fellow Representatives, vote to let this one back in so that we can have a forum for discussion on what I believe is a very important issue.

The SPEAKER: The Chair recognizes the Representative from South Portland, Representative Kane.

Representative KANE: Mr. Speaker, Ladies and Gentlemen of the House: I will be very brief. I just want to point out a couple of things. It has been pointed out that we are only a few states short and I think that is correct. I think for that reason men and women that are in our position can really not afford to do what may strike us as politically wise but may sell back in our districts in states where a state or two may make a difference on something of this magnitude, a far, far heavier burden falls on us to do what is the right thing to do in the long run, than on those earlier states where really the vote, in practical terms, wasn't that important at the time. Our vote now is very important.

I would like to disagree to some extent with the gentleman from Skowhegan where he suggested that this Constitutional Convention would really just be able to do this one amendment. I think that one thing that is clear is that there is very deep disagreement among constitutional scholars about exactly what a Constitutional Convention of this sort would be able to do. There is deep disagreement about whether or not such a Constitutional Convention would be restricted to only the subject which cause people to vote to call it into existence. We are really playing with fire here and we ought to be very, very careful.

The SPEAKER: The Chair recognizes the Representative from Monmouth, Representative Davis.

Representative DAVIS: Mr. Speaker, Ladies and Gentlemen of the House: I do hope that we go along with the gentleman from Skowhegan this morning. I would like to quote a congressman from Kansas who spoke to us down there in Washington last week. Jan Myers said: "since being in Congress, I have found out just how smart the states are. 43 states have a balanced budget requirement." She said, "since I have come down here, I have found out how little is accomplished in a matter of a year." She just feels that we have got to do something.

I would also like to mention this Gramm-Rudman-Hollings Amendment. What they have told us and what Mr. Rudman told us was that there is a fall back position. In other words, this was found unconstitutional the day we were there but there is a fall back position and whether we have it found unconstitutional or not, the action of that work is going to take place. So, it is going to have some effect.

I just hope that we do go along with the gentleman from Skowhegan because they do need a nudge down there and I think we can give it to them in this way.

The SPEAKER: The Chair recognizes the Representative from Waterville, Representative Jacques.

Representative JACQUES: Mr. Speaker, Men and Women of the House: I just have one question I would like to ask everybody. What did we do in November of 1984? Did we go through an attempt of futility or was it just for show? What happened? We elected a President and we elected members of Congress and members of the United States Senate and we did so supposedly on what they ran for. If they are not going to do their job that they said they were going to do, then we throw them out.

I said it last year and I am going to say it again this year, we had a President, a man that took Jimmy Carter to task in 1976 for the deficit at that time and since that man has become President, he has increased the deficit by more than all the Presidents from George Washington on up to Jimmy Carter. He stood there and he told the American people what he was going to do and everybody who was running for Congress stood there and told the American people what they were going to do and why should the legislature of the State of Maine take the monkey off their backs? You and I are held liable for what we campaign on, what we get elected on, and so should they.

It is coming to the point of being ridiculous. Every one of them that goes on TV says they are for a balanced budget, why they are for it, what they are going to do about it, but when the time comes to vote, they don't vote that way. Well, that is our problem. Throw them the heck out, because if you and I don't do what we are elected for, they will throw us out awfully fast too.

That man got up there and said he would balance the budget, you can talk Democrat, Republican, you can talk whatever you want, they are not doing the job, period. I don't think a Constitutional Convention is the answer to that problem. Just keep putting the pressure on. Somebody is right, the American people are upset. The American people are putting the pressure on. If they are putting any pressure on us, just think of the pressure they are

putting on the clowns down there in Washington. That is a quote according to Jacques.

The SPEAKER: The Chair recognizes the Representative from Harrison, Representative Jackson.

Representative JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: The words from the previous speaker, the gentleman from Waterville, struck a nerve in my body. He is absolutely correct on a few points that he made. By looking at the deficit situation, we know that Congress is not doing the job. We know that deficits are increasing every day and every year. What do these deficits do? We stand here and we talk about partisan politics, we talk about Congress, we talk about the President of the United States, and we talk about their inability to face up to this issue and respond so the citizens of this country and the citizens of this state are assured the opportunity, if they so desire, to work and to prosper and to live their life within the realm of our constitution.

We can continue to debate this issue for the next several years. But the gentleman from Skowhegan, in his presentation, mentioned things which I felt were extremely important to my constituents and to the citizens of this state and the citizens of this country. Those things are, ladies and gentlemen, their jobs. If we don't have those jobs, we don't have the lifestyle that we enjoy today. Every year that we let this deficit increase, every year we let the national debt increase, more and more dollars are required from that budget to finance the interest on that debt. Those dollars could be used for other purposes. One of the reasons that the strong dollar stands as strong as it does is because of the foreign investments supporting this country's debts. What does that do? That puts every one of our manufacturers, every one of our businesses, every one of our workers to a disadvantage. Can we really afford that? I say no. I don't look at this issue as a partisan issue, I look at it as an issue for the citizens of this country, for the citizens of this state, and the citizens in my district because I, like many of you, have companies in my district which have to compete with foreign elements for the marketplace. Every time that we lose a business or we have a lay-off, that affects my people as well as the rest of your people as well as the rest of the country.

I think we ought to put aside this window dressing that we are trying to do here today by hiding behind the constitution saying it might have a few problems here. They might look into the constitution and decide to change something else. Put aside all these things that we are concerned about and let's be bold, let's notify the Congress of this country today that we are willing to take action and we want them to take action. What we want is for them to keep their feet to the fire. We want them to address this problem because it is affecting us. I urge you members today to vote for this issue.

The SPEAKER: The Chair recognizes the Representative from Dover-Foxcroft, Representative Law.

Representative LAW: Mr. Speaker, Ladies and Gentlemen of the House: Representative Jacques also struck a nerve in me too. President Reagan did say he would balance the budget and he hasn't done it and the deficit has increased. Before him, Jimmy Carter said he would balance the budget; Nixon said he would balance the budget; Johnson said he would balance the

budget and Jack Kennedy said he would balance the budget and none of them have done it and with each administration the size of the budget has doubled and I think that we have got to take some positive measures to stop it.

The SPEAKER: The Chair recognizes the Representative from Mt. Desert, Representative Zirkilton.

Representative ZIRNKILTON: Mr. Speaker: I would like to pose a question through the Chair. So that we may all have a better idea of exactly what it is we are discussing today, could someone in this House please tell us exactly what the federal deficit is at this point in time?

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

Representative MURPHY: Mr. Speaker, Men and Women of the House: I agree with the gentleman from Brunswick that this is an American problem, not a Republican problem or a Democratic problem. Listening to the gentleman from Waterville, he would lead you to believe that when one visits the federal City of Washington that the President is there by himself.

It reminds me of a story that when Teddy Roosevelt wrote the history of the Spanish-American War, one reviewer said that it could have been entitled, "Alone in Cuba."

We have a problem. We have all benefited from it. We have received the dollars worth of benefits and we have been paying 80 cents for those benefits.

The gentleman from Bangor has attacked the President in terms of his approach. The reason we are in this situation is because the Congress cannot control its spending. The President, who is elected to be our leader, has said, the first thing you need to do is bring that spending under control. We have a choice. If we continue to live and receive that dollars worth of benefits and only pay 80 cents, that deficit will climb, we will never bring it under control. The President said the first approach is to challenge that spending. The majority leader from Bangor says that is unacceptable. The gentleman from Livermore Falls posed a question to him which went unanswered. If bringing the spending under control is not acceptable, the only alternative to reach up to that dollars worth of benefits, is taxes. I think that question needs to be addressed in terms of the gentleman from Bangor.

The SPEAKER: The Chair recognizes the Representative from Gorham, Representative Hillock.

Representative HILLOCK: Mr. Speaker, Ladies and Gentlemen of the House: This issue seems to be coming up year after year of deficit spending and we do give it lip service. Some of us ran because we feel we are going to deal with the problem and I guess we show how we deal with the problem.

The Representative from Waterville said, let's put the pressure on. Obviously, that has never worked, the way traditionally we put the pressure on.

This Resolution is a way to really focus on how serious we are in dealing with the problem.

I might add that it is time for everyone in this House to reach within themselves and say, are we going to dig our heels in and face this problem, make the difficult decision? To me, it is not a difficult decision, to others it may be. We see this as a non-partisan issue. We have had both sides of the aisle show support for this. What bothers me is the way the Representative from Waterville gets up here,

gives his grandiose statement and leaves the House.

The SPEAKER: The Chair would advise the member not to question the integrity of any one member. Any member has the right to leave the body, that is his Constitutional right.

The Representative may proceed.

Representative HILLOCK: I apologize. I am just trying to show that we must stand by and back up what we say. It is easy to give lip service to something but when we in the House say we want a balanced budget but we are unwilling to make the sacrifices, that is perhaps showing our true intent.

Last night, the President took the task at hand and said, I will take the heat. Perhaps that is what we need because we have proven that the Congress cannot take the heat. We must be willing to make a difficult decision and what small part we play in the State of Maine Legislature, we have an opportunity to help in this decision. This vote will tell.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Diamond.

Representative DIAMOND: Mr. Speaker, Men and Women of the House: The concerns that have been expressed on both sides of the aisle over this issue obviously reflect our concern over what is taking place in Washington. There is a philosophical difference among us as to the direction that should be taken. We are, in a very responsible manner, debating what road we should take and what road we should recommend. Again we - at least I speak for most members of our party - in saying that we do not think the proposal before us -- a Constitutional Convention is the road to take. Mandating that, as many speakers have pointed out, is something that could cause many more problems than they address.

I think that the question of our concern over the direction being provided by the President of the United States in dealing with this crisis is a legitimate one. I think that it was very well put by the gentleman from Waterville. Much to the dismay of the member from Gorham, I think that the gentleman from Waterville did a very thorough and sound job in presenting his case and, by no means, was shirking any responsibility for his statements. It took me by surprise and I hope that I misunderstood what the gentleman said because I certainly hate to think that he was questioning the integrity or the sincerity of that member.

Now I think that it is important to look at what my concerns were, concerns raised by the gentleman from Kennebunk, about what I had said as far as the President's responsibility. There is no question that the blame lies in many areas in Washington, not just that of the Executive. But as the Representative from Monmouth pointed out earlier, it is something that differs from what has been taking place at the state level. He pointed out that a Republican member of Congress stated that the States seem to have been acting more responsibly, that most of the states have a balanced budget. It is with great pleasure that I heard him say that because I remember similar Republican speakers at that conference acknowledging the fact that three-quarters of the legislatures in this country are controlled by the Democrats. I think that from a position of responsibility, our party has acted in a very responsible manner. Now the President does have some obligations that go far beyond that of a single individual. The President is the person who presents

the budget to Congress, he is the person who steers the country in the direction it takes - be it a positive or negative direction. He is the person who controls the majority party in the United States Senate. Two-thirds of the parties involved in determining the size of a budget deficit or whether or not one will be balanced or controlled by the Republican party and President Reagan is, without question, the head of the Republican party. That's why my suggestion that all parties work together to come to a greater accommodation that is going to put us in the direction we all want to see this country taking, I thought was a responsible one. I was very concerned last night that President Reagan indicated that he was unwilling to make the accommodations necessary to meet the very legitimate concerns of those Democrats and Republicans in Congress who want to see further cuts in defense, those Democrats and Republicans in Congress who want to see further cuts in domestic spending and those Democrats and Republicans in Congress who want to see some sort of revenue enhancement. There is no consensus now in Washington on what areas to go, but there is a consensus among most members of Congress that the President has to look at all options. He has indicated that he will only look at one option and that is domestic cuts. This country cannot stand for that. It is an unrealistic approach, it simply will not accomplish the goals that the President has said so many times he wants to reach and that being a balanced budget.

For that reason, my concern is, let's dispose of this Order. I don't believe it has any merit before us. I don't think that we need to discuss it now. Let's better address our attention and put our focus on directing and encouraging a greater cooperation among those parties involved in Congress who can truly influence the direction of this country and who can truly bring about a balanced budget if all parties work toward it. So I ask you again to oppose the motion before you and let us move on to other matters this morning.

The SPEAKER: The Chair recognizes the Representative from Madawaska, Representative McHenry.

Representative MCHENRY: Mr. Speaker, Men and Women of the House: Whenever I hear about the balancing of the budget, constitutional amendments to do so, I have never heard anybody but politicians talk about it. I have never heard from my constituents to require it, this demand that we balance the budget through a constitutional amendment. It has always been politicians. If we are so interested in balancing the budget through the Constitution, why don't these people go out and gather signatures? Whenever we have a referendum, a question put by the people, we always ignore them. Why don't you just go out and get the signatures and put it before us if you are truly serious about it?

The SPEAKER: The Chair recognizes the Representative from St. George, Representative Scarpino.

Representative SCARPINO: Mr. Speaker, Men and Women of the House: I have been sitting here listening to people make arguments that appear to be contradictory and self-defeating. Let me explain a couple of them to you and some of the things that I have heard. I heard my good friend, the assistant majority leader, say that we have dealt with this problem for decades. Well look at how we have dealt with it and where it has brought us. I would say

that we have dealt with it by not dealing with it and the time has come to deal with it.

I just listened to my friend from Bangor, the majority leader, say that he is real concerned the President isn't taking any action on it and refuses to take any action. Well I share that concern. But, I then hear the majority leader then tell me that I shouldn't vote for the one thing that will put the President on the spot, that will force him to deal with it. To use the President's own term, the one chip that can force him to the table to bargain because then he would have no choice. I cannot understand that logic, I am sorry, maybe something is wrong with me. But I just cannot understand that kind of logic. I listened to Mr. Jacques from Waterville speak about the monkey on the back and that we should leave it on the back of the people in Washington -- well the bottom line on everything that Washington does is that that monkey slides off the Representatives backs and onto the backs of the people of the country, not only this state, but the whole country. So if you say, leave it on the backs of the politicians, what you are saying is, let the politicians pass the buck onto the people and let them pay for it. What we have got going now is a political teetering where the Senate is pointing it's finger at the House and saying it's their fault, and the House is pointing its finger at the President and saying that its his fault and the President is pointing the finger at the Congress and saying its their fault and nobody is doing anything. The Congress has chickened out, the President has chickened out and I am listening to people here tell me that the State of Maine should chicken out too, that we shouldn't deal with this just like everybody else hasn't dealt with this. The bottom line is, we have to deal with it and we have to deal with it now.

That tiger that Mr. Paradis from Augusta was talking about is the Constitution of the United States that gives us the capability of forcing the Congress to act if it won't act. If you are afraid of the Constitution, if you are afraid to let the Constitution do what it was designed to do, I am going to question why anyone is even bothering to sit in this House today.

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

Representative MURPHY: Mr. Speaker, Men and Women of the House: The men and women who serve in the Congress and the President have a very difficult decision to make. They have three paths that they can follow. Going back to that dollar worth of benefits, if they choose to follow that path, they will maintain the status quo and the deficit will grow. If they make their decision like the men and women of Maine do, living within their means, then they will pay for what they receive, drop down to the eighty cents. There is a third choice, to move from what they are paying now and keeping all the benefits and all the spending, it will mean moving up to a dollar, and twenty cents on the dollar or twenty percent in terms of paying the bill with a tax increase.

Mr. Speaker I would like to pose a question to the gentleman from Bangor

The Speaker: The Representative may pose his question.

Representative MURPHY: Looking at those three choices, the middle choice of living within your means has been rejected by the gentleman from

Bangor. That leaves two choices, (1) keeping spending as it is, the status quo and pushing up the deficit, or the second choice, a major tax increase. What is the gentleman's position?

The SPEAKER: The Representative from Kennebunk, Representative Murphy has posed a question through the Chair to the Representative from Bangor, Representative Diamond, who may respond if he so desires. The Chair recognizes that Representative.

Representative DIAMOND: Mr. Speaker, Men and Women of the House: To correct the gentleman from Kennebunk, I never suggested one position was of preference to me nor did I suggest that I was ruling out any one of those three areas at all. What I was suggesting, once again, was that the players involved in this particular debate, the members of Congress and the President, have an obligation to look at all aspects of this triad that has been presented before them, the three areas that are available for consideration and the three areas that deal with the deficit situation. One party, the President, has ruled out two of those three areas; members of Congress want to make sure that all three areas are placed on the table. For that reason, in order to solve this problem, I suggested that all parties involved look at all the cards and decide what direction to take. That is my only suggestion. That is my only approach to this issue and I will leave it in the hands of the Congress and the President to deal with the solution that they feel best serves the nation and the 50 states.

The SPEAKER: The Chair recognizes the Representative from Waterville, Representative Jacques.

Representative JACQUES: Mr. Speaker, Men and Women of the House: I must apologize to all of you. I did not realize that going to the restroom would cause my integrity to be in question and I will see to it that that does not happen again.

Representative Bott of Orono was granted permission to address the House a third time.

Representative BOTT: Mr. Speaker, Men and Women of the House: Thank you for extending the courtesy for allowing me to speak a third time on this issue. I want to make one more appeal to you today, to vote yes on this motion to recall. I also want to say to you that a yes vote doesn't mean that you are in favor of calling this Constitutional Convention, it means that you are simply in favor of discussing this issue, that it is an issue that warrants your discussion - an important issue. It means that you are concerned with taking a look at possible alternatives that we, as a legislature, can make available to the United States by urging a Constitutional Convention. It means that you are concerned that these kids in the balcony here will not be saddled with an enormous national debt, all Americans, the poor, the elderly, that won't be saddled with this national debt. It means that we are going to have a forum for discussion. It means that we are going to fulfill our responsibilities as elected officials, so once again, I urge you to vote for this. Even if you intend to oppose this vehemently later on, vote for it as a courtesy to the members of this body, many of whom have spoken feel that this is an issue that warrants our careful discussion and debate.

The SPEAKER: The Chair recognizes the Representative from Windham, Representative Cooper.

Representative COOPER: Mr. Speaker, Men and

Women of the House: It is my understanding that Gramm-Rudman-Hollings has been struck down or at least a part of it by the appellate court, but not the Supreme Court, where it is going next. So this whole exercise seems a bit premature to me. Also it is my understanding, and someone please correct me if I am wrong, but even if the Supreme Court strikes down part of the bill, the part that uses automatic budget cuts, does not the remainder of the bill stay intact which would require the President to submit a budget meeting the restrictions set forth in Gramm-Rudman? If someone could answer that question, I would appreciate it.

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

Representative MICHAEL: Mr. Speaker, Men and Women of the House: A couple of folks have suggested I think from the upper and lower corner here that we should really let the Congress do its job. They should be doing their job because that is what we elected them for. I agree they should be doing their job. I also observed that they are not doing their job. So, I recommend that we not take a "wimpy" approach to this matter and request, politely, that Congress act on this matter because they have shown over the years, under Democratic and Republican administrations, that they won't act. It is the joke of the week, as I have said.

I say today that a strong minority and possibly a majority of this House will vote to let this bill in. It is a strong request by the members of this body to let this bill be debated. Today we are not voting on whether or not to have a constitutional amendment, we are voting only on whether or not to let this bill in. So I ask you, the rest of you, who may not be voting yes yet, to shift your vote to allow the two-thirds vote which I understand is needed to let this bill in. I ask you not to be obstructionists and to let this bill be debated so that we can discuss this matter of a concern that threatens the actual stability of this country.

One final thing and it has to do with the way that the State of Maine and this legislature petitions the federal government. I say, pass this bill and use the leverage and make the President --- whether or not you like or don't like the President --- and make the Congress, the Senate and the House, act. Use the power you have. I have to laugh, we can either do that or we can, as I said, send a Valentine card -- "Hi, How are you doing?" -- and they will take us for chumps for another few years.

You know we had a group up here a couple of weeks ago talking about this high-level waste matter and everyone says "Well, we don't think that it should be here" and we give our logic and our reasons -- if you stand up on this bill and send a message to Washington and say, you have to act now, we have used our leverage, we have used the power that is in the constitution for us, and send it back to you, maybe you will have the guts to stand up to the high-level waste men and say: "there should be no high-level waste site in this state." It would be good practice for this body.

The SPEAKER: The Chair recognizes the Representative from Benton, Representative Parent.

Representative PARENT: Mr. Speaker, Men and Women of the House: We are obviously not going to settle the question of how to balance the federal budget here this morning. There are only three ways of doing it, you either cut down on spending, or you

raise taxes, or you have a combination of both. That is not the question here. The question is this, as I see it at this time, is this legislature willing to go on record favoring a balanced budget through a constitutional amendment? If you favor this, you vote yes, and if you are opposed, you vote no.

The SPEAKER: The pending question before the House is passage of the Joint Order recalling L.D. 740 from the legislative files. Those in favor will vote yes; those opposed will vote no.

A vote was taken of the House.

68 having voted in the affirmative and 72 in the negative with 11 absent, the motion did not prevail.

(See Roll Call No. 235)

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

ORDERED, that Representative James R. Handy of Lewiston be excused February 7 and 10 for illness and personal reasons.

Was read and passed.

#### REPORTS OF COMMITTEES

##### Unanimous Leave to Withdraw

Representative KANE from the Committee on Judiciary on Bill "An Act Relating to Taking of Land Under the Coastal Island Registry Law" (H.P. 1321) (L.D. 1856) reporting "Leave to Withdraw"

Representative CONNERS from the Committee on Marine Resources on Bill "An Act to Prohibit Scallop Dragging from Sunset to Sunrise During the Entire Scallop Season" (H.P. 1286) (L.D. 1803) reporting "Leave to Withdraw"

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

#### DIVIDED REPORT

##### TABLED AND ASSIGNED

Majority Report of the Committee on Judiciary reporting "Ought Not to Pass" 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)

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

Minority Report of the same Committee reporting "Ought to Pass" on same Bill.

Signed:

Senator: SEWALL of Lincoln

Representatives: ALLEN of Washington  
LEBOWITZ of Bangor

Reports were read.

Representative Paradis of Augusta moved acceptance of the Majority "Ought Not to Pass" Report.

On further motion of the same Representative, tabled pending his motion that the House accept the Majority "Ought Not to Pass" Report and specially assigned for Tuesday, February 18, 1986.

#### CONSENT CALENDAR

##### FIRST DAY

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

(H.P. 1193) (L.D. 1690) Bill "An Act to Require Notice of the Smoking Policy in Restaurants" Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-504)

(H.P. 1253) (L.D. 1763) Bill "An Act to Clarify the Surety Bonding Process for Contractors" Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-505)

(H.P. 1319) (L.D. 1854) Bill "An Act to Regulate Funds Availability for Items Deposited in an Account with a Financial Institution" Committee on Business and Commerce reporting "Ought to Pass" as amended by Committee Amendment "A" (H-506)

(H.P. 1189) (L.D. 1686) Bill "An Act to Allow Municipal Officers to Delegate their Authority to License Catered Off-premise Functions" Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-507)

There being no objections, the above items were ordered to appear on the Consent Calendar of Thursday, February 13, 1986 under the listing of Second Day.

#### CONSENT CALENDAR

##### SECOND DAY

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

(H.P. 1227) (L.D. 1734) Bill "An Act Relating to Dividends on Insurance Policies" (C. "A" H-503)

(S.P. 655) (L.D. 1693) Bill "An Act to Permit the Transfer of Protection from Abuse Hearings from Superior Court to District Court" (C. "A" S-373)

(S.P. 658) (L.D. 1696) Bill "An Act to Allow Justices of the Superior Court to Act on Requests for Preliminary Child Protection Orders" (C. "A" S-374)

(S.P. 699) (L.D. 1784) Bill "An Act to Clarify Set-back Requirements under the Shoreland Zoning Law" (C. "A" S-375)

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

PASSED TO BE ENACTED

Emergency Measure

An Act to Revise the Maine Apiary Laws (H.P. 1223) (L.D. 1730) (C. "A" H-492)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 116 voted in favor of the same and 2 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

Emergency Measure

An Act Providing Conformity with the United States Internal Revenue Code under the Maine Income Tax Law (H.P. 1235) (L.D. 1744) (C. "A" H-494)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 113 voted in favor of the same and 1 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

Emergency Measure

RESOLVE, Relating to the Joint Select Committee on Economic Development (H.P. 1370) (L.D. 1934)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total

was taken. 112 voted in favor of the same and none against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

An Act to Amend the Access Roads to Public Ski Areas (S.P. 652) (L.D. 1684)

An Act to Amend Certain Motor Vehicle Laws (S.P. 664) (L.D. 1706)

An Act Concerning Lobster Trap Identification Tags (S.P. 785) (L.D. 1970)

An Act to Amend the Postgraduate Training Requirement for Licensure of Physicians (H.P. 1209) (L.D. 1716)

An Act to Allow the Disclosure of Certain Employment Security Adjudicatory Records (H.P. 1390) (L.D. 1961)

An Act Providing for Administrative Changes in Maine Tax Law (H.P. 861) (L.D. 1220) (H. "A" H-493)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

ORDERS OF THE DAY

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

Expression of Legislative Sentiment recognizing the volunteers at the Village School (HLS 731)

TABLED - February 10, 1986 by Representative DIAMOND of Bangor.

PENDING - Passage.

Subsequently, the Order was passed. Sent up for concurrence.

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

Expression of Legislative Sentiment recognizing the volunteers at the Little Falls School (HLS 732)

TABLED - February 10, 1986 by Representative DIAMOND of Bangor.

PENDING - Passage.

Subsequently, the Order was passed. Sent up for concurrence.

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

Expression of Legislative Sentiment recognizing the volunteers at the Shaw Junior High School (HLS 733)

TABLED - February 10, 1986 by Representative DIAMOND of Bangor.  
PENDING - Passage.

Subsequently was passed and sent up for concurrence.

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

Expression of Legislative Sentiment recognizing the volunteers at Gorham High School (HLS 734)  
TABLED - February 10, 1986 by Representative DIAMOND of Bangor.  
PENDING - Passage.

Subsequently was passed and sent up for concurrence.

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

Expression of Legislative Sentiment recognizing the volunteers at the Narragansett School (HLS 735)  
TABLED - February 10, 1986 by Representative DIAMOND of Bangor.  
PENDING - Passage.

Subsequently was passed and sent up for concurrence.

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

Expression of Legislative Sentiment recognizing the volunteers at the White Rock School (HLS 739)  
TABLED - February 10, 1986 by Representative DIAMOND of Bangor.  
PENDING - Passage.

Subsequently was passed and sent up for concurrence.

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

Expression of Legislative Sentiment recognizing Mr. and Mrs. Delmar McPherson (SLS 421)  
- In Senate, read and passed.  
TABLED - February 10, 1986 by Representative DIAMOND of Bangor.  
PENDING - Passage in concurrence.

Subsequently was passed in concurrence.

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

HOUSE DIVIDED REPORT - Report "A" (9) "Ought to

Pass" as amended by Committee Amendment "A" (H-500) - Report "B" (3) "Ought Not to Pass" - Report "C" (1) "Ought to Pass" as amended by Committee Amendment "B" (H-501) - 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)

TABLED - February 10, 1986 by Representative GWADOSKY of Fairfield.

PENDING - Motion of same Representative to accept Report "A" "Ought to Pass" as amended by Committee Amendment "A" (H-500)

The SPEAKER: The Chair recognizes the Representative from Fairfield, Representative Gwadosky.

Representative GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: It is a pleasure for me to speak in favor and urge your support of the Majority "Ought to Pass" Report. This bill, if enacted, would change Martin Luther King, Jr. Day from a special observance or commemorative day to a holiday for banks, courts and the schools. I should mention, so there isn't any confusion in the event that we are to accept the Majority Report, that there will be an amendment forthcoming to clarify that businesses will have the opportunity to open or close on this particular day; in other words, businesses would treat this day similar to Patriot's Day or Columbus Day.

The federal government now celebrates Martin Luther King, Jr. Day as a federal holiday. Over 25 states now include this as a state holiday. However, we are not suggesting that we should adopt this as a state holiday simply because other states have chosen to do the same but rather we would argue that this is an opportunity to make a statement about the kind of people we in Maine are. Most Americans were originally a minority, either racial, ethnic or religious and we are arguing that a holiday marking that fact could make an important contribution to the national consciousness of an American society full of various constituent groups.

Not surprisingly, this bill and the consideration of this bill across the country, has been almost as controversial as Martin Luther King himself and the opponents have argued that it is not right to honor somebody who was involved in civil disobedience, someone who always seemed to be involved in the midst of civil disobedience. Yet, in our great country, often violence and war have been the means by which social reform has taken place. The United States itself was established as a result of the American Revolution, which our forefathers fought for their freedom from England. We fought a Civil War simply to end the issue of slavery.

Opponents will speak today, as they have argued in the past, that Martin Luther King was a Communist. Opponents will say that it was his association with the Communist Party that is the thing that troubles them the most. Probably most people, if pressed, will admit that they don't believe Martin Luther King himself was a Communist but they are concerned and will argue that it was his association with the Communist Party that bothers them. They would argue that the Communist Party was manipulating Martin Luther King, that they were using him as a pawn in the whole civil rights movement. They believe that he became a pawn to the Communist Party in an attempt to use members of his race, not

for their own advancement, but for the violent polarization of Americans along racial lines. Yet, it is difficult for me to imagine anyone not believing that the polarization of Americans along racial lines was not a problem long before Martin Luther King came about.

We will hear today from opponents that there are other people who are more deserving than Martin Luther King, that what we should really be celebrating is the civil rights movement, the human rights movement and yet, without Martin Luther King, there might not have been a civil rights movement as we know it today. He was the focal point, he was the catalyst for change, he was their leader and it is for this reason, we have celebrated Martin Luther King Day as a commemorative day since 1975. Dr. King was different because he spoke for a vision of a world that was and is uniquely American. At the very center of his vision was his hope and his insistence that his country simply live up to the standards that were set forth in Declaration of Independence, the standards of liberty and equality for all people.

Finally, we will hear the argument of cost, that we can't afford to have another holiday, that it costs too much to have another holiday. If this bill were to be enacted and the next Governor were to proclaim it a holiday for state employees, the Office of Finance, Fiscal and Program Review have indicated that the enactment of this legislation would result in increased costs to the various operating funds of the state due to the holiday pay that would be received by certain state employees working on Martin Luther King Day such as institutional workers and guards and the impact to the General Fund would be approximately \$120,000 to \$150,000. Although the actual amount of money that will have to be appropriated in the future will vary on each department's ability to absorb this additional holiday pay, that is the fiscal note.

I don't know how you put a cost on the goal these people have been trying to achieve. I don't know how you put a cost on their cause.

A couple of weeks ago, we lost a space shuttle, which cost the Americans billions and billions of dollars. We tragically lost seven lives, lives which you can never put a cost on; yet, almost everybody I talked to feels that it is important to continue the space program, it is important to continue that exploration. The cause is worth it and the goal is worth it. Our country spent millions of dollars to invade a small island called Granada because the goal was worth it and the cause was worth it. As Americans we collected a quarter of a billion dollars to refurbish the Statue of Liberty because the goal was worth it and the cause was worth it. It was refurbishing the Statue of Liberty because of what the Statue of Liberty represents to us as Americans. Thousands of Americans, however, have lost their lives fighting for civil rights and human rights, rights that you and I take for granted every day. Are we now to say to them that the cause wasn't worth it?

Yes, \$120,000 is a lot of money but the cost of ignorance and the cost of not caring, the cost of not believing that we have achieved the goals of racial and economic equality in this country are far greater to our society than any fiscal note we can put on this bill. We need to elevate Martin Luther King, Jr. Day above its current status as a commemorative day. We need to elevate Martin Luther King, Jr. Day

above the status of Chester Greenwood Day, above the status of Poetry Day, we need this holiday to remind people of our country's heritage, of the contributions made to American life by ethnic and minorities. If nothing else, this bill will measure our true commitment to the goals which were set forward by Martin Luther King.

The SPEAKER: The Chair recognize the Representative from Cumberland, Representative Dillenback.

Representative DILLENBACK: Mr. Speaker, Ladies and Gentlemen of the House: I commend the previous speaker for bringing out all the points, the good and bad points about Martin Luther King.

As one of the three members of the State Government Committee, who voted "Ought Not to Pass" you should have the basis for my vote. My constituents do not question honoring Dr. King or what he stood for. However, we already have a national holiday in his honor and only 25 states have made it a state holiday while four make it a limited holiday. We have a law on the books which sets aside a special observance day and the schools are urged to make note of this day -- few did. We all know what a state holiday becomes -- a day to enjoy recreational activities. Perhaps the students would know more about Dr. King if they stayed in the school rather than making up the lost day at the end of the year.

One speaker at our hearing stated that well-to-do and salary workers enjoy a day off but the poor and hourly workers lose an important days income. Those who work in hospitals and institutions lose day care, bus service and are severely penalized.

I question that there is no fiscal statement on this bill. It will cost the state a substantial amount of money, which we can ill afford at this time. The business community will suffer an even greater loss.

My personal feeling is that there are numerous American heroes, many who gave their lives, that stand head and shoulders above Dr. King, and they are not honored by a holiday, such as Lincoln, whose birthday is today is not even a state holiday.

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

Representative RACINE: Mr. Speaker, Ladies and Gentlemen of the House: I do not intend to ask you to vote for or against -- you should vote in accordance with your beliefs rather than the pressures that are being exerted by proponents of this bill. We have been led to believe that those who oppose this measure will be branded as racists and disapprove what Dr. King achieved in expediting desegregation in the South -- this is absolute nonsense.

I cannot in true conscience vote for this measure and will tell you why. There are some of us who believe what he did deserves some recognition but his deeds and actions do not justify that he be elevated to the status of a national hero by making his birthday a federal and state holiday when others such as Jefferson, Lincoln, Washington and Columbus, who I believe are more deserving than Dr. King, are not so honored. Dr. King's public life was filled with controversy. Was he non-violent as alleged by his supporters when he deliberately violated the laws by holding marches without parade permits? By violating court injunctions and provoking law enforcement officials? The majority of his peace marches ended up in bloodshed. There must be a different

interpretation of what non-violence is.

What really bothers me is the fact that his supporters obtained a court order in 1977 sealing the FBI's surveillance records and tapes from 1963 to 1968 on Dr. King and the National Archives for 50 years until the year 2027. This surveillance was requested by the FBI and approved by Attorney General Robert Kennedy. Why were the King tapes sealed for 50 years? The only thing that you can conclude is that they contain embarrassing and possibly derogatory information, which could have had an effect on the outcome of the vote by the House of Representatives and Congress. On the 18th of January before his birthday, on CNN Cable television, they aired a special program pertaining to Dr. King, which I watched. This was on a Saturday afternoon. One of the commentators stated that Dr. King was really a controversial individual who publicly opposed the Vietnam War. He went on to further state that Dr. King praised Ho Chi Minh as a great patriot in a book that he wrote. As a military retiree, which all of you know I am, I have no problem with those who oppose the war but to praise Ho Chi Minh as a patriot, that is a horse of a different color. Ho Chi Minh's troops tortured, murdered, ravaged and plundered whole South Vietnamese villages. His troops tortured American prisoners of war by inflicting bodily harm, mental torture, starvation, and were placed in solitary confinement and possibly today we may still have some of those individuals that are in that same category that I just mentioned. To this day, we cannot obtain from his government an actual accounting of our personnel still missing in action.

For these reasons, I will be voting against the proposed legislation.

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

Representative PARADIS: Mr. Speaker, Ladies and Gentlemen of the House: I did not plan to speak this morning on the motion before us made by the gentleman from Fairfield but after listening to the previous speaker, I thought it best to address some of my remarks at this time.

What the previous gentleman has said has rekindled in me some of the images of the 1960's and early 70's of what this country went through, both in the civil rights movement and in the anti-war movement over the war in Vietnam. I think it is unfortunate that we, in this chamber, have to recall some of those instances in our country's past in order to debate the merits of honoring one of the truly great Americans, Dr. Martin Luther King, Jr.

It has been said in this chamber that he was not an apostle of non-violence. The Nobel Peace Prize in 1964 was awarded to him because he was an apostle of non-violence, not only for this country but around the world. Those that suffered, those who poured their blood in the streets of Selma, in Montgomery, Atlanta and Athens, Georgia, were not those who were committing the acts of violence but those who were the disciples who marched non-violently. They were beaten by clubs and attacked by police dogs and water was jetted at them by fire hoses of 50, 60 or 70 pounds per square inch pressure -- enough to tear human flesh. They stood there non-violently while this was being done because the color of their skin was black or brown. The recordings that you have heard mentioned this morning that were authorized by then Attorney General Robert Kennedy were not one of

the brightest episodes in that Attorney General's life. In the few weeks before he was killed, he said in the California primary, if he had to do it over again, he would not have authorized those recordings secretly, surreptitiously done, before the Supreme Court had ruled on them. They were used by J. Edgar Hoover to blackmail Robert Kennedy in the California primary. They were leaked to Eugene McCarthy in that primary. The essence of those tapes were to protect Dr. Martin Luther King in the non-violent movement of civil rights because the right wing in the 1960's accused Dr. King of being a subversive Communist. The tapes disproved that. There might have been one or two people on his staff who were members or had been members of the Communist Party as we saw with the Joe McCarthy investigations in the 1950's -- those were not cause for alarm for the security of this country. We have many types of people in this country. We must be tolerant of many ideas but if they don't pose a threat to our security, I don't think we should label people as being un-American because of their affiliations.

They have been closed to the public because they are a shame on this country's history, of how we violated a person's civil rights, his personal right to privacy.

In regards to the war in Vietnam and what Dr. King said, I think he had every right to speak out against the war, not only as an American, not only as a Nobel Peace Prize winner that bore the moral authority of speaking out about violence but what he said about Ho Chi Minh was nothing other than what Richard Nixon said when Ho Chi Minh died in 1959 -- that he was considered a patriot in his country and a leader of his country's forces. I do not agree for one moment, for one second, what the North Vietnamese did to our POW's, to our fighting men. I do not agree that everything that was done in the name of the anti-war movement was just, just as I do not agree that the reasons we fought in Vietnam was to bring peace and justice to that country. We had far more reasons to fight there.

So I would hope that we would not use this occasion to rehash the battle of the 60's and early 70's. This is the 80's. The minorities in this country, be they black or white or yellow, deserve to have one of their own patriots considered by this country as a hero and he was. He is considered, not only by this community, but by the world community of having brought this country into the 20th Century, into the age of civil rights for all people, black, white, yellow and brown, Catholic and Jews and Protestants -- when he marched, he marched for everybody. I would urge you to support the Majority Report.

The SPEAKER: The Chair recognizes the Representative from Wells, Representative Wentworth.

Representative WENTWORTH: Mr. Speaker, Members of the House: I, too, signed this bill "Ought Not to Pass." It was drawn to our attention that no other birthday was celebrated as a state holiday and this would start a precedent. If Washington and Lincoln could not have such a holiday, certainly Mr. King should not.

Now my questionnaires are coming back, 3 to 1, against such a holiday.

The SPEAKER: The Chair recognizes the Representative from Orono, Representative Bost.

Representative BOST: Mr. Speaker, Men and Women of the House: I would like to refocus this debate as

Representative Paradis has already done a little further on what I believe to be the real issue here.

One hundred and four years ago, Mahatma Gandhi who was then a young fledgling attorney from South Africa, was subjected to the apartheid policies of that nation, which as most of you know, still exists. In his writings he said that he could never understand how any man could feel that he honored himself by dishonoring others. This was a time in South Africa when blacks were forced to walk in the streets so that white men could walk unimpeded on the sidewalks.

Today this House has an opportunity to honor a man who changed forever the course of American history. Dr. Martin Luther King dedicated his life to challenge the laws and customs that had so bitterly divided this nation since its birth. He forced Americans to recognize that their rights and guarantees to the Constitution are meaningless unless applied equally to people regardless of race. Martin Luther King's struggle was an American struggle, a patriotic quest for social justice and racial equality. Moreover, in the time of turmoil, as has already been mentioned, he steadfastly advocated non-violent resistance and powerful oratory to bring about change. Dr. King appealed to the decency of America and his words brought out the best in us all. His assassination at the young age of 39 and the loss of his leadership and vision are a national tragedy.

In large measure, the King holiday which would coincide with the federal observance, as you know, would go beyond simply recognizing King's death -- it would be an annual reminder of how many of his dreams for civil rights and social justices remain unfulfilled. As has been mentioned earlier, some believe that it was Dr. King who was behind the social strife that we experienced in the 1960's and to some extent, we still face today. Our memories may have faded but let's not forget that slavery was alive in this land only slightly more than a century ago. It was an evil institution and had evil consequences, consequences that follow us to this day.

When a great body of individuals is treated cruelly and is deprived of what the rest of us consider to be the basics of life, then these people are going to rise up sometime, somewhere, some way, against those who persecuted them. The black people of this country were beginning that protest. We can all be grateful that Martin Luther King was there for one brief moment to direct that protest in a non-violent way.

Just what did Martin Luther King seek? Simply the right to vote without harassment, the right to eat in the same restaurants that whites ate in, the right to stay in the same hotels, have the opportunity for the same jobs, to go to the same schools -- simply stated, Dr. King believed that the promises of justice and the blessings of liberty in the Preamble of the Constitution and the specific constitutional guarantees of the Bill of Rights, the 13th, 14th and 15th Amendments should be peaceably, firmly and resolutely be claimed for all Americans regardless of race or color. That is where we come in, ladies and gentlemen, the State of Maine, in affirming King's impact in the struggle of people everywhere. It crosses state borders and party lines.

I urge this House to support the Majority "Ought to Pass" Report so that next year the issues to be discussed will be those that King forwarded, rather

than whether or not to honor him with a holiday.

There is a minimal fiscal impact, which Representative Gwadosky has referred to, and I hope we will not be sidetracked by that issue or sidetracked by allegations, and they are simply allegations, that he was somehow un-American. That same rationale was dredged up by some in Congress and was appropriately silenced.

I urge you to accept the Majority "Ought to Pass" Report.

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

Representative JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I, as a young man, who was brought up in a small New England town of ethnic origin can understand what can be the situation. I am not saying that Dr. Martin Luther King was not a great man, he wanted to do great things, but as I watched many of our national leaders, especially the day of Dr. King's funeral, walk arm in arm down the street towards the funeral -- all I can say is, just how many of those national leaders would want a black person in their homes unless they were servants? I am sorry to say that I believe on the national level, not on the local level, that many people who are pushing for this, it is not because they want to honor Martin Luther King but it is because they want to clear their own conscience. There are still many parts of this country where the blacks are not treated properly but declaring this a national holiday will not clear anyone's conscience. I think we all honor Dr. King but I see some of these national leaders, wealthy people, who are now getting on the bandwagon to try to honor Dr. King, at one time made sure that the blacks came in through the back door. They would only be in their homes if they were nanny's for their children or servants. Let's honor Dr. King, not by saying, strike up the band, we will make it a holiday but let's say, keep on doing some of the work that Dr. King wanted to do.

Representative Callahan of Mechanic Falls requested a roll call.

The SPEAKER: The Chair recognizes the Representative from Canton, Representative McColister.

Representative MCCOLLISTER: Mr. Speaker, Ladies and Gentlemen of the House: When this debate opened, we were led to believe that there would be little talk. I am wondering, can we take one day every January and say that the state workers do nothing on that day? When is that day's work going to be done?

My next argument -- today is February 12th, Lincoln's birthday, we do not see fit to have a national holiday for Abraham Lincoln. Would Martin Luther King have been a slave if Lincoln had never been President? I don't know but he might have been.

I wish someone would table this until another day because I have a big problem voting on this bill, either way, on Lincoln's birthday.

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

Representative BAKER: Mr. Speaker, Ladies and Gentlemen of the House: I would like to thank the member from Lisbon, Representative Jalbert, for rekindling within me a memory of my past. The first time I ever got involved in anything political was to join in a civil rights march when I was 16 years old, a fact that I am very proud of. I would like to thank the member from Lisbon for rekindling that memory.

I don't really have to clear my conscience today. I don't think any of us have to clear our conscience. What I would like to suggest to members of this body is that we put aside the argument of creating an extra holiday in terms of its costs -- let's face it, we all know that we could probably cut our work week to 35 hours and get just as much work done in that time as we do in 40 hours. Let's put aside the argument that, after all, the school children will have an extra day because they probably will for snow days anyway and let's put aside the argument that, because we don't have a holiday for President Lincoln, we should not make one for Rev. King. It is true that President Lincoln was a very great President. Lincoln, as many of you may recall, opposed the war in Mexico in the late 1840's. He thought it was unnecessary.

I should also recall that a state holiday that we do celebrate, Patriot's Day, where the sons of liberty took to the streets and committed an act of civil disobedience in dumping the tea into the Boston Harbor -- really a violation of property rights -- but we celebrate that. We celebrate it for the symbolism, the symbolism of people wishing to exercise their rights.

Dr. King never held an elective office. He was an ordinary citizen, a minister, and through his efforts rose to leadership of perhaps the greatest modern movement of human rights in this country. I think that a great nation and a great state would honor an ordinary citizen who could rise to that position of leadership and be an inspiration, an inspiration today for many of us and of the many school children. We should set an example. We are truly a great state and we will show, not only the other states but also the rest of the world, that yes we will honor this man for what he did and for the lesson that he has taught us.

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

Representative SPROUL: Mr. Speaker, Men and Women of the House: There is a third report that came out of the State Government Committee and I am alone on that report. I signed that report because I was concerned a little bit with setting precedence in the state. For those of you who may still have it, my friend from Fairfield, Representative Gwadosky, had distributed this yellow sheet listing all the holidays which we currently have. If you read through those, there are currently six state holidays. We celebrate as state holidays, Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving Day and Christmas. Those by statute are the only state holidays which Maine recognizes. If you reflect on those six holidays, you will notice one thing and that is, with the exception for those of us who are Christians, where we celebrate the birth of Jesus Christ, there are no birthdays as state holidays. Indeed, earlier in this debate, it was mentioned that we do not celebrate Abraham Lincoln's birthday as a holiday. We further do not celebrate George Washington's birthday as a holiday nor anyone else.

My Minority Report very simply keeps the holiday but I believe it addresses some of the concerns which have been raised here today. It will not call the holiday Martin Luther King, Jr. Day; instead it would call the state holiday, Human Rights Day. I did this for a few reasons. Also distributed a few days ago at the request of Representative Nadeau of Saco was a

letter to the editor, which appeared in the Portland Press Herald. In that letter at the very end, it quotes Dr. King -- he says: "We must come to see that the end we seek is a society of peace." I do not believe that Dr. King ever envisioned nor desired his birth to be celebrated as a holiday. I believe that he had a very real, a very honest and deep-seated concern of social injustice in this country.

Representative Gwadosky mentioned, as he was addressing this body, that we still have not accomplished full social justice. He is right, we haven't, I think we all know that. The sponsor of this legislation, Representative Bost of Orono, started his presentation to this body by quoting Mahatma Gandhi, also certainly another leader in the civil rights movement in the world. He further said and I quote: "dreams for civil rights remain unfulfilled." Again, that is right, unfortunately.

I would urge you all to vote no on the pending motion so that I may move adoption of my Report "C" because I believe that the focus should be in the area of social injustice and I believe that this would keep our statutes consistent with other state holidays. I can't help but think that that focus on social injustices as they are now and will be in the future is what Dr. King would have wanted.

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

Representative CARRIER: Mr. Speaker: I would like to ask two questions to the Chair, just to put this in its proper perspective.

I understand that these bills that we have here were supposed to be of emergency nature or part of our budget. Since it isn't, is this bill properly before this House?

The SPEAKER: The Chair would answer in the affirmative.

Representative CARRIER: On what grounds?

The SPEAKER: The Chair would advise the Representative that under the terms of the Constitution, the Second Session bills may be introduced by a majority of legislative council and the Chair would comment that an emergency, unfortunately, lies in the eyes of the beholder.

Representative CARRIER: Mr. Speaker, the other question, is the motion to table unassigned proper at this time?

The SPEAKER: The Chair would answer in the affirmative.

Representative CARRIER: Mr. Speaker and Members of the House: I asked those questions because I knew what the answer would be. I just wanted you to be aware as to what the answer was going to be. If you think that this isn't a political way to do things, I think it is. I have been here long enough and I am sure you have too, you don't have to be here very long to recognize that this is a political move along with a lot of the other bills that we have here. I am not here to criticize that angle. I just say to you that we should not have to put ourselves into a situation facing this type of a bill, which is useless, as far as I am concerned.

I have no prepared speech but I do have a few notes. I am going to talk to you today about things that have happened in the past and things that might come in the future. I would remind you that the issue is whether we should have a legal holiday for such a person. I truly don't believe we should.

All those people that came here, I know the ones that spoke in favor of this, where were they? It is

not their fault but where were they when those of us that spent time in the service of this United States in World War II, who gave years of our time, where were they? They are the ones that talk in favor of this bill. I suggest they go there and give a few years of their life in the service to this country and they will be brought awfully fast into this world of reality, not a world of dreams. This is all this is, a dream, a dream that was here years ago and today it is still a dream. It hasn't accomplished anything.

If you want to take all these minute things they talk about -- ethnics or race or this or that, I am in the minority. Do I ever come here to you and complain that I am in the minority? Of course I don't. We are all in the minority. You have got to have gumption, grab yourself by the bootstraps and go to work, and be consistent in working. That is what these people haven't been doing. If they want to work, they can work. Most of us don't come from rich people in this legislature but we have the common sense and the determination to make something out of ourselves. We work and we work and we send our kids to college too and we pay for it, not through student loans. We pay for our own education.

I submit to you that holidays should be held in honor of those that have contributed something to this country aside from dissension. There is no such thing in this society as civil disobedience. You name me any country in this world that they have civil disobedience. If you ever mention the word, you aren't going to be around very long. This is the greatest country in the world. I have stood here many times and talked about such phony bills as this involving wanting to build a little castle for certain minorities. Well, I don't want any castle for the French people and I don't want any castle to be built for others either. I say to you there are people in this House who have infirmities from being in the service. They fought for the flag, they aren't crying all the time that they want this and they want that. This affirmative action has divided us. It has divided this country. When these people here say, don't communist this and that, that is all it is. You don't have to be a communist, you have your associations, they put funds in, they send advisors over for your campaign. Beware and take notice now of his peers, that they are doing the same thing now that divided this country two years ago by their useless rhetoric. Nothing behind it, where were they, where did they contribute to their country?

I submit to you that I am not about to vote for this. I am not against a certain person but I am against what they promoted. They say bloodshed here, bloodshed there, haven't you ever seen any bloodshed? We all have. If you haven't seen it in actual form itself, you have seen it within your heart, you have had ulcers, you have had all kinds of heartbreaks, that is bloodshed in whatever form you want to call it.

I also say to you that we have great people. If we are going to put in legal holidays for people, I have two suggestions for you to consider. One of them is, if we are going to make a legal holiday, how about making it for certain people that have donated beyond the call of duty, the Gold Star mothers and the Gold Star fathers. What about those that have brought a child into this world -- they stood there and they gave the most that any one can for the government and that is to die for it. We have had

people that stood in this House with steel plates in their head and they had all kinds of other infirmities from being in the service. They did this for a cause, the cause of freedom, not what this guy was promoting. This is not freedom. When you have to start having laws in order to promote what you want, you are in trouble. I say to the promoters of this bill, just remember, I have been here a long time and I am still living with some of the positions that I took fifteen years ago. I am going to live with them because I believe in them. So, if you believe in this, vote for it, but it is going to haunt you. If you don't believe in it, don't vote for it, you will be on the safe side.

How about all the people right here in our cemeteries, our veterans? How about them? We don't have to be morbid. How about the people that dedicate their lives to the mentally retarded people that cannot take care of themselves? What about the people that spent 30 or 40 years for little remuneration, if any? What do they deserve? What about the missionaries of different religious orders that spend their lives in India or any other place and donate their lives and come back here sick and dying within a years time? These are the people that I think deserve service.

I have read a lot about this fellow. If you really want to know what is beyond somebody's vote in this House or beyond his belief, if you really look into their personal lives and character, and if you look into their personal life and that my friends is the most revealing form of information that you can get and the reason why people vote certain ways in this House.

I have never sold myself to anybody and never will. I can only say to you that one of the many dangers is, how much is this going to affect industry? I don't know about the other industries but I happen to know, I work in Westbrook, they hire roughly 2,000 people. One day of legal holiday pay for them will cost them close to \$200,000 besides the loss of production and profit that might come from it. You think about it. There are usually around 11 holidays that we get. Then somebody has six weeks, and all the weekends off -- add on all these days that you don't work and most people will find out that they work 30 weeks out of 52. Now, how can a country produce and really be on top with such a limitation on their work?

I don't believe that this is a good bill. I don't believe in it but if you want to honor him, honor him. But I am against making it hard on any people, industry, economics, everything else.

A fellow in here tells me that, of course this year was an unusual year you see, because we were not warned ahead of time, that post offices and everything else was going to be closed. Some peoples payments on certain things were due on Monday and found their place closed and were charge interest because of such an action. That, my friends, is really something. Until it hits your pocketbook, you don't realize it.

I feel that this is a bad bill. I think he is getting the proper recognition from wherever he comes from. I just don't think this is a good bill. I hope you vote against the present consideration. We should vote to kill this bill, that is what we should do.

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

Representative HANDY: Mr. Speaker and Distinguished Members of the House: Never, since my first coming to the Legislature, have I been more proud to co-sponsor a piece of legislation such as this one.

This legislation honors Dr. Martin Luther King, not only for his leadership qualities and his strength and the courage for his commitment to human rights, but also for his unique contribution to the fundamental principle that all people are created equal.

Throughout this great land of ours, there is a growing appreciation in recognition of Dr. King's contributions. He is admired as an individual, who had not only the vision, but also the courage to champion the battles for equal opportunity in jobs, housing, and all aspects of American life.

Because he lived, millions of Americans were freed from the shackles of discrimination, though we still have far to go. And because he dared to dream, millions dared to hope that their own dreams of a better life could, somehow, be achieved. Martin Luther King's dream is the American dream.

He took his message across a nation at a time plagued with violence and he taught us that change could be achieved without raising up arms.

In honoring Dr. King, we bring his vision a little closer to fulfillment. I believe by joining the movement across this country, along with the federal government to establish this as a state holiday, we create a national commitment to achievement of his dream. I think that when we honor Dr. King, we really honor ourselves as Americans, as individuals. Because all Americans, without regard to their race, sex, religion, we all aspire to justice and equal opportunity under the law.

In an era when we are surrounded by a violent world, it is especially important that we remember what this Nobel Peace Prize winner's message was to us: "to seek justice, to bring global harmony through non-violence."

The purpose of a state holiday is to provide a day of annual reminder of a greatly inspiring deed, or of an inspirational life. I see no harm whatsoever in setting aside this day just as we have set aside Washington's Birthday, Columbus Day, Labor Day, Veteran's Day and other special occasions to commemorate something of particular importance or especially important to America for the American way of life.

In reflecting on the civil rights movement and the time of Dr. King, a variety of emotions are stirred within each of us. By approving this holiday, we will be remembering a painful past. We will also be acknowledging the cruel indignities which were inflicted on our brothers and sisters. This holiday would, however, be more than an occasion to remember an unpleasant past. It will be a time to celebrate what is right with America, a time for recognizing the good we all bring to this country.

Some may say that if we create this holiday, we will be put in the position of creating a holiday for native Americans, Hispanic Americans and every other ethnic group. The fact is, Martin Luther King was not a spokesperson for the cause of blacks alone. He spoke for what was right and just for all races, for all religions, for all people.

Let us not get bogged down in the costs surrounding this issue, which may be associated with this holiday. The real question is, are we going to

recognize the contributions which have been made to this nation? We must recognize that America pays tribute to its founders, and to those who make the real purpose for which this nation was founded, closer to a reality, including our veterans. I believe that Dr. King has to be measured by that criteria, and when he is, there is no question that he meets those high standards and, in some cases, surpasses them. He deserves this holiday as we as Americans deserve this holiday.

The issue has been raised about Dr. King and whether or not he is a communist or he promoted communist ideals. These allegations are unfounded on two counts, first by Dr. King's own words, communism and christianity are fundamentally incompatible. A christian cannot be a true communist. Under communism, an individual's soul is shackled by the chains of conformity. His spirit is bound to the manacles of party allegiance. He is stripped of both conscience and reason. Communism will never be defeated by the use of atomic bombs or nuclear weapons. Our greatest defense against communism is to take offensive action on behalf of justice and righteousness. If we accept the challenge with devotion and valor, the bells of history will toll for communism and we shall make the world safe for democracy and secure for the people of Christ.

There is no question that, from this statement, Martin Luther King opposed communism because it is anti-religious. It places the state above the individual and Christianity and communism cannot coexist.

Secondly, from the Congressional Record of October 18, 1983, the Senate debate on the bill HR-3706 to make the birthday of Dr. Martin Luther King a holiday, quoting Senator Kennedy: "in reference to Dr. King's activities in the past and the various reports that have been made available as a result of the FBI investigation, I think it is important to understand that Senator Frank Church's committee, the one that investigated intelligence agencies in 1975, issued a report after looking at these accusations for many months. The issue about investigations by the FBI had been reviewed by the Church Committee." Let me read from the Committee Study of the FBI and Dr. King. "We have seen no evidence that either Dr. King or the advisors of Dr. King have attempted to exploit the Civil Rights movement to carry out the plans of the communist party. As for Dr. King himself, according to the Church Committee and that committee was bipartisan in nature, the committee was told by the FBI, in any event, the FBI has stated that no time did it have any evidence that Dr. King himself was a communist or was connected with the communist party."

With respect to issue of industry and commerce and stores having to close, they will not have to be closed under this bill. It will be purely up to them, they may remain open as they do on New Years and other holidays.

Men and Women of the House, I urge you today to join with me and take a step forward to recognize another symbol of our great country.

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

Representative SPROUL: Mr. Speaker, Ladies and Gentlemen of the House: Just to respond to a few things which the Representative from Lewiston, Representative Handy, mentioned. First of all, he mentioned Washington's Birthday as one of those we

commemorate. We do not. Second of all, he said that stores may remain open; right now, they can't. I understand there is an amendment forthcoming to allow them, but as written right now, all stores of over, I believe, of 5,000 square feet would have to be closed.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of more than one-fifth of the members present and voting. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken and more than one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question before the House is the motion of Representative Gwadosky of Fairfield that the House accept Report "A" "Ought to Pass" as amended by Committee Amendment "A" (H-500). Those in favor will vote yes; those opposed will vote no.

47 having voted in the affirmative and 88 in the negative with 16 being absent, the motion did not prevail.

(See Roll Call No. 236)

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

Representative CONNOLLY: Mr. Speaker, having voted on the prevailing side, I now move we reconsider our action and further move that this be tabled one legislative day.

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

Representative SPROUL: Mr. Speaker, Men and Women of the House: Having debated this issue.....

The SPEAKER: The Representative may not debate the issue.

Representative Sproul of Augusta requested a roll call vote on the motion to table.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of more than one-fifth of the members present and voting. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken and more than one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question before the House is that L.D. 1872 be tabled for one legislative day. Those in favor will vote yes; those opposed will vote no.

51 having voted in the affirmative and 81 in the negative with 19 being absent, the motion did not prevail.

(See Roll Call No. 237)

The SPEAKER: The pending question before the House is reconsideration.

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

Representative SPROUL: Mr. Speaker, is this debatable?

The SPEAKER: The Chair would answer in the affirmative.

Representative SPROUL: Mr. Speaker, Ladies and Gentlemen of the House: I would just encourage you all to vote no on reconsideration so that I could

move adoption of Committee Amendment "C".

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Connolly. Representative CONNOLLY: Mr. Speaker, and Members of the House: I have made this motion to reconsider in hopes that....I just found the vote to be quite remarkable, unbelievable. It astounded me. I was not one of the people that sponsored the bill, I was not one of the people who have been working this bill so I didn't have any feeling or headcount kind of thing. I just assumed that, knowing there was some opposition to it, that there was still considerable support and that this was probably going to be passed by somewhat of a narrow margin but that it was going to be passed. I had no idea that was going to happen. I guess this is an opportunity for those people who voted against the bill to redeem themselves.

There was an earlier debate this morning on another issue and I turned around and talked to the Representative who sits beside me and asked him a question. Sometimes I wonder what I am doing here, after listening to that debate. But I sat through the whole debate on this past bill and, while I don't think it was the most intelligent debate that I have ever heard, it was probably one of the most illuminating and enlightening debates that I have ever heard in all of the years that I have been in this legislature. I, like Representative Carrier, have been here a long time. We were both here back in 1973 when the first and only black person ever to be elected to the state legislature stood in the halls of this body, Jerry Talbot from Portland, and for the first time introduced a bill to make Martin Luther King Jr.'s birthday a state holiday. I remember standing in the back of the hall and hearing racist remarks whispered in the hall of this House about Dr. Martin Luther King Jr., about State Representative Jerry Talbot, and about black people in general. I don't think that a whole lot has changed in the attitudes of people in the legislature, some of the faces have changed, but I think that a whole lot of the attitudes have not.

I recall a couple of weeks ago when there was a ceremony down in the Hall of Flags, when the Governor spoke and Speaker Martin spoke, there were some nice speeches made, and then a black woman ended the ceremony and she sang a hymn. It was very beautiful and very moving. There were a couple of people that I was standing with who, with all the good intentions in the world said, "boy, if there is one thing those people can do, they sure can sing good." I think the first opponent of this bill to rise said that those who voted against this bill -- those of us who were in support of the bill would ascribe racist motives to those who were opposed to the bill. And far be it for me to ascribe racist motives to any individual in this body. That is something that I think each one of us has to look into our own heart and our own soul and come to our own conclusions about. I cannot speak for anybody else, I can only speak for myself. But, I remember back in 1963, when Martin Luther King Jr. gave what is probably his best remembered and most quoted speech on the march in Washington.

He talked about having a dream. He said that it was his dream that one day my children would not be judged by the color of their skin but they would be judged by the content of their character. That was the kind of thing that Martin Luther King stood for. In 1959, when his house was bombed, and he and his

wife and their children were in the house -- thank God no one was hurt -- some of his neighbors came rushing and some of them had weapons, guns, and they were angry and they wanted to go after the people who had bombed his home. He spoke to them and said, that is not the kind of response that we should have. We have to deal with prejudice and racism in a non-violent manner. There could be nothing more fitting, given the history, the great history of the United States and the State of Maine, but also a sad part of that history, this was a nation that thought it was all right to have slaves. Even Thomas Jefferson who wrote part of the Declaration of Independence penned the words, "all men are created equal." Thomas Jefferson was a slave holder. Nothing could be more fitting that we honor Dr. Martin Luther King, Jr. with a state holiday.

Mr. Speaker, I hope when the vote is taken, it is taken by the yeas and nays and I would hope that everyone would vote yes to reconsider.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of more than one-fifth of the members present and voting. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken and, obviously, more than one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The Chair recognizes the Representative from Fairfield, Representative Gwadosky.

Representative GWADOSKY: Mr. Speaker, Men and Women of the House: I will be very, very brief. A question has just come to me from behind the glass and I guess I feel like I should respond to it. I guess one of the larger companies was concerned if we establish this as a state holiday that their company may end up having to pay double time or something because of this being a state holiday. I want to reemphasize the goal of the Majority Report was to provide a bill that hopefully we will have a chance to amend, it would establish this as a court, school, and bank holiday. Whether or not a business wants to take that day off would be up to the discretion of the business. That is the intention of the Majority Report.

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

Representative CARRIER: Mr. Speaker, Men and Women of the House: What Mr. Gwadosky said is right. If you don't want to take the holiday and give it to your people, you don't have to. Down in Massachusetts, they give them a holiday. The truckers don't work, the freight people don't work. In places like ours, the papermakers don't have anything coming in. You can say, well stock up. You only stock up for so much. Certain things are perishable etc. So it doesn't work that way. Every holiday that comes up, as you will notice, that Massachusetts observes, we here in Maine suffer from it, if the company tries to keep working on that day. The cost is like anything else. It's time and a half, it's all labor stuff. It's time and a half for that particular day and the people say, well somebody is on salary and it doesn't make any difference. It doesn't make any difference, you pay them, but you haven't got the work for them. They don't work that day so you don't get eight hours work out of them.

I just want to talk to Mr. Connolly in reference to us both being here awhile and I always enjoyed it. We were always on the opposite ends anyway. Be a little careful when you associate me with you, it's great, but when you associate me with your friends, be a little choosy, because some of these people really don't like me and I don't want it to be that way.

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

Representative CONNOLLY: Mr. Speaker, Men and Women of the House: I don't quite understand the last remarks from Representative Carrier but if Representative Carrier said that he didn't want to be associated with former state Representative, Jerry Talbot, maybe he ought to say that straight out and not make any innuendos.

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

Representative CARRIER: Mr. Speaker, Men and Women of the House: I did not say that, you know very well that I don't agree with some of your other friends, I never have. I am a worker, my family works, everybody else works, and we are willing to take our share of taxes and help the poor, but help the deserving ones and there is a lot of them. We have all of this overflow. Everybody that comes from out of state usually ends up in Portland and ends up on the welfare rolls. That is what I object to.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Duffy.

Representative DUFFY: Mr. Speaker, Men and Women of the House: I would just ask you to vote for reconsideration as a courtesy.

The SPEAKER: The Chair recognizes the Representative from Harpswell, Representative Coles.

Representative COLES: Mr. Speaker, Men and Women of the House: I would like to end this debate on a little bit of a higher tone than the last few remarks. Martin Luther King was not a perfect man. He was not a man without flaws and please take no offense if I say that I have met no one who is perfect or who is without flaws. He was a great man. What made him great was that he had a dream, a true American dream of liberty and justice for all. And moreover, he had the moral force of his vision and his leadership was such, that without benefit of high office and against great odds, he moved this country a step closer to the promised land.

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

Representative BEAULIEU: Mr. Speaker, Men and Women of the House: I would like to pose a question to the Chair.

The SPEAKER: The Representative may pose her question.

Representative BEAULIEU: Is the only amendment before us House Amendment "A"?

The SPEAKER: At the moment, the only question before us is reconsideration of acceptance of Report "A" which contains Committee Amendment "A" (H-500).

Representative BEAULIEU: Ladies and Gentlemen of the House: I sincerely believe that much of the controversy or I would like to believe that the concern of a lot of Representatives here is the fact that there might be a paid holiday associated with this kind of issue. There is another amendment that could be entertained by some of us and probably more acceptable towards the passage of this bill. So, I ask you to vote to reconsider.

The SPEAKER: The Chair recognizes the Representative from Orono, Representative Bost.

Representative BOST: Mr. Speaker, Men and Women of the House: As we decide whether or not to reconsider, which I certainly hope that you will, I would like to share two brief quotes, which I believe will illuminate this issue -- directly from Dr. King. From the Birmingham jail, Dr. King wrote this: "Injustice anywhere is a threat to justice everywhere. We are caught in an inescapable network on mutuality tied in a single garment of destiny. Whatever affects one directly affects all indirectly."

And secondly, during the Montgomery boycott when he was only twenty-seven years of age, Dr. King said the following words: "If we are arrested every day, if we are exploited every day, don't ever let anyone pull you so low, as to hate them."

The SPEAKER: The pending question before the House is the motion of Representative Connolly of Portland that the House reconsider its action whereby the House failed to accept Report "A". Those in favor will vote yes; those opposed will vote no.

54 having voted in the affirmative and 83 in the negative with 14 being absent, the motion did not prevail.

(See Roll Call No. 238)

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

Representative SPROUL: Mr. Speaker, Men and Women of the House: I move adoption of Committee Report "C". I would request a roll call. I would like to speak briefly to my motion.

Just to recap briefly what my Minority Report does, which is now before you, it does the very same things proposed by the Majority Report; however, it calls the holiday "Human Rights Day". I wanted to do this, not because I didn't believe that we should have a holiday, but that this will maintain consistency with other state holidays in that we currently do not recognize individual birthdays as state holidays. Also, it will focus on the continuing need for work and efforts to be done to eliminate social injustice. So I would urge you to accept this Report.

I would further point out that I will be prepared in the future as the majority was to offer an amendment for those businesses who may be adversely affected. In conclusion, I would urge you to vote yes on the pending motion.

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

Representative CONNOLLY: Mr. Speaker, Men and Women of the House: In my opinion, this amendment makes a mockery of the efforts of the sponsor of the bill to bring the issue of Martin Luther King's birthday as a state holiday before us. And I think that it is plain to a constituency of state employees who would like to see a holiday -- whether that is Martin Luther King's birthday or anybody else. Mr. Speaker, I would like to move for the indefinite postponement of this Report.

The SPEAKER: The Chair recognizes the Representative from Fairfield, Representative Gwadosky.

Representative GWADOSKY: Mr. Speaker, Men and Women of the House: It is not unusual, I have been thinking back over the last seven or eight years that I have been a member of this legislature, I cannot

think of too many issues that I have felt so strongly about a bill, and I have been on the same side as Representative Connolly. But I am not ashamed of that, I am not ashamed of that one bit. I believe that this is an emotional issue, it is a very philosophical issue. If the Maine legislature is against establishing a Martin Luther King, Jr. Day as a state holiday, then we should vote against it. We shouldn't disguise it as Human Rights Day, because all Report "C" does is create what is called Human Rights Day as a state holiday in which all businesses will be closed. Don't be confused about that point. It is an absolute disguise. If we can in good conscience and if we don't believe that Martin Luther King deserves to have a holiday set aside, then we shouldn't fool ourselves and try to fool our constituents by voting for this disguise, which is actually called Human Rights Day. I would urge you to follow Representative Connolly in opposing this Report.

The SPEAKER: The Chair recognizes the Representative from Dover-Foxcroft, Representative Law.

Representative LAW: Mr. Speaker, Men and Women of the House: I would like to pose a question through the Chair.

The SPEAKER: You may pose the question.

Representative LAW: If I understand it right, right now, there is a legal observance day. What happens to that?

The SPEAKER: The Representative from Dover-Foxcroft, Representative Law, has posed a question through the Chair to anyone who may respond if they so desire.

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

Representative SPROUL: Mr. Speaker, Men and Women of the House: I believe the answer to that question is that the commemorative day, which it is now, would stand.

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

Representative CONNOLLY: Mr. Speaker, Men and Women of the House: I understand that my motion to indefinitely postpone would indefinitely postpone the whole bill and that is not what I want to do. I would like Leave of the House to withdraw that motion and just ask people to vote no on acceptance of the Report.

The SPEAKER: The Representative from Portland, Representative Connolly, withdraws his motion to indefinitely postpone.

The SPEAKER: The Chair recognizes the Representative from Cumberland, Representative Dillenback.

Representative DILLENBACK: Mr. Speaker, Men and Women of the House: I move that we indefinitely postpone L.D. 1872 and all of its accompanying papers and I ask for a roll call.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of more than one-fifth of the members present and voting. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken and, obviously, more than one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was ordered.

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

Representative ALIBERTI: Mr. Speaker, Men and Women of the House: Would you please clarify a point for me? The Representative from Augusta made the statement that he thought that the commemorative allowance of this bill would be enforced if we postpone all of these papers and suggested legislation -- will that commemorative part still be part of the honoring of Dr. Martin Luther King?

The Speaker: The Chair would respond that the present law which is on the books would remain.

Representative ALIBERTI: What is that law, please?

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

Representative HANDY: Mr. Speaker, Men and Women of the House: In Title 1, MRSA Chapter 5, Martin Luther King Day, January 15th, is a commemorative day and a special school observance day under Title 20A MRSA Section 4803 and 4805. Those would remain on the books.

The SPEAKER: The pending question before the House is the motion of the Representative from Cumberland, Representative Dillenback, that L.D. 1872 and all its accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

86 having voted in the affirmative and 46 in the negative with 19 being absent, the motion did prevail. Sent up for concurrence.

(See Roll Call 239)

The following item appearing on Supplement No. 1 was taken up out of order by unanimous consent.

Study Report-  
Committee on State Government

Representative GWADOSKY from the Committee on State Government to which was referred by the Legislative Council the Study Relative to Recruitment and Retention of State Employees as Related to Compensation Problems and Job Pay Ranges have had the same under consideration and ask leave to submit its findings and to report that the accompanying RESOLVE, Creating a Study Commission on Emotionally Stressful Job Classifications in State Government (Emergency) (H.P. 1426) (L.D. 2016) be referred to this Committee for public hearing and printed pursuant to Joint Rule 19.

Report was read and accepted, and the bill referred to the Committee on State Government, Ordered Printed and sent up for concurrence.

The following item appearing on Supplement No. 2 was taken up out of order by unanimous consent.

PASSED TO BE ENACTED

An Act Concerning Employment of Certain Individuals in Contact with Children (H.P. 963) (L.D. 1384) (H. "B" H-498)

Was 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.

The following items appearing on Supplement No. 3 were taken up out of order by unanimous consent.

PAPERS FROM THE SENATE

Bill "An Act Making Appropriations from the General Fund and Allocations from Other Funds for the Expenditures of State Government and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1986, and June 30, 1987" (Emergency) (S.P. 800) (L.D. 2006)

Came from the Senate, referred to the Committee on Appropriations and Financial Affairs and Ordered Printed.

Was referred to the Committee on Appropriations and Financial Affairs in concurrence.

Unanimous Ought Not To Pass

Report of the Committee on Business and Commerce reporting "Ought Not to Pass" on Bill "An Act to License Building Contractors and Subcontractors to a Statewide Building Code" (S.P. 739) (L.D. 1892)

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

Unanimous Leave to Withdraw

Report of the Committee on Judiciary reporting "Leave to Withdraw" on Bill "An Act to Clarify Statutory Mandates for Reporting Suspected Abuse, Neglect or Exploitation of Incapacitated or Dependent Adults" (S.P. 746) (L.D. 1910)

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

The following items appearing on Supplement No. 4 were taken up out of order by unanimous consent.

PAPERS FROM THE SENATE

Study Report - Joint Select Committee  
to Study the Shoe Industry

Report of the Joint Select Committee to Study the Shoe Industry to which was referred by the Legislative Council the Study Relative to the Status of the Shoe Industry in the State of Maine have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act to Provide Assistance to Mature Industries" (S.P. 802) (L.D. 2015) be referred to the Committee

on Labor for public hearing and printed pursuant to Joint Rule 19.

Came from the Senate with the report read and accepted and the bill referred to the Committee on State Government and ordered printed.

Report was read and accepted and the bill referred to the Committee on State Government in concurrence.

#### Refer to the Committee on Alcoholism Services

Report of the Committee on Human Resources on Bill "An Act to Provide Greater Community Input into Alcohol and Drug Planning" (S.P. 725) (L.D. 1848) reporting that it be referred to the Joint Select Committee on Alcoholism Services.

Came from the Senate with the report read and accepted and the bill referred to the Joint Select Committee on Alcoholism Services.

Report was read and accepted and the bill referred to the Joint Select Committee on Alcoholism Services in concurrence.

The following item appearing on Supplement No. 5 was taken up out of order by unanimous consent.

#### PAPER FROM THE SENATE

The following Communication:

The Senate of Maine  
Augusta

February 12, 1986

The Honorable Edwin H. Pert  
Clerk of the House  
State House Station #2  
Augusta, ME 04333

Dear Clerk Pert:

Please be advised that the Senate today adhered to its former action whereby it accepted the Majority Ought Not to Pass Report on the Bill, "An Act to Prohibit Local Measured Service Prior to December 31, 1986." (Emergency) (H.P. 1387) (L.D. 1956).

Sincerely,

S/Joy J. O'Brien  
Secretary of the Senate

Was read and ordered placed on file.

The SPEAKER: The Chair recognizes the

Representative from Cumberland, Representative Dillenback.

Representative DILLENBACK: Mr. Speaker, is the House in possession of L.D. 1872, "An Act to Change Martin Luther King Day from a Special Observance Day to a State Holiday?"

The SPEAKER: The Chair would answer in the affirmative.

Representative DILLENBACK: Having voted on the prevailing side, I ask that we reconsider our action on that bill and I hope that you all vote against me and I ask for a roll call.

Representative Dillenback of Cumberland withdrew his request for a roll call.

The SPEAKER: The pending question before the House is the motion of the Representative from Cumberland, Representative Dillenback, that the House reconsider its action whereby L.D. 1872 was indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

A viva voce vote being taken, the motion did not prevail.

(Off Record Remarks)

On motion of Representative Strout of Corinth,  
Adjourned until eleven-thirty tomorrow morning.