

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Sixth*

*Legislature*

OF THE

STATE OF MAINE

1973

KENNEBEC JOURNAL  
AUGUSTA, MAINE

**HOUSE**

Tuesday, February 27, 1973

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

Prayer by the Rev. Mr. James A. Smith of Hallowell.

The journal of yesterday was read and approved.

**Order Out of Order**

Mr. McMahon of Kennebunk presented the following Order and moved its passage:

ORDERED, that Janet Berard of Sanford be appointed Honorary Page for today.

The Order was received out of order by unanimous consent, read and passed.

**Papers from the Senate**

From the Senate: The following Communication:

THE SENATE OF MAINE

Augusta

February 26, 1973

Hon. E. Louise Lincoln

Clerk of the House

106th Legislature

Dear Madam Clerk:

The Senate voted to Insist and Join in a Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill, An Act Providing Complimentary Hunting Licenses to Maine Residents over 70 Years of Age. (S. P. 1) (L. D. 28)

The President appointed the following members of the Senate to the Committee of Conference:

Senators:

ANDERSON of Hancock

HICHENS of York

MINKOWSKY

of Androscoggin

Respectfully,

Signed:

HARRY N. STARBRANCH

Secretary of the Senate

The Communication was read and placed on file.

The SPEAKER: Will the Sergeant-at-Arms kindly escort to the rostrum the gentlewoman from Orrington, Mrs. Baker, for the purpose of presiding as Speaker pro tem.

Thereupon, Mrs. Baker assumed the Chair as Speaker pro tem and

Speaker Hewes retired from the Hall.

Bills from the Senate requiring reference were disposed of in concurrence.

**Report of Committee  
Divided Report  
Tabled and Assigned**

Majority Report of the Committee on Election Laws reporting "Ought to pass" as amended by Committee Amendment "A" (S-18) on Bill "An Act Providing for Field Examiner for Election Division of the Department of the Secretary of State" (S. P. 151) (L. D. 385)

Report was signed by the following members:

Messrs. SHUTE of Franklin

CIANCHETTE

of Somerset

JOLY of Kennebuc

— of the Senate.

Messrs. TALBOT of Portland

WILLARD of Bethel

ROSS of Bath

HANCOCK of Casco

Mrs. BOUDREAU of Portland

Mrs. KELLEY of Machias

Messrs. HOFFSES of Camden

SNOWE of Auburn

— of the House.

Minority Report of same Committee reporting "Ought not to pass" on same Bill.

Report was signed by the following members:

Messrs. DUDLEY of Enfield

BINNETTE of Old Town

— of the House

Comes from the Senate with the Majority Report accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-18).

In the House: Reports were read. The SPEAKER pro tem: The Chair recognizes the gentleman from Bath, Mr. Ross.

Mr. ROSS: Mrs. Speaker, I move the House accept the Majority Report.

(On motion of Mr. Binnette of Old Town, tabled pending the motion of Mr. Ross of Bath to accept the Majority "Ought to pass" Report and tomorrow assigned.)

**Messages and Documents**

The following Communication:

STATE OF MAINE  
Maine Education Council  
February 26, 1973

The Honorable E. Louise Lincoln  
Clerk of the House  
State House

Augusta, Maine 04330

Dear Mrs. Lincoln:

Please accept 160 copies of "The Voluntary Certification of Pre-School Teachers and Teacher Aides", a report prepared by the Maine Educational Council for the 106th Legislature as ordered by H. P. 1590.

For the Maine Education Council  
Signed:

LINCOLN T. FISH  
Chairman

The Communication was read and with accompanying papers ordered placed on file and sent to the Senate.

**Petitions, Bills and Resolves  
Requiring Reference**

The following Bills and Resolves were received and, upon recommendation of the Committee on Reference of Bills, were referred to the following Committees:

**Appropriations and  
Financial Affairs**

Bill "An Act to Provide Nutritious Meals for Older People" (H. P. 879) (Presented by Mrs. Goodwin of Bath)

(Ordered Printed)

Sent up for concurrence.

**County Government**

Bill "An Act Relating to the Marking of County-owned Vehicles" (H. P. 874) (Presented by Mr. Goodwin of South Berwick)

Bill "An Act Relating to Keeping of Records on Use of County-owned Vehicles" (H. P. 875) (Presented by the same gentleman)

(Ordered Printed)

Sent up for concurrence.

**Judiciary**

Bill "An Act Prohibiting Posting Notices or other Communication on Lands of Another" (H. P. 876) (Presented by Mr. Farrington of China)

Bill "An Act Establishing Privilege to Refuse Disclosure in a Patient-Psychiatrist Relationship" (H. P. 881) (Presented by Mr. Dyar of Strong)

(Ordered Printed)

Sent up for concurrence.

**Legal Affairs**

Bill "An Act to Change the Number and Representation for Commissioners of Housing Authorities" (H. P. 883) (Presented by Mr. Murray of Bangor)

(Ordered Printed)

Sent up for concurrence.

**Marine Resources**

Bill "An Act Relating to Dragging of Scallops in Blue Hill Bay" (H. P. 880) (Presented by Mr. Shute of Stockton Springs)

(Ordered Printed)

Sent up for concurrence.

**Public Utilities**

Bill "An Act to Provide a Choice of Telephone Service for Inhabitants of Eustis Village and Coburn Gore" (H. P. 882) (Presented by Mr. Dyar of Strong)

(Ordered Printed)

Sent up for concurrence.

**Taxation**

Bill "An Act to Provide Meaningful Property Tax Relief to Elderly Homeowners" (H. P. 871) (Presented by Mr. Farnham of Hampden)

Bill "An Act Allowing Trade-in Credit on Sales Tax for Construction Machinery" (H. P. 877) (Presented by Mr. Goodwin of South Berwick)

(Ordered Printed)

Sent up for concurrence.

**State Government**

Bill "An Act to Transfer the Maine Historic Preservation Commission to the Department of Educational and Cultural Services" (H. P. 885) (Presented by Mr. Murray of Bangor)

(Ordered Printed)

Sent up for concurrence.

**Veterans and Retirement**

Resolve Providing Additional Service Credit under the State Retirement System for Kenneth Newcomb (H. P. 872) (Presented by Mr. Farnham of Hampden)

Bill "An Act Relating to Definition of Out-of-State Service under State Retirement System" (H. P.

873) (Presented by Mr. Jackson of Yarmouth)

Bill "An Act Including Employees of Maine School Management Association under State Retirement System" (H. P. 884) (Presented by Mr. Murray of Bangor)

(Ordered Printed)

Sent up for concurrence.

At this point, Speaker Hewes returned to the rostrum.

Speaker HEWES: The Chair thanks the lady and commends her for the fine job.

Thereupon, the Sergeant-at-Arms escorted Mrs. Baker to her seat on the floor, amid the applause of the House, and Speaker Hewes resumed the Chair.

### Orders

#### Tabled and Assigned

Mr. Crommett of Millinocket presented the following Order and moved its passage:

WHEREAS, the occupants of certain seats in the House of Representatives are in direct line of a cold air vent located in the ceiling; and

WHEREAS, this feature is extremely unpleasant to work under and in some cases is contributing substantially to problems of ill health; and

WHEREAS, no corrective action has been taken despite repeated complaints to those in a position to remedy the situation; now, therefore, be it

ORDERED, that the Bureau of Public Improvements is directed to discontinue the turbulence of air flowing from the ceiling onto certain seat members within 24 hours from passage of this order and as soon as conveniently possible to cause such streams of cold air to be dispersed to the comfort of the occupants below; and be it further

ORDERED, that a copy of this order be transmitted forthwith to the Director of the Bureau of Public Improvements as notice of our request.

The Order was read.

(On motion of Mr. Simpson of Standish, tabled pending passage and tomorrow assigned.)

### Consent Calendar

#### First Day

(S. P. 154) (L. D. 388) Bill "An Act Relating to the Use of Separate Ballot Box for Constitutional Amendments and Referenda" Committee on Election Laws reporting "Ought to pass"

(S. P. 356) (L. D. 991) Bill "An Act Making Additional Appropriations from the General Fund for the Expenditures of State Government and for Other Purposes for the Fiscal Year Ending June 30, 1973" (Emergency) Committee on Appropriations and Financial Affairs reporting "Ought to pass"—pursuant to Joint Order (S. P. 302)

No objection having been noted, the Bills were assigned to the Consent Calendar's Second Day list.

### Consent Calendar

#### Second Day

(H. P. 17) (L. D. 17) Bill "An Act to Repeal the Poll Tax" (C. "A"-H-57) (C. "B"-H-58)

(H. P. 176) (L. D. 218) Bill "An Act to Authorize Satellite Centers for Vocational Education"

(H. P. 224) (L. D. 297) Bill "An Act Increasing Renewal Fee of Certificate to Practice Chiropractic and Increasing Compensation of Board of Chiropractic Examination and Registration" (C. "A"-H-59)

(H. P. 239) (L. D. 320) Bill "An Act Relating to Vocational Education"

(H. P. 355) (L. D. 470) Bill "An Act Relating to Penalty for Sale of Liquor in Violation of Law"

(S. P. 210) (L. D. 554) Bill "An Act to Amend the Charter of the Andover Water District" (Emergency)

No objection having been noted, the Bills were passed to be engrossed and sent to the Senate.

### Passed to Be Engrossed

Bill "An Act Relating to Real Estate Brokers' Trust Accounts" (H. P. 372) (L. D. 501) (C. "A"-H-53)

Was reported by the Committee on Bills in the Second Reading and read the second time.

On motion of Mrs. Kilroy of Portland, under suspension of the rules, the House reconsidered its

action whereby Committee Amendment "A" was adopted and on further motion of the same gentleman the Amendment was indefinitely postponed.

The same gentleman then offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-63) was read by the Clerk and adopted.

Thereupon, the Bill was passed to be engrossed as amended by House Amendment "A" and sent to the Senate.

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Bill "An Act Relating to Census and Membership in the Passamaquoddy Tribe of Indians" (H. P. 826) (L. D. 971)

Bill "An Act Relating to Biennial Elections of the Passamaquoddy Tribe of Indians" (H. P. 827) (L. D. 972)

Were reported by the Committee on Bills in the Second Reading, read the second time, passed to be engrossed and sent to the Senate.

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Bill "An Act Relating to Deer Doing Damage to Blueberry Lands" (H. P. 290) (L. D. 364)

Was reported by the Committee on Bills in the Second Reading and read the second time.

Mr. McNally of Ellsworth offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-61) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Ellsworth, Mr. McNally.

Mr. McNALLY: Mr. Speaker and Members of the House: I would like to make just a little explanation of what this amendment does. In the original bill it includes the word "legumes." Now in the different varieties of legumes there is clover, and by approving this amendment we put in that clover shall be also one of the places as well as grain fields that deer shall not be shot promiscuously.

Of course, actually the whole bill is nothing but something to relieve the duties of the wardens.

Thereupon, House Amendment "A" was adopted.

The Bill was passed to be engrossed as amended and sent to the Senate.

### **Passed to Be Enacted Emergency Measure**

An Act Providing for an Additional District Court Judge at Large (H. P. 65) (L. D. 188) (H. "A"-H-50)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 116 voted in favor of same and 4 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

### **Passed to Be Enacted**

An Act Relating to Lights and Reflectors on Bicycles (H. P. 96) (L. L. 117) (C. "A"-H-34)

An Act Relating to Issuance of Temporary Notes by Hospital Administrative District No. 1 in Penobscot County (H. P. 307) (L. D. 409)

An Act Relating to Holding Property and Changing the Name of United Baptist Convention of Maine (S. P. 67) (L. D. 169)

An Act Relating to Penalty for Buying or Receiving Stolen Property (S. P. 90) (L. D. 236) (C. "A"-S-15)

An Act Providing Funds for the Maine Higher Education Council. (S. P. 168) (L. D. 423)

An Act Relating to Change of Name, Trustees, Power to Hold Property of the Maine Conference of the United Methodist Church (S. P. 137) (L. D. 349)

### **Finally Passed**

Resolve to Reimburse Norman W. Ahlholm of Warren for Loss of Beehives (H. P. 294) (L. D. 398)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, Bills passed to be enacted, Resolve finally passed, all 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:

Bill "An Act Relating to Withdrawal from Participation in the Cumberland County Recreation Center" (H. P. 699)

Tabled — February 23, by Mr. Martin of Eagle Lake.

Pending — Reference.

On motion of Mr. Martin of Eagle Lake, retabled pending reference and specially assigned for Thursday, March 1.

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

Bill "An Act Relating to Hunting with Muzzle-loading Rifles" (H. P. 397) (L. D. 526)

Tabled — February 23, by Mr. Hancock of Casco.

Pending — Acceptance of either Report.

On motion of Mr. Hancock of Casco, retabled pending acceptance of either Report and specially assigned for Thursday, March 1.

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

Bill "An Act Relating to Fees for Forest Lands and Wild Lands Posted Against Trespass" (H. P. 58) (L. D. 70)

Tabled — February 23, 1973

Pending — Passage to be engrossed.

On motion of Mr. Dyar of Strong, retabled pending passage to be engrossed and specially assigned for Thursday, March 1.

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

Bill "An Act to Increase Outdoor Advertising License and Permit Fees and Extend Controls" (S. P. 276) (L. D. 764)

Tabled — February 23, by Mr. Rolde of York.

Pending — Passage to be engrossed.

On motion of Mr. Herrick of Harmony, retabled pending passage to be engrossed and specially assigned for Thursday, March 1.

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

Bill "An Act Providing Funds for a Fine Arts Building for the University of Maine at Portland-Gorham" (H. P. 610) (L. D. 808)

Tabled — February 26, by Mr. Hamblen of Gorham.

Pending — Reference.

Thereupon, the House voted to recede and concur.

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

Bill "An Act to Clarify the Municipal Records Law" (H. P. 178) (L. D. 220) (C. "A"-H-48)

Tabled — February 26, by Mr. Birt of East Millinocket.

Pending — Passage to be engrossed.

Thereupon, the Bill was passed to be engrossed as amended and sent to the Senate.

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

Bill "An Act Relating to Apportionment of Cost of Reconstruction of Railroad Grade Separation Structures on Nonfederal Aid-State Aid Highways" (S. P. 136) (L. D. 348)

Tabled — February 26, by Mr. Genest of Waterville.

Pending — Passage to be engrossed.

On motion of Mr. Genest of Waterville, retabled pending passage to be engrossed and tomorrow assigned.

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

Bill "An Act to Authorize the State Housing Authority to Adopt a State Building Code" (H. P. 813)

Tabled—By Mr. Martin of Eagle Lake.

Pending — Motion of Mr. Emery of Rockland to refer to Committee on Legal Affairs.

The SPEAKER: The Chair recognizes the gentleman from Eagle Lake, Mr. Martin.

Mr. MARTIN: Mr. Speaker, I would pose a question to anyone who was on the State Government Committee two years ago as to whether or not this item or related items were in State Government.

The SPEAKER: The gentleman from Eagle Lake, Mr. Martin, poses a question through the Chair to anyone who may answer if they desire.

The Chair recognizes the gentleman from Lubec, Mr. Donaghy.

Mr. DONAGHY: Mr. Speaker and Members of the House: The

answer was yes, it was in State Government.

The SPEAKER: The Chair recognizes the gentleman from Sabattus, Mr. Cooney.

Mr. COONEY: Mr. Speaker and Members of the House: I would like to ask for a division. As I said yesterday, we did handle this measure two years ago. Frankly, all this activity this year on reference of bills kind of astounds me.

The Reference of Bills Committee I think acted properly in sending this bill to State Government. Mr. Emery, I think, has made a mistake in requesting it be sent to Legal Affairs. So I would ask you to vote against the pending reference motion so that the motion of the Reference of Bills Committee to send this to State Government can be revoked on.

The SPEAKER: The Chair recognizes the gentleman from Rockland, Mr. Emery.

Mr. EMERY: Mr. Speaker, Ladies and Gentlemen of the House: In defense of the motion I made the other day to refer this to Legal Affairs, I would inform the legislature that a similar matter to this, in fact the matter that I believe has directly to do with House Paper 813 was originally referred to the Committee on Legal Affairs last year and was rereferred from Legal Affairs to Judiciary, not the State Government.

Now we have a lot to do in our committee this year and the loss of one bill isn't going to make much difference to me. So if you feel in your judgment that it ought to go to State Government it won't hurt my feelings a bit. But I thought I would move it to Legal Affairs since we have done pretty well in processing bills this year, and also I thought this would be probably a little bit more consistent.

The SPEAKER: The pending question is on the motion of the gentleman from Rockland, Mr. Emery, that this Bill be referred to the Committee on Legal Affairs. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

40 having voted in the affirmative and 85 having voted in the negative, the motion did not prevail.

On motion of Mr. Cooney of Sabattus, referred to the Committee on State Government, ordered printed and sent up for concurrence.

Mrs. Lewis of Auburn presented the following Order and moved its passage:

ORDERED, that Tina Campbell, Steve Park, Sue Hodgkin and Terry Moors of Auburn be appointed Honorary Pages for today.

The Order was received out of order by unanimous consent, read and passed.

Mr. Hobbins of Saco presented the following Order and moved its passage:

ORDERED, that John Mistos and Ralph Neff of Saco be appointed Honorary Pages for today.

The Order was received out of order by unanimous consent, read and passed.

On motion of Mr. Simpson of Standish,

Recessed until 10:00 A.M.

#### After Recess

10:00 A.M.

The House was called to order by the Speaker.

Mr. Ault of Wayne presented the following Order and moved its passage:

ORDERED, that Roxanne Cowan, Faith Dyer, Judy Leighton and Marlene Whittier of Winthrop be appointed Honorary Pages for today.

The Order was received out of order by unanimous consent, read and passed.

The Chair laid before the House the following Special Order of the Day, which was assigned for 10:00 A.M.:

Joint Resolution relative to Ratification of Equal Rights Amendment (H. P. 139) (L. D. 161)

Tabled — February 26, by Mr. Curtis of Orono.

Pending — His motion to accept Majority "Ought to be adopted" Report.

The SPEAKER: The Chair recognizes the gentleman from Orono, Mr. Curtis.

Mr. CURTIS: Mr. Speaker, Ladies and Gentlemen of the House: This morning is one of the momentous occasions of our federal system, in which a state has the opportunity to ratify an amendment to the United States Constitution.

Almost a year ago the United States Congress proposed the Equal Rights Amendment. Under the provisions of our Constitution, that document may be amended if two thirds of both houses of Congress vote favorably and if three fourths of the legislatures of the states ratify the amendment.

After much deliberation Congress voted favorably 354 to 23 in the House of Representatives and 84 to 8 in the Senate to propose the Equal Rights Amendment. The entire Maine delegation voted for the proposal, including Senators Margaret Chase Smith and Edmund S. Muskie, then Congressman William D. Hathaway and Peter Kyros.

Although not directly involved in the amending process, President Richard Nixon endorses the Equal Rights Amendment, as did Presidents Lyndon Johnson, John Kennedy and Dwight Eisenhower.

The resolution to ratify the Equal Rights Amendment was available early in this session and was assigned to the State Government Committee for consideration. Your committee conducted what will probably be the longest hearing this year on the resolution. For five and one-half hours we heard testimony from many interested citizens. In the tradition of the Maine Legislature and free speech, we listened to everyone who had facts or opinions, including several people from out of state who flew to Maine to oppose ratification.

At the present time, many states have already ratified, the most recent being Vermont which just completed action last week.

After much deliberation, and extensive discussion in Executive session, a majority of your State Government Committee recommends that L. D. 161, a

ratification resolution for the Equal Rights Amendment be adopted.

The amendment is a simple statement of equality. The Amendment would add the following language to our United States Constitution:

"Section 1. Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

"Section 2. The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

"Section 3. This Amendment shall take effect two years after the date of ratification."

The purpose and effect of the Equal Rights Amendment is to make all people equal under the laws so that laws, both state and national, would utilize sex as a discriminating factor when no logical, rational reason exists for that discrimination would be eliminated. The amendment will be effective two years after ratification by the 38th State. Laws which would be affected include those establishing different rules for ownership, transfer of property, various benefits, different penalties for violations of criminal laws, a variety of other logical legal distinctions. Logical laws which are based upon physical differences in sex, such as the rape statutes, would continue to be effective and would provide protection.

Although commonly considered as an Equal Rights Amendment for women, the word "women" is not mentioned in the amendment. In fact, the Equal Rights Amendment would provide benefits to men also. Statutes discriminating against men, such as our Maine poll tax, would be also unconstitutional if this amendment is ratified. The argument has been made that all of these laws could be changed by Congress and the states, and that is true. Unfortunately the laws have not been made equal, in that the Equal Rights Amendment has been considered for decades now, and there is little indication that there will be much action to eliminate this discrimination in the near future, unless this amendment is adopted.

Mr. Speaker, I move for the adoption of the majority report, which will be positive proof that our state and our country really believe that all people are equal in the eyes of the law.

The SPEAKER: The Chair recognizes the gentleman from Bath, Mr. Ross.

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: I have always considered the members of the opposite sex as ladies, and they should be treated as such, with respect, understanding and kindness. I will admit that times have changed and a great many of these have to work now to support themselves and help augment family income.

President Nixon states, "Every woman should have a chance to choose whatever career she wishes." However, each, with the ability and ambition, can do this now. That is why we now have women doctors, lawyers, business executives, department heads, school superintendents and so forth. As human beings, women certainly should be treated as equals. It has always been my belief that they should be paid the same as a man, if doing the same job as competently as a man. However, such former inequities have been straightened out by legislation and not the constitutional amendment.

For instance, in Maine, under Chapter 26, Section 628, of our Statutes Enacted in 1965, it states that no employer may discriminate on the basis of sex by paying more rates if they have comparable jobs at equal skill, effort and responsibility. Furthermore they even have other advantages, such as work hours, rest periods and suitable places to rest. These provisions by state law and not constitutional amendments satisfy my main objection.

Equal rights might well lower the privileges for women and raise them for men. This concept might require them to support the family. It might make a change in social security status. They might be required to pay alimony. They might lose custody of their children. In short, the many safe-

guards upon which our American culture has always been based.

Section 2 of the proposed Article states that the Congress shall enforce the provisions. This being so, many rights, won so hard through state legislation over the years might well be taken away. In reality, these still should be statutory, in my opinion. Our United States Constitution, which deals with basic law, should not be cluttered up with matters which are better handled by the states which know their own individual problems. I cannot believe that the average woman would be willing to risk her possible losses if she only realized the gamble such an amendment might really present. For these reasons, I oppose this joint resolution.

The SPEAKER: The Chair recognizes the gentlewoman from Bath, Mrs. Goodwin.

Mrs. GOODWIN: Mr. Speaker and Ladies and Gentlemen of the House:

"Men, their rights and nothing more; women, their rights and nothing less." These words were spoken by Susan B. Anthony more than one hundred years ago. Today, over a century later, they perhaps best describe the proposed 27th Amendment to the United States Constitution.

The Equal Rights Amendment, in a nutshell, says that sex must not be a factor in determining the legal rights of men or women. It is a step toward first class citizenship for more than one half the population of this country.

Simply stated, the ERA requires that the Federal Government and all state and local governments treat each person, whether male or female, as an individual. It does not require any government to establish quotas for men or for women.

It does not apply to social customs and will not directly affect private relationships between men and women. Whether one stands when another enters the room, or the question of who picks up the check at lunch, have nothing to do with legal rights and common courtesy dictates that one does not slam the door in another's face, regardless of sex.

Nor will the ERA affect any statute based on a unique physical characteristic of one sex. So long as that characteristic is found in all women and no men, or all men and no women, the law would not be invalidated. Examples of laws which would not be affected are those pertaining to forcible rape and to maternity benefits. "Equality" does not necessarily mean "sameness."

The ERA will require the extension to the other sex of any law which confers a benefit, privilege or obligation of citizenship. It will render unconstitutional any law which restricts or denies equal opportunity to either men or women.

Preference for either the mother or father in child custody cases would be forbidden. Custody would be granted solely on the basis of what is best for the child, as is now done in the State of Maine. The ERA would not weaken the obligation of a man to support his family. However, alimony and child support would be awarded on an equitable basis to either sex, the criteria being need, ability to pay, and future earning potential.

Protective labor legislation is already rapidly being struck down by Title VII of the Civil Rights Act of 1964, despite what you have been hearing from George Meany's yes men, and they are yes men. There are no women on the executive board which was originally supposed to have made the decision to oppose ERA. But it now appears that labor's opposition was the whim of one man.

Despite what they have been saying, Maine's protective labor laws have been declared to be out of compliance by the United States Department of Justice, and according to the acting Director of the Bureau of Labor and Industry are no longer being enforced in the State of Maine. In some instances, however, where protective laws are deemed to be truly beneficial, they may be extended to men. I am now having drafted legislation to extend the beneficial sections of Maine's protective labor laws to men, since no matter what we do here today, Maine's protective labor laws, as they relate only to women, will be gone.

Legislation which allows a longer prison sentence for women than for men for the same offense will be invalidated. Restrictions on the property rights of women will be null and void. Married women will be free to manage their own property and financial assets and to engage in business.

The question of the draft now seems moot since the Secretary of Defense has announced its abolition. Women volunteers, however, would no longer have to meet higher standards than men. They would also qualify on an equal basis for all the benefits which go with military service, including medical care, housing, and the G.I. Bill. In any event, men and women would be assigned to combat duty solely on the basis of fitness.

Perhaps the argument against women in the military was best refuted by a suffragette over a hundred years ago, when she answered a critic by saying "I am willing to shoulder a musket in defense of my liberties. Are you, Sir, willing to shoulder a musket in defense of my rights?"

Ridiculous laws, such as one here in Maine which forbids a woman to enter a tavern where the patrons stand up, but allows her to go into a so-called Class "A" tavern where the customers can sit down, would be abolished. Presumably, women are a morally corrupting influence when they are standing up, but not when they are sitting down.

The Equal Rights Amendment will forbid separation of the sexes by law except where it is shown to be necessary because of an overriding or compelling public interest. Separate restrooms and sleeping quarters will not be outlawed. These are protected under the constitutional right of privacy and also by the authority of the State to regulate cohabitation of unmarried persons.

Finally, the ERA is in no way an attempt to downgrade the traditional roles of wife and mother. Women who are homemakers will be so because they choose to be, not because they have been made to feel they can be nothing else. Also, to be equal does not mean to be unfeminine.

It has been said that "When men and women are prevented from recognizing one another's essential humanity by sexual prejudices, nourished by legal as well as social institutions, society as a whole remains less than it could otherwise become."

More than 100 million citizens of this country do not now enjoy equal protection under the law. Only one woman, seeking protection of her rights under the due process and equal protection clauses of the United States Constitution, has ever won a case before the Supreme Court of the United States. The majority of Americans are less than they could be; and as a result, this nation is less than it should be.

As a woman, I ask for nothing more and nothing less than my legal rights as a free citizen of the United States. I ask for no special privileges. I ask only for justice.

The SPEAKER: The Chair recognizes the gentlewoman from Lewiston, Mrs. Berube.

Mrs. BERUBE: Mr. Speaker and Ladies and Gentlemen of the House:

The easiest thing for me today, would have been to sit back, avoid taking a stand, and to cast my vote with a vocal minority, but since this issue is one which would affect my children and my children's children, in conscience I must rise to explain why I shall oppose the amendment. I am speaking now as a wife, as a mother, as a worker, and as a teacher to my children of the respect of the rights of others and the respective responsibilities of each, which they will encounter during their adult lives. These are the rights and roles I wish to retain. But today I must also act as a legislator representing my city and I am now sure that my vote will be a reflection of their concern and their ideals.

What is equality? Voltaire said "They who say all men are equal speak an undoubted truth if they mean that all men have an equal right to liberty, to their property, and to their protection of the laws, but, they are mistaken if they think men are equal in their stations and

employments since they are not so by their talents." We are told that ratification of this amendment will assure equality to all women in the field of employment in salary scales, in the military although we should not fear this at the moment since the draft is no longer in use. While it may be true that the protective labor laws for women are no longer being enforced, I could say that by the same token women would have to accept a job in a plant that she would not have requested. I might also say that in the case of wage differentials, the Equal Pay Act of 1963 and Titles VII of the Civil Rights Act of 1964 can be used to equalize and rectify injustices as was recently ordered upon American Tel & Tel in the sum of 38 million dollars.

You know, some of we women have complained for years that men are solely responsible for women being held back. Certainly they may have contributed to this, but we must take a hard look. Some of us must work twice as hard as a man to get where we are. Example this very hall. However, oftentimes we must prove our competence not to men but to other women. We seem to perpetuate the prejudices against ourselves. We do not have faith in ourselves. Well I do. I have faith in our Civil Rights Laws which extend to all people rights and justice and implements legislation to rule on violations when proven. In this very chamber, at the last special session we ordered the State University to equalize salaries of women professors in order to bring them to the level of the male educators.

The solution to so many of the problems of our age cannot be resolved by leading us to a faceless conformity. It is well for those who sit comfortably at the country clubs or speak from behind the protective economic shield of a comfortable profession. But whatever their reasons may be: animosity, blind following, cynicism, the feeling that it is the thing to do, these are not reflective of the wishes and needs of the women of this nation.

Recently I attended a meeting which had to do with presenting a program and project to a group representative of the people of Maine, and to find the best way of making it acceptable throughout the state. At one point someone said: "Perhaps we have been using the wrong approach, maybe we've been pushing vanilla when in reality the public wants strawberry." To this a representative of the Indian Community said, "I agree, for when I went to school, they taught me that Christopher Columbus had discovered America when in reality I knew better."

Perhaps we are trying to force a change which is not wanted. Of course we all want equal opportunity and that is why we have Title VII of the Civil Rights Act of 1964; we have the Equal Pay Act of 1963. The Equal Opportunities Act of 1972. These are being implemented with the Equal Employment Opportunities Commission.

I have read with great interest the Briefs of the American Labor Organizations relative to the status of the working women in the field of employment, the military, the home.

Professor Paul Freund of the Harvard Law School states "This proposed Amendment attempts to impose a single standard of sameness on the position of the sexes in all the multifarious roles regulated by law: marital support, parental obligations, social security, industrial employment, activities in public schools, and military service."

We have heard and read that some legislators would support this bill because they are gubernatorial candidates. Others have made flip-pant statements while being fence straddlers waiting for the tide to draw them in. Some admit that they oppose this legislation but that since they have committed themselves to certain organizations they must abide by their commitment. I cannot justify these reasonings. We could understand agreements to support certain issues. The welfare of the moose and the fish, maybe even the hunter, even Mr. So and So's beehives, but never on an issue which on the surface

is made to appear so simple and yet will affect the lives of so many people will take away from them their duties and responsibilities toward their families. If this happens, someday we will have become a people with no identity. We will have been led in blind delusion into Huxley's Brave New World. We will have become a faceless and soulless society. And Mr. Speaker, if I may, I would move that this bill and all reports be indefinitely postponed.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Talbot.

Mr. TALBOT: Mr. Speaker and Ladies and Gentlemen of the House: A couple of days ago, I couldn't intelligently debate the coyote bill or I could not really debate that bird bill because I do not think that I was that informed. But when we talk about equal rights, I do think I am informed, and that is because of my race, not my sex.

I think the Equal Rights Amendment is a very highly emotional issue. With me it is much more. It is an emotional issue, plus for the last 41 years it has been a way of life for me. All we are talking here is about equal rights under the law. Under the law everyone should have their equal rights. If you would vote in behalf of me because of my rights, because of my race, then you must vote for women because of their sex. There is very little difference.

Equal pay for equal work has been a model that I think has been justifiably overexaggerated. I think the main issue in this whole issue is the fact that women want to be recognized as human beings for work and merit in their own right. That is equality under the law. Women do not want to be men and men do not want to be women. Women will always be women and men will always be men, no matter what we do with this issue.

Let me address myself to two other points. One being labor. At the hearing of Wednesday, February 14, the Maine State Federated Labor Council did, in fact, say that organized labor throughout the State was against the Equal Rights Amendment. That

is purely untrue, that is not the case. The Maine State Federated Labor Board does not speak for the rank and file members of organized labor throughout the state and those unions and councils that I have been in contact with over the weekend have either not taken a stand at all or, in fact, have endorsed the Equal Rights Amendment.

Let me go to another highly controversial issue within this issue and that is bathrooms. I have gone through this issue before and it is in history, that just a short time ago, five, maybe ten years ago, I had my own private bathroom. What I am about to say is, we had four bathrooms, one for black men, and one for white men and one for black women and one for white women and the same arguments occurred when it came to pass, that we could do away with segregated bathrooms in this country and we had the same arguments about what it would do to society.

Well we did away and struck down segregated bathrooms and you will find that it didn't do a thing to society, but more or less we have two bathrooms now, one for men and one for women. That argument is about as asinine as I can think of.

We can't give equal rights and take away rights at the same time. If we pass and give any group, for whatever reason, equal rights or rights under the law, we do not and cannot take away rights of anybody.

In the last three hundred years, all the equal rights that I have gotten because of my race, no one, no race has lost any rights. I think our first concern here is to make everybody equal, regardless of race or sex, to make everybody equal under the law. All of these other things, I think come secondary. We can deal with these. We are intelligent human beings. Everyone has to be and must be equal under the law. If you remember, I came from a piece of property. In the beginning I was a piece of property. I was a slave and from there I became a half a human being and today I am a whole human being. I do have

my equal rights under the law and you will find that the entire country is better for it.

The SPEAKER: The Chair recognizes the gentlewoman from Madison, Mrs. Berry.

Mrs. BERRY: Mr. Speaker and Members of the House: We have all received lately across our desks and in the hall, information telling us what could happen if this bill was passed. Some have taken it and said that it would not happen. Many of us believe that it could happen. Many things could be called humorous if they were not this serious. Today in my presentation I have noted some of these things and I would like to have you imagine if you would that this bill is passed and it is the year 1983. All of the contents of my presentation, I believe are germane to the subject.

The year is 1983. I am living in a new development of twenty homes. There are about fifteen children in this development, a low average for as many families, two thirds of whom the occupants are under 35 years of age, but not uncommon with equal rights with so many women libbers who are anti-family.

Let me tell you about some of my neighbors. Across the street is a nice little family, a father, a mother, legally married, and two children, both legitimate. Unusual nowadays. They are Mr. and Ms. — well it is complicated. The father is David Smith, the mother is Susan Rich. When they were married she didn't want to take her husband's name. She preferred to keep her maiden name. Then they had children, twins. They thought it would be cute so they named one Peter Black, the other Paula White. Complicated but legal under equal rights.

Down the street are the Paul's, at least that is his name, hers is Curtis. I understand they signed a contract before they were married. He was to do the housework on Monday, Wednesday and Friday, and she on Tuesday, Thursday and Saturday, and they split it on Sunday. And then along came the baby. They keep him in a day nursery during the day and at night he has agreed to get up,

Tuesday, Thursday and Saturday for feeding and other necessities and she Monday, Wednesday and Friday. I don't know about Sunday. They have a dog. Maybe he has to take his turn under equal rights.

Numerous couples in the neighborhood have no children. Their wives have had abortions. They just can't be bothered by children and a family. It is too inconvenient they say. Their theme song is that children belong to all of us and as long as they don't have the responsibility this is all right.

Speaking of abortions, do you remember in the 105th, during the discussion of the abortion bill we were told it was very common and easy in New York to get an abortion during the lunch hour. Well it finally has hit Maine. I am told that doctors and the nurses on the day shift in our local hospitals do not get a chance to have their lunch until they get off duty at three o'clock in the afternoon.

Getting back to our neighborhood, Mrs. Murray up the street is having a hard time struggling to support her children. It seems she inherited \$20,000 a while ago. Her husband divorced her soon afterwards and inasmuch as she had the most money of the two, she had to pay most of it out to him in alimony. On top of that, he only has to pay her as much support as his financial situation permits. It doesn't permit much, sometimes nothing. Mrs. Murray is employed by necessity in a factory where she must lift heavy cartons, standing all day and working long hours. There are no labor laws now protecting her from such a situation. Oh yes, she gets equal pay with the man beside her but she would rather not get as much and not work as hard and as long hours, but that is equal rights.

The company she works for used to furnish taxi service for the women on the night shift that she is on but since the men have asked for equality in taxi service, the company has stopped it altogether. She either has to hire a taxi, which she cannot afford, or walk home.

My brother on the next street has a 19-year-old daughter who was

drafted. She is overseas where the fighting is still going on in the Mid East. She writes that she does not think much of being in the foxholes with the opposite sex with bullets flying over her head. She would gladly give up the veteran's benefits she has been promised if she could just get out.

The ADC load in our state has more than tripled over the last couple of years, with fathers no longer required to support their children adequately. The state has taken over their job and also supports a day care center which is very costly. The 110th Legislature is still working on laws, rewriting them, abolishing some of them pertaining to sexes.

Now the proponents of ERA are probably saying, bunk. These instances would never happen. But I have read enough evidence by knowledgeable persons so that I am sure that they could happen, enough so that I am concerned as to the outcome of this measure.

Taking away the privileges of the proper role of the man of the family can mean nothing in my opinion but disaster to the family structure. I am not alone on my stand. The majority of women want to keep this family as it is. They fear that what would be the result of the interpretation by the courts of this vague piece of legislation, all brought about by a minority who screamed so loudly that as one of our Senators said, that our Congressmen didn't want to have to explain to voters back home, his opposition to something that sounded as wholesome as women's rights, even though he knew the label was a phoney.

I hope that we, the men and women of this Legislature will vote against this piece of legislation that would raise havoc in our military defense, chaos with our laws and disaster to our family structure. I hope we will have more courage than our Congressmen did in Washington when they passed the buck to our State legislators.

The SPEAKER: The Chair recognizes the gentleman from York, Mr. Rolde.

Mr. ROLDE: Mr. Speaker and Ladies and Gentlemen of the House: A few weeks ago, as we

all did here, I received a very special type of Valentine from a group known as the Viva Le Difference Committee. This Valentine, which has received a good deal of comment, carried a message that went beyond the usual love and kisses sentiment of Valentine's Day and called for the defeat of the Equal Rights Amendment for Women. It did so on the premise that "Little girls are made of sugar and spice and everything nice" and "little boys are made of frogs and snails and puppy dogs' tails" and that voting in an Equal Rights Amendment for Women would somehow change this delightful state of affairs.

I rise today to support the Equal Rights Amendment for Women. I am also speaking as the father of four little girls, ranging in age from ten to two. For any persons who think that little girls are made of "sugar and spice and everything nice," I invite them to spend a day in my household and I believe they will quickly abandon this sort of oversentimentalized viewpoint. I can't speak with authority of what little boys are made of, not having any sons, but I daresay I can speak as somewhat of an expert on little girls. And I don't believe that they are any different than any other form of developing human being and that they are made of the same things that all of us are made of, of emotions, angers, wants, likes and dislikes, energy, curiosity, joy, and hopes and fears.

And when I look to the future when my little girls will be no longer little and I as a parent look for a future in which they will be treated on the basis of their potential as human beings, and that they will never have to suffer discrimination based on a sentimental attitude that says "little girls are made of sugar and spice" and, therefore, have to be protected, and coincidentally, kept from doing certain things they might want to do. People have said to me: "But if the Equal Rights Amendment passes, your daughters may be drafted into the Army!" My answer to that is: "If so, I would be very proud to have my daughters serve our country, just as I would be proud

of my son's service, if I had a son." For it seems to me, too, that there is a question here of responsibility, that we have sugar-coated the disabilities we have thrown in the path of women. In the job field, in acquiring financial credit, in domestic relations, in the ownership of property, in the setting up of businesses, by exempting them from certain responsibilities. It may well be that many women are willing to give up certain aspects of equality in return for a lessening of responsibility, but I feel that many others, if not most women of today, are eager to give of their full talents and full potentialities as human beings to the betterment of society.

The Vive La Difference Committee takes its name from a joke, or at least an apocryphal story that was told about the French Chamber of Deputies where a debate was raging about a bill that had to do with the difference between men and women. There was one deputy in the back row who wanted to say something on the subject and didn't quite know how to express himself, until suddenly, he had a burst of inspiration, leaped to his feet and shouted: "Vive La Difference!". "Long Live The Difference."

Well, in the sense that we all hope that there will always be a difference between men and women, a difference that has kept the poetry makers of the world busy since the beginning of time, and that keeps the greeting card manufacturers happy on Valentine's Day. I will join with the members of the Vive La Difference Committee in their cry of "Long Live The Difference." But I must disagree with their line of thinking that passage of the Equal Rights Amendment will ever change that difference. I know that passage of this amendment will never make my little girls less little girls. It will not, for example, make it any easier for us to persuade our tomboyish 1-year-old to exchange her blue jeans for a dress, nor will it in later years, I suppose, make her any less prone to buying at great bargains the feminine garb that she spurns now.

Passage of the Equal Rights Amendment will not prevent my five-year-old from clomping around the house in her mother's high heels instead of my shoes, nor will it diminish the predilection of my two-year-old for hugging fuzzy animals and liking soft things.

Passage of the Amendment will not decrease the expenditures for hair ribbons and pony tail attachments or clothing for Barbie dolls that annually depresses our family budget.

What passage of the Equal Rights Amendment will do, as all measures for greater equality in America have done throughout our history, is to widen the prospects open to members of our society, to let a little bit more of fresh air and freedom into our system and, in the long run, to strengthen ourselves by allowing as many of our citizens as possible the greatest possible access to achieving their full capability. I hope you will support the Equal Rights Amendment today.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Mulkern.

Mr. MULKERN: Mr. Speaker and gentlepersons of the House: We live today in a world in which old modes of living and ideas are being modified or tossed aside in the name of progress. The Equal Rights Amendment is, I feel, a major example of this trend. There is, I hope, no one in this House today who would deny the real positive benefits of this amendment for both men and women.

I have very mixed sentiments concerning this amendment and have not come to a decision easily, as certain of my fellow colleagues from Portland well know. It positively upsets me that certain extremist advocates of this amendment actually belittle the women's traditional role of mother and housewife, and I sincerely hope that this absurd attitude is rejected by all decent women everywhere. My vote today is not for those women who want all the benefits of marriage with none of the responsibilities, those married women who would surrender their motherhood by giving their child

over to a day care center to be raised by the state so that they can pursue a fulltime career. My vote is not for the married women who would surrender their motherhood by having an abortion. For these individuals I have no respect for they will use the Equal Rights Amendment to further their own selfish ends.

Today I vote for the responsible woman who has labored willingly and long at her job as mother and housewife, perhaps not fully appreciated, but proud of her role. We in this House could not do enough to compensate this person. I vote today for the responsible woman who wants to better her station in life, to become better educated, to get a better job with better pay; I applaud her efforts. For those women who want to get into professions traditionally held by men, more power to them.

There is great force for good in this amendment, but I urge all women to exercise new freedom with caution. Don't surrender your motherhood, don't be ashamed to be a housewife, and most of all be proud to be a woman. I rise in support of this Amendment and urge its passage.

The SPEAKER: The Chair recognizes the gentleman from Brunswick, Mr. LaCharite.

Mr. LACHARITE: Mr. Speaker and Members of the House: Fittingly enough, the first Council of Economic Advisors reports to be prepared partly by a woman, the Council's only female member, is also the first to contain a chapter on the role of woman in the economy. The Council's report indicates that women have made startlingly little progress toward job equality with men.

Many women nowadays find jobs and 43.8 percent of all working age women are now employed. But, their unemployment rate has been persistently much higher than that for men. Surprisingly, women's earnings have actually fallen farther behind the incomes of their husbands, brothers and male colleagues in the past 15 years — 63.3 percent as much as the male worker in 1956, and only 59.5 percent in 1971.

Women are still clustered in relatively low pay, low status jobs.

It recognizes that, "Some may label the social-cultural role of women as a pervasive societal discrimination which starts in the cradle." In any case, the Council points out that in seeking job equality with men — the nation's women still have a long road to travel.

Probably the most important benefit of the ERA is that of public education. This is an area where discrimination against women is prevalent, and such discrimination will be prohibited by the Amendment.

Graduate schools and the education profession will offer more opportunities for women. The amendment will be of particular benefit to young women from poor families. With discrimination in public education banned, they will have equal opportunities in vocational education, government-sponsored manpower training programs and military service among other fields. I rise in support of the ERA.

The SPEAKER: The Chair recognizes the gentleman from Enfield, Mr. Dudley.

Mr. DUDLEY: Mr. Speaker and Members of the House: I don't suspect I will change one single vote here in this House today, but I do want to be on record as opposing this.

The people from where I come, if it was to be voted on by the women in that area, would be almost unanimous in opposition to this.

I think women are something special. I associate myself with women. I know a few, and every single one of them is opposed to this.

Now, let me go on to a more serious vein. In traveling a lot, like I have, I find in Europe they do use the same restroom. I suspect that will be the same over here — we had it illustrated in our room out here in the retiring room. I also find that, in the very serious vein that I wanted to bring to your attention from traveling in Europe, that where we do have these day care centers, when you put the mothers to work, you don't have

families like you do here in this country. It tends to be that where they have got the day care centers it makes it very easy for the Communists to expand their hold on different countries, like France, and they did it through these day care centers. The old Frenchman that works out in the fields raising his crops, he wasn't easily changed from one form of government to another, but they got his children and his grandchildren in these day care centers and that is where they educated them. I am sure that the majority of the people in the area of France were I attended were Communistic, and I am sure that the chief way they got that way was through the children's day care centers after the mothers all got a job, after they broke up the family affair like we are trying to do here in this country.

Now, this is a very serious thing, so far as I am concerned. I have traveled and I have seen it. And if you don't think they share the same restrooms, you should go there, and it is well illustrated in the retiring room.

Now, I would like to say further — I don't like to bore you people because I realize I am not going to change one single vote here — but I think if we pass this today all we are doing is making more work for the overburdened courts of this land. If these ladies want something, I would be the first one to give any one of these dear souls whatever they want from this House by legislation, by legislation in this body. What do they want? Tell us and we will try to give it to them. We have in the past. We have already told them of the items we have already passed in equalization, for women's rights to work and so forth, and we are willing to do more, but this is not the vehicle in which to do it. I hope this will be soundly defeated this morning, and then if they want something let this body try to give them what they want. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Augusta, Mr. Bustin.

Mr. BUSTIN: Mr. Speaker and Ladies and Gentlemen of the House: It seems to me that when we get rid of all the red herrings

that are being floated today that the basic issue is that women should have the same rights under the law that men have.

The arguments regarding the social customs which we are hearing seem to me to be irrelevant, because the social customs will change whether we like it or not or whether we pass legislation or not.

It seems to me that the lines are being drawn between those who are happy with paternalism, who feel that women should be taken care of or need to be taken care of, and those who are not happy with paternalism, women who feel that they can take care of themselves. I will cast my vote today with those who are not happy with paternalism because those who are are certainly free to live that way if they wish.

In the area of discrimination against women, I believe that like racism the only change that will ultimately count is the change in attitude in the minds of people, and until the attitudes of people change I believe we need legislation such as this to assure that justice is done, at least under the law.

One of the great thinkers that led to our democracy, John Stuart Mill, I think said it best in his essay on *The Subjugation of Women*:

"That the principle which regulates the existing social relations between the two sexes — the legal subordination of one sex to the other — is wrong in itself, and now one of the chief hindrances to human development; and that it ought to be replaced by a principle of perfect equality, admitting no power or privilege on the one side, nor disability on the other."

I urge that we vote against the motion to indefinitely postpone and that we ratify the Equal Rights Amendment. Mr. Speaker, when the vote is taken, I request the Yeas and the Nays.

The SPEAKER: The Chair recognizes the gentleman from Kennebunk, Mr. McMahon.

Mr. McMAHON: Mr. Speaker and Members of the House: I will just make a few brief comments.

I think all of us will agree that the picture that Representative Berry presented in her hypothetical situation was pretty horrible, but I don't think that is what the Equal Rights Amendment would result in. Putting the 27th amendment in the United States Constitution will simply put this country on record as recognizing the worth and the responsibility of each individual as an individual, regardless of their sex. I hope we vote our approval of the Equal Rights Amendment.

The SPEAKER: The Chair recognizes the gentleman from Caribou, Mr. Briggs.

Mr. BRIGGS: Mr. Speaker, is there a lady plumber in the House?

Mr. Speaker, Ladies and Gentlemen of the House: I will be very brief. I have risen to affirm the suspicion that the gentleman from York, Mr. Rolde, has expressed that boys actually are made out of those things and probably a great many others. I am a specialist in boys myself, having two that I have lived with for a good number of years now. That is very obvious by looking at me.

One of my dear friends here in the House asked me if I would just state one reason why I favored the Equal Rights Amendment, and I will now state that reason. It is discrimination. Discrimination is rampant in our land. I am sorry that this is a fact, but it is so and it is such. I know we don't feel it very much in Caribou, Maine. I don't march with the Women's Lib movement there, which is not known there, or barely known, and which has nothing to do with the Equal Rights Amendment. But it is so easy to be satisfied when one imagines that he is not affected by discrimination. It is like the neighbor of the Great Emancipator, Lincoln, whose neighbor, he said, said to him "I ain't greedy for land; all I want is what joins mine." And when you are satisfied that you are not discriminated against, and that your wife or children are not discriminated against, it is so easy not to be terribly concerned about it. But there is discrimination.

Graduate schools accept very, very limited numbers of female

applicants. It was mentioned that women are doctors. Barely six or seven percent of the doctors in the nation are women, and even smaller numbers of every other profession.

I know it won't be necessary for me to do this today, but were it necessary for me to stand in the House entirely alone in favor of the Equal Rights Amendment, I should be proud and pleased to do so.

The SPEAKER: The Chair recognizes the gentlelady from Freeport, Mrs. Clark.

Mrs. CLARK: Mr. Speaker, men and women of the House: Women are human beings and citizens of this great nation. As citizens, they are entitled to all the privileges, responsibilities and opportunities this nation affords. These we call rights. To deny rights because of color of skin or sex is to promote hypocrisy.

Daily in our Maine schools the words "equality and justice for all" ring out as our young Maine people pledge allegiance to our nation's flag. Is this very act hypocritical under today's law? Equality means just that: equality.

The business of this Amendment is to guarantee for every citizen, man or woman, black or white, that they shall be enfranchised and admitted into the body politic with equal rights, responsibilities, privileges and opportunity.

Let us join together today and demolish the myth of equality and establish one: support — vote yes for the Equal Rights Amendment.

The SPEAKER: The Chair recognizes the gentlelady from Portland, Mrs. Najarian.

Mrs. NAJARIAN: Mr. Speaker and Members of the House: During the hearing on this Amendment, it was sometimes difficult to tell whether the opponents were speaking for or against the amendment as they openly admitted the widespread existence and injustice of sex discriminatory laws.

The opponents stated this amendment is not necessary because we already have legislation to prohibit sex discrimination.

The proponents maintain that the courts have failed to apply the Fourteenth Amendment vigorously

and consistently to sex discrimination and, in addition, the present laws relate only to employment practices, while the Amendment would reach all areas of governmental discrimination. For example, of what value is it to be treated equally in hiring practices and pay scales if you have already been denied equal access to the education and training necessary to compete for highly skilled, high-paying jobs?

To revise existing laws piecemeal would require action by 50 state legislatures, congress, the courts, executive agencies and numerous political subdivisions. Such efforts would require a tremendously expensive and sustained political organization. In merely four states alone there are 741 statutes that are sex discriminatory. Campaigns to change these laws would drag on for many years, and by this method the process is unlikely to be completed within the lifetime of any woman now alive.

On the other hand, ratification of the amendment can be accomplished by a single, strong campaign, and once passed, the states have two years to revise their laws. In addition, women would not have to fear that state legislatures and courts would one day undo all their efforts if jobs became scarce or competition too keen.

I suspect the real reason the opponents want to end discrimination by existing laws is that then there would be no laws extending duties and responsibilities. I am dismayed and embarrassed by those who are so eager and desirous of the privileges and benefits that equality confers, but who are fearful and reluctant to accept the duties and responsibilities which are essential if equality is to have meaning.

The proponents of this Amendment demonstrate emotional and intellectual maturity. They know the legal, political and economic realities of life. The opponents seem to have been sheltered and insulated, and they exemplify the injurious effects of the traditional and erroneous belief that women are inferior, and are shaped by

all our economic and social institutions based on this false assumption. It is precisely this assumption and its stultifying psychological effects on women that this amendment is attempting to overcome.

Classification by sex is in direct conflict with the basic concern of our society with the individual and with the rights of each individual to develop his or her own potential.

That a majority of our population should still be subjected to the indignities and limitations of second-class citizenship is a fundamental affront to personal liberty. I urge you not to deny all women the basic human right to be treated as individuals because of the fears based on misconceptions of some.

The SPEAKER: The Chair recognizes the gentleman from Westbrook, Mr. Carrier.

Mr. CARRIER: Mr. Speaker and Members of the House: Today I speak for myself and for my constituents in Westbrook. I speak particularly for the women of Westbrook, who I think are really great people like many other women all over the world.

At first it was my intention to stick strictly with what I have here, but it is a great temptation to try to reject some of the things that have been said over here which in fact are not true. Now that the niceties are over I think we should get down to business and tell the truth with the blunt facts.

First, I do not intend to give you a dissertation on moral philosophy, but I do intend later to cover the so-called moral justice, which has been used freely in this bill and by many people trying to make the newspaper headlines.

L. D. 161, the Equal Rights Amendment, could legally be called better "The frustrated amendment" because this proposal, if passed, would disrupt our whole society, especially our legal system.

Our basic unit of society is the family. The greatest achievement a woman can enjoy is to have a family and share these joys with her husband who, incidentally and

by law, must provide for the necessities of life and who on his own in many cases, according to his means, is willing also to provide a home, love, luxuries and education for his children.

Now, let's set the record straight. The American woman of today never had it so good. Look back on the times of your parents, your mother: did she have all the facilities to raise a family that the woman of today has? Was there so much money to be spent on luxuries as we have to spend today? The older folks did not have credit accounts, they did not have credit cards, and even if they did have they would not use them because they believed in the principle of paying for something when you had it.

The claim by a few frustrated so-called women that they are unfairly treated is a fraud. My constituents and friends have made it known to me that they are satisfied in their pattern or choice of living, that of being housewives, mothers, or career women. The career women have their own choice of pursuing jobs of their own desires and have equal opportunity to advance in their jobs if they prove their ability.

The Women's Lib frustration came to light recently when their so-called organization NOW endorsed the concept of lesbianism. Isn't this a great basic value to base the future of American women on? It takes leaders to lead, and they just haven't got the leaders. The purpose of this group is well stated in a recent article which clearly shows that they are anti-family, anti-children, and pro-abortion.

Talking of moral justice, many proponents of this measure in this House refer to this as moral justice. Well, where was their moral justice and moral principles when we were involved in many votes here on the abortion bill?

I say to you now let's take a look at this little gem of a bill and see what such states as New Jersey, Iowa, Idaho and Nebraska, which have ratified this amendment, are doing. They now have second thoughts on it and have

filed resolutions to call it back into the legislature.

Section 1 of this Equal Rights Amendment: Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex. Well, I would say this: Women already have constitutional protection against discrimination. The 5th Amendment to the United States Constitution says "No person shall be deprived of life, liberty, or property without due process." This says more than what the ERA says.

The 14th Amendment also says "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty or property, without due process of law." This is the first part.

The second part of the bill says Congress shall have the power to enforce legislation and the provisions of this article. The federal government will take from the states the right to legislate on matters dealing with marriage, divorce, alimony, statutory rape and other protective laws dealing with females. All laws that differentiate in any way between men and women would have to be changed and the states would abdicate to the federal government their right to legislate on such matters. I am not willing at any time, or at this time especially, to let the federal government take over state government.

It says here the Amendment shall take effect two years after the date of ratification.

The Civil Rights Act of 1964 bans employment discrimination based on sex. However, women have obtained certain advantages in the labor field such as maximum hours for women, standards relating to rest periods, working accommodations and weight lifting. These privileges which have been given to the working women would be taken away by the Equal Rights Amendment.

Women in this country and in the State of Maine have equal rights, and whenever they are denied equal rights they should

fight to enforce the existing laws. It would certainly be in the best interest of all women to work within the present legislative and judicial framework to improve conditions for all women rather than to adopt this Equal Rights Amendment which would clear the books of all women's protective legislation.

This fraud of a document purports to do great things, but in truth and in fact it will take away most of our laws which give protection to the women that we like. This ridiculous document would invalidate the laws involving rape, prostitution, the Mann Act, laws of privacy — equal but separate—do away with punishment of heinous crimes and, worst of all, promote certain things which the proponents of this bill seem to accept as a result of it.

The facts are clear and a decision based on good common sense is at hand. To those of us who choose to idolize our women and our family, and who believe in the sanctity of motherhood, the choice of how to vote is easy and clear. It is a choice made and based on good sound moral principles; not motivated by any political or headline-craving people.

To those who believe that ERA is not a fraud, and who also believe that women are so in name only, then this appeal to your common sense and decency is made to help in keeping with the desires of the lovable women whose devotion to their husband and family prevails. This kind of woman does not want day care centers to keep their children. She with her husband and father do not shirk their obligation but rather enjoy the companionship of one or the other and of their children. Today, do not join the ranks the all gall and no guts group. Stick to your conviction and help to restore, keep and maintain the morality in young people by helping them to love and respect our nation and most of all help your daughters enjoy the womanhood and also teach them the roles of housewife with pride and dignity that it deserves. Ladies and gentlemen of the House, I trust your wisdom and good judgment

will prevail and that you will vote no to this ridiculous amendment.

The SPEAKER: The Chair recognizes the gentlewoman from Auburn, Mrs. Lewis.

Mrs. LEWIS: Mr. Speaker and Ladies and Gentlemen of the House: We have heard many opinions expressed but what we will be voting upon is the amendment which you have just heard stated which equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex. I support this statement and this amendment because it expresses a goal we in the United States should strive to achieve. I would like to ask the opponents of this amendment what legal right should be denied to me because I am a woman?

The SPEAKER: The Chair recognizes the gentlewoman from Portland, Mrs. Boudreau.

Mrs. BOUDREAU: Mr. Speaker and Members of the House: The L.D. being discussed is highly emotional and I guess you would have to call it controversial with very strong opinions on both sides, so I am not going to debate the pros and cons because I am sure everyone has already decided how they are going to vote.

But I think it does point up the fact that maybe some of our House rules should be reviewed. My seat-mate, Representative Norris, is unable to be here today because his wife is undergoing surgery. We had discussed last week pairing our votes. We find that this does not accomplish what we thought it would. Mr. Norris is opposed to ratification of this amendment and I am voting for it and I hope that this will spur the House to review section 19 of the rules so that if a member wants to pair his vote, it could be done and the votes counted just like a private citizen can have his absentee vote counted.

The SPEAKER: The Chair recognizes the gentleman from Augusta, Mr. Brown.

Mr. BROWN: Mr. Speaker and Ladies and Gentlemen of the House: I campaigned on this issue and I don't know whether the women elected me or the men

elected me. Anyway, I talked for half an hour this morning on the telephone to some young lady and don't believe she will vote for me again if she did the first time.

This morning I did go over our statutes and our constitution in an effort to maybe bring a little light to the history of the amendments to the Federal Constitution. And remember, that is what we are talking about this morning. It is an amendment to the Federal Constitution; it is not an amendment to our constitution.

Now those amendments which pertain to this subject in general we start off with a very famous one which is the Fourteenth Amendment and called frequently the due process amendment. I am not a constitutional lawyer so I can't tell you too much about it but I can give you some insight maybe. That was in 1868 and it was rejected by some eight states, I believe. Two or three others withdrew their approval. Two or three others subsequently ratified it after it had been approved by three-fourths of the states. Maine, I believe in that instance, was the eleventh state. In 1919, 1920, the Article 19, the right to vote, I will call your attention to the language of that particular amendment: "The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of sex. Congress shall have power to enforce the article by appropriate legislation." There is something familiar about the terminology to the current L.D. we are talking about this morning.

A more recent one, which does not add very much except it repeats the same language, is Article 29 in 1962, the right to vote that is for the President, Vice President, United States Senators and Congressmen, "shall not be denied or abridged by the United States or by any State by reason or failure to pay any poll tax," etc.

What we are talking about basically is equal protection under the law, equal rights for men and women as human beings. What we are talking about is law. These are the ground rules by which we live.

We are not really talking about social problems. We are not talking about economical problems or religious problems. These are the ground rules. These are the rules by which we live as human beings and what we are talking about is our Federal Constitution which we hold as uniform or provides a uniformity of law throughout the United States, throughout the fifty States, not just in Maine. In Maine we have done a great deal. This will help us in some instances but we have made much more progress than many other states. May I call to your attention some of the statutes in Maine that have been called to my attention as being affected by this law or this amendment. Many of them pertain to divorce, domestic relations, such things on the complaint of a wife; if her husband is able to support the wife and does not she can use this as grounds for divorce. Pending a divorce she is entitled to counsel fees and support under proper conditions. These are the things which go on. I think, thanks to the gentleman from Brunswick, Mr. McTeague that many things in this divorce law have been changed and equal rights already exist or are in a much better situation than what I am referring to here. Most of these things are relatively minor and we are still talking about the fact that everybody is entitled to a fair shake.

Not every woman wants to make a career outside of the home but every woman ought to have an opportunity to make up her own mind. I would like to call to your attention before I sit down an editorial in the Portland Press Herald of February 13, 1973, which I have changed a bit but the gist of it is the same. "A woman is not going to be made a lady or a tramp by constitutional amendment. Dignity, respect, common decency are not regulated by statutes. Human relationships are what humans make them. This isn't just another gimmick of Women's Lib. A constitutional amendment is serious business. Equality is a very simple state of

being equal. Either we believe in it as a nation or we don't. We support this amendment for the simple state of being equal. Either we believe in it as a nation or we don't. We support this amendment for the simplest of reasons. Women are human beings, they are citizens of this republic. All citizens of this republic are entitled to all the privileges and opportunities this nation affords."

I hope when you vote you will vote against the motion to indefinitely postpone.

The SPEAKER: The Chair recognizes the gentlewoman from Union, Mrs. McCormick.

Mrs. McCORMICK: Mr. Speaker and Ladies and Gentlemen of the House: This morning when I came in I really had no intentions of speaking on this. But after sitting here and listening both ways I guess I will put in my two cents worth.

I believe in equality of rights but section 2 where the Congress shall have the power to enforce by appropriate legislation I think is a little bit scary. Mr. Rolde stated that he felt he was an authority on girls where he had four, Mr. Briggs on boys where he has two. As most of you know I have seven, four girls and three boys. I would just like to state that the little saying of "sugar and spice" for girls and "snips and snails" for boys are built into both sexes. They don't eliminate in either way.

I believe it was Mr. Briggs who stated the small percentage of women doctors and this could apply to any profession; but if a woman wants these professions, she can work for them, she can accomplish them. Small percentages doesn't prove the point to me. If a woman wants a job and can do the job under the existing laws, she must be hired. We already have laws that protect her on this. As an example, last summer there was a woman who walked on to a construction job in the ski areas of this state, wanted a job as a carpenter. She didn't have any experience but she was of the makeup that she was as good as any other man on the job in build and they had to give her one. She proved that she could

do the job. She later left. I don't know whether she decided that now that she had gotten what she wanted she didn't want it any longer or not but to prove her point she wanted to be a carpenter and she was hired as a carpenter.

In talking with people on the street, in the supermarkets, at community gatherings, the majority of the women do not want equal rights. My phone rang last night constantly of people calling and saying please don't vote for equal rights. I assured them that I was not in favor of it.

I would just like to read one paragraph that came across our desks. It said "man is man and woman is woman, let's keep it that way with the differences necessary to do so. It is really a pretty good arrangement and if we try too hard to change it we might not like the monster we create." I would like to state here that I will definitely support the motion for indefinite postponement.

The SPEAKER: The Chair recognizes the gentle lady from Bath, Mrs. Goodwin.

Mrs. GOODWIN: Mr. Speaker and Members of the House: I am not going to try to rebut all the legal arguments. I am sure we have gone over them enough. I did want to set the record straight on one thing and that is the motions for rescission which have been filed in other states. To date three states have filed motions for rescission, Nebraska, Idaho and Kansas. On the 14th and 16th of February respectively, Kansas and Idaho defeated the rescission motions but I would like to answer the emotional argument with just one sentence and that is you do not have to deny my humanity in order to pay homage to my womanhood.

The Chair recognizes the gentleman from Presque Isle, Mr. Dunleavy.

Mr. DUNLEAVY: Mr. Speaker, Ladies and Gentlemen of the House: I have thought long and hard before deciding the stand that I am going to take on today's question. Even after making up my mind, which I have done, I have been debating with myself whether this matter was important enough and significant enough to me and

my people in Presque Isle and the people of our state for me to stand up in this House and speak to it and attempt to convince you to see things my way.

One by one, however, the questions which I regarded as more significant than the question which we face today struck me as only equally significant and many of the matters which I have drafted into bills now pale in importance next to the issue before us now.

I have heard it said that men are innately better equipped to handle the rigors of business life than our women. I have also heard it said that the reason for this is because men have wives to advise them. There is a school of thought which regards women as inferior to men. There is another which regards women as man's superior. Let's prove both schools wrong by making all of us, men and women, equal under the law.

I have represented as a lawyer many men and women in the courts of our state and under our present legal system. I can think of many instances where litigants, women and men, have been denied benefits or made to endure hardships simply because of their sex.

I do not speak in favor of the ERA as a foe of labor. I will match my labor credentials against any member of this House. I have several bills filed to assist employees at every level of employment. I speak in favor of the ERA because it is the right thing to do and I urge all of you to cast your vote in favor of social progress and to vote yes on this question.

Now, there has a lot been said about what the legal effect of this amendment would be. But look at the time and money we are wasting by not opening our eyes to the inevitable. Look at the enormous amount of judge, jury and court resources and energies that have been wasted on hundreds of court fights across the years over questions such as whether women have the right to practice law or medicine, serve on juries, enter into contracts, receive equal pay for equal work, go to college, patronize public places and own property. All of these questions

have been resolved in favor of women and surely all those which follow if we fail to vote yes today will also be decided in their favor. Let's take these cases off our court dockets before they get there. Let's take a stand on the side of what is right and fair. Let's take a stand on the side of social progress.

In these days when we worry about the cost of taxpayers of maintaining our courts and the delay in settling legal matters brought on by court congestion, we can no longer afford such wasteful and expensive litigation with the outcome of a foregone conclusion but only resolved after limitless expenditures of time, treasure and energy.

Most of you are parents and you have male children as well as female children. Some of you have children who are grown and on their own. Maybe your own heart has been scarred in some small way at least by the inequities which the laws in the present forms create for your grown sons and daughters.

Because there is a presumption in favor of women as custodians of children, perhaps your own son or some young man you love has been denied the society of his children. If a man gets custody of his children, why shouldn't his ex-wife be made to contribute to their support if she is working and capable of doing so.

Because women are second class employees in the labor market, perhaps your own daughter or some young woman whose welfare concerns you has been denied employment or income opportunities which you know she deserves. Why shouldn't women be given equal opportunities for education and employment if they desire and are capable.

For those of you who have children, male and female, who are not yet grown, I am sure that you love them all dearly and equally. So do I mine. You confer no special benefit on them or restrict your affection for them because they are male or female and neither do I. You raise them with the hopes in your heart and your soul that they will all enter adulthood

with an equal chance for health, safety and happiness and I do, too. But, if you vote no today, you will be denying them the very benefits which you by your time, patience, treasure and love hoped would be theirs. Here is your chance to make right these wrongs.

Don't you believe the silly fears which the opponents of this truly just legislation have raised to give you pause and doubt. This amendment does not seek to make men and women equal in the sense that they will be the same. The constitutional rights to privacy will prevent that. This amendment seeks to give all of men and women, equality before the law as we are now equal before God and I, for one, see nothing wrong with that.

I urge all of you to join me in a just cause and to vote to ratify what will surely be, regardless of our action here today, the 27th Amendment to the Constitution of our country and let history say that the 29th state to do the right, fair and just thing when called upon to do so was our beloved State of Maine.

Mr. Hoffses of Camden moved the previous question.

The SPEAKER: For the Chair to entertain a motion for the previous question, it must have the expressed desire of one third of the members present and voting. All those in favor of the Chair entertaining the motion for the previous question will vote yes; those opposed will vote no.

A vote of the House was taken.

The SPEAKER: Obviously less than one third of the members present having expressed a desire for the previous question, the previous question is not entertained.

The Chair recognizes the gentleman from Houlton, Mr. Haskell.

Mr. HASKELL: Mr. Speaker, Ladies and Gentlemen of the House: I am going to vote against the Equal Rights Amendment for a reason that hasn't been discussed in debate so far. I have no objections—in fact, I support the goals of the proponents of the amendment for equality of opportunity in all fields.

It has been mentioned in debate here today that there are two ways of doing this. One way is by the Equal Rights Amendment. The other way, which I consider more reasonable and more appropriate, is through the repeal of discriminatory legislation, if it exists; through amendment of existing legislation or through the introduction of new legislation which, of course, I believe is the wisest course in the long run.

A colleague from Augusta, Mr. Brown, very aptly pointed out that we are concerned here with an extremely important legal question and the thing that disturbs me is the effect of the amendment on the laws of our state as they have to do with child support and the responsibility of the male parent. If the amendment passes, both parents then, as I understand it, become equally responsible for the support of the children. Many of the costs that we now have in our state are associated with a tremendous load of welfare costs to dependent children.

An extremely difficult task now under existing legislation is to enforce the responsibility of the male parent in continuing to provide adequate support for children in divorce or separating situations and I can see that the passage of this amendment would only complicate this problem and in my view would add very substantially to the total welfare costs that the state would have to bear.

For this reason I am going to vote against the amendment because I know that there is an alternative route that can be followed if we have real problems in our state of discrimination because of sex. These problems can be met by appropriate legislation in the state and it is not necessary for us to complicate our existing legislation by the passage of this amendment.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: We have now debated this matter for about an hour and a half. I hope that we can perhaps pause for a moment and reflect

on the significance of what is before us. It deals with nothing less and nothing more than equality of rights under the law. Can anything be more fundamental than that?

Now this republic has existed for 200 years; and under our Constitution we have become the greatest nation on Earth. But we have had to improve to do it, and that is what amendments are for. What we need here today and everywhere is the continued faith in the viability and the vitality of this country and all its people, men and women alike, free and independent and equal under the law.

Now, the Equal Rights Amendment is a passive law. It makes no demands on anyone. Yet, in one grand move it wipes out any legal grounds in the public sector, not in the private and this is an important distinction, any discrimination on account of the sex of an individual. I am convinced the writers of the Constitution itself, wise and deliberately in all, would have done the same thing if it had occurred to them but that was not the time. Such matters were outside their knowledge and could have received no more consideration in those days than moonshots. Now is the time. This is the place and you are the people involved. Have no fear. Equality is not sameness. Women are not going to be made into men and men into women but under this law both will have the same chance if they choose to reach their potential in their own way.

The gentleman from Augusta, Mr. Brown, has brought in the fact that this is a matter of law and it is a matter of law. Maine law is very reasonable in these areas. Therefore, some people say we don't need any new laws. I say here is all the more reason to vote for the equal rights amendment here in Maine. Remember our motto: *Dirigo*. Let us not turn backward in time. Let us continue to lead. Let us keep Maine in the vanguard for human rights and equality.

Some of the most respected women, vital, strong women in this House have told me that they plan to vote against this measure. These women have always felt them-

selves to be the equal of any man here and believe me, they are; but the implication seems to be that if they vote for the ERA they are somehow admitting otherwise. Nothing could be further from the truth. We need more of you and the ERA will go a long way towards encouraging more women to reach out towards wider horizons.

I support ERA. One of the reasons is because of my over 32 years of deep affection and respect for my wife. My children, all in their 20's and through school are strong supporters of this measure and these are the generations of the future and we have got to look to them for leadership.

I urge you to vote for progress, for equality for men and women for this Equal Rights Amendment. Have faith in the future of Maine and the United States of America. Just as sure as you vote against ERA, people will think that deep down in your heart you really don't quite believe that all of us, men and women, are equal. I believe we are and so do you. Let's affirm it here and now, one and for all. Support the Equal Rights Amendment and vote against the measure to indefinitely postpone.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Connolly.

Mr. CONNOLLY: Mr. Speaker, Members of the House: The debate over this amendment has been sobering to many of us. It has forced us to take the time to reflect on the most basic relationship of the human race, that between men and women. It has been a healthy and refreshing experience for too often we take these basics for granted.

However, in the process of doing all this pondering and reflecting and deliberating over basic issues, I think some of us may have missed the point of the Equal Rights Amendment. The E.R.A. does not say that men and women shall stop getting married or that men will stop fathering and women stop mothering children. It does not address itself to who should do the cooking and who should change the diapers and who should run the jackhammer. It doesn't talk about who should wear dresses

and who should wear pants. All of that should be saved for some other time and some other place. The Equal Rights Amendment talks about whether men and women should be treated as equals before the law.

Now many of us cannot quite see what the fuss is all about and what is so unequal about the law now except that women are given a break by not having to be drafted and by receiving alimony. By and large, that is right. In our experience we have not seen very drastic discrimination against women in the law. But we have to remember that we are fortunate enough to live in the State of Maine. Maine has always been in the forefront of the great moral issues; Slavery, capital punishment, ecology, even prohibition in its day. Maine women from Harriet Beecher Stowe to Margaret Chase Smith have been national leaders on many of these issues.

Of course, if we look closely at our own laws, there are instances of serious discrimination against women. But what we are really talking about here are states where women cannot own property or sign contracts without the consent of their husbands regardless who is breadwinner; where even if a married woman is working, every cent of her paycheck belongs to her husband by law, where women are sent to jail for much longer sentences than men for the same crime; where husbands are allowed to shoot their wives who have affairs; where women who are separated from their husbands are only allowed to vote from their husbands' address.

Many of these states had Jim Crow laws in effect only 10 years ago. Black people were not allowed into the same restaurants as whites. They had to sit in the balcony of movies and in the back of buses. It took federal legislation to get rid of the Jim Crow laws and it will take federal legislation, the Equal Rights Amendment, to get rid of the oppressive laws against women.

Many people have asked why we need the E.R.A. when we have the 14th Amendment which says, "no

state shall deprive any person of equal protection of the laws. It should especially interest those of you who are working on a constitutional amendment to extend those rights to human fetuses that the Supreme Court has consistently ruled that women do not qualify as persons under the 14th Amendment. Wouldn't it be ironic if we failed to pass the Equal Rights Amendment but went on to pass the anti-abortion amendment, thereby defining fetuses as people but not their mothers.

Another complaint is that the ERA is meant to be an instant solution to a complex problem. First, since it has been introduced into Congress every term for the past 50 years, it is hardly instant and neither is it the solution to the problems of women in America. All it does is provide for equality before the law. If women want to change their cultural and traditional roles in this society, they will need to do a lot more than pass the ERA.

Finally, we must deal with the issue of protective legislation. I am very proud of the American labor movement. Labor has struggled for many years at a great price in terms of sweat and blood, in terms of human lives lost and the misery of long strikes to gain a measure of dignity for working men and women. The victory of protective legislation helped to free working women from the sweat shops of the garment industry and this is a contribution we must never forget. However, times do change and today we are faced with a very different situation. Today only a fraction of working men and women are organized into unions and the ones who are not are largely working in clerical and retail sales jobs. Very different from the situation 40 or 50 years ago. Today there are occupational health and safety standards which apply to all workers. Today there are minimum wage laws and overtime provisions which apply to all workers. Today a lot of the sheer muscle has gone out of jobs due, in part, to automation. No one is talking about making women go out and run jackhammers. Most of the men here today are no more able

to run jackhammers than women and no one has made you do it. What we are talking about is judging people on their ability rather than their sex.

Finally, I would like to touch on a fear that I think many of you have. Equality before the law does not forbid differences in people. This is a fundamental principle to American democracy. This is why Mother Justice wears a blindfold. Poor people are different from rich people but the law must treat them as equals. Farmers are different from fishermen but they must be treated equally before the law. I have a beard, none of you do, but justice must treat us as equals. And so with men and women. Let us be different. Let us be treated equally in the halls of justice.

The SPEAKER: The Chair recognizes the gentle lady from Guilford, Mrs. White.

Mrs. WHITE: Mr. Speaker and Members of the House: Like Representative Dunleavy, I have given this matter a great deal of thought. I have—it is not easy to come up with a decision and I have read and listened, talked and prodded and conned. I have written about four speeches none of which I am going to give, you can be thankful. I am just going to quote a description of a category into which I fit describing a statement by an Illinois representative and I quote: "There is a third category consisting of those who favor some and oppose other changes in the law dealing with the status of women and prefer to approach the matter on the basis of each individual case as it comes along. Many in this group favor equal rights for women in most instances but are opposed to the Equal Rights Amendment. They recognize the great change that has occurred in the last fifty years and especially the last twenty-five years and realize that laws must be changed to eliminate what was once considered acceptable but now is considered discriminatory."

And, ladies and gentlemen, I very much believe in change. I think we have to embrace change. I am just concerned in the method of change. I continue to quote: "They favor the Civil Rights Act

of 1964 and the Equal Employment Laws which prohibit an employer from discriminating in hiring and promoting on the basis of sex alone. They do not necessarily favor laws which would require the drafting of women on an equal basis with men and feel that there is justification for some protective legislation for women employees as well as the preference accorded women in divorce laws concerning the custody of minor children.

If there are discriminatory laws on the books, they favor the repeal or amendment of these laws and if public sentiment is such that women should be drafted, they see no reason why the Congress should not amend the draft law to include them. They fail to comprehend why we still have what the proponents of the amendment term discriminatory laws when the overwhelming majority of the House of Representatives and Senate voted for the Equal Rights Amendment for the purpose of eliminating these laws. And they ask the question, 'Why haven't the 354 representatives and 84 senators who voted for the Equal Rights Amendment sponsored legislation to eliminate the alleged discriminatory laws at the federal level?'

Those who come within the third category take the pragmatic position that as the status of women changes, legislation should be enacted recognizing that change, but they do not favor adoption of the Equal Rights Amendment as a means of forcing legislative change which is not agreeable to the majority of the people." End of quote and I would add that I have never been in contact with so many of my constituents as I have on this measure and I have found an overwhelming number of people against this amendment.

I cannot feel justified in voting for it though I will say that it is a difficult situation to be in.

The SPEAKER: The Chair recognizes the gentleman from Chelsea, Mr. Shaw.

Mr. SHAW: Mr. Speaker, Ladies and Gentlemen of the House: I have received more calls and mail on this particular bill than any

others since I have been in the legislature. This is my fourth term. And one letter I thought was very interesting. I would like to read it to you. It says, "As a teenager I am writing to ask you to please vote no on the Equal Rights Amendment coming up soon. I am a 16-year-old girl and the thought of being drafted has very little appeal for me. I like being a girl and I feel that the proponents of this bill would make me something less. I feel like I can be whatever I want without the benefit of a constitutional amendment.

Again, I urge you as my representative to vote no. Thank you."

That seemed to be the sentiment of 95 percent of the mail that I got.

The SPEAKER: The Chair recognizes the gentleman from Eagle Lake, Mr. Martin.

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I am sure none of you will believe but I was not planning to speak on the issue and I am not going to say that. I do want to comment on the remark made by the gentleman from Chelsea, Mr. Shaw. In reference to the young girl who didn't want to be drafted, I think it applies not only to females who don't want to be drafted but I think males feel the same way about it and I think we ought to endeavor in this society and government today to make sure that we don't have wars that anyone has to be drafted regardless of sex. That ought to be our number one concern, not as to which one is going but hopefully that neither will go.

I don't think I have received a single piece of correspondence from my legislative district on this particular issue. I have received it from everywhere else; from California, the John Birch Society; from Illinois, the Illinois Legislators against ERA.

I think that the lobbying effort on both sides has been rather severe and I think in part has changed views from one way to the other without people intending to do that. I would like to just make a couple of comments today

that I am sure aren't going to change the opinion of anyone but I do want to make them to keep, I think, the record straight. First of all, I heard comments last night that some people were going to vote against ERA because it was part and parcel of Women's Liberation Movement and I can assure you as far as I am concerned that is not why I am in favor of that Equal Rights Amendment today.

I don't believe that the rights of anyone, whether they be extremists or otherwise ought to be considered as a sole reason for voting for or against a single issue but when I think about extremists and whether they be Women's Liberation Movement individuals or not, I go back to 1964 because in part we had the same type of an approach in the Civil Rights Movement. You may remember in 1964 the people who were very, very adamant carried the battles into the streets of this country because they felt that the problems were not being taken care of. The arguments against the Civil Rights Act of 1964, in part, were the same reasons why some people oppose ERA today.

Secondly, I have been for some time concerned about some of the opposition that came from some of the people from the Maine State Federated Labor Council opposing E.R.A. It came first as a surprise and secondly, I guess, as a disappointment because I guess I am going to be recorded as having voted against labor today and this will mark the first time — some of you will say hooray — that I, in five legislative sessions, will be recorded against any single vote that the labor movement has had in this State.

And third, I think I am voting for this legislation because I believe in part what Maine does today and what Maine has done over the years is going to be important. I agree with the gentleman from Farmington in reference to Maine's leadership. It is not a new opportunity for us. I would just like to take a couple of people from Maine, just to show you what effect they have had on

the National Government and what it means to us.

I ask you to recall section 1 of the Fourteenth Amendment to the United States Constitution which reads, as you know:

"No state shall make or enforce any law which shall abridge the privileges or immunities as citizens of the United States, nor shall any State deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction, the equal protection of the laws." This particular section of the United States Constitution does not guarantee people equality but it does guarantee them equal treatment. You may be interested to know that the author of this particular section was a Portland native and a United States Senator from Maine, William Pitt Fessenden.

The Fourteenth Amendment passed Congress only because of its second section, interestingly enough, the one which allocated representation in Congress for various States, which made the first section acceptable to all parts of the country. That section was drafted by someone else from the State of Maine, the Honorable James G. Blaine, then a Congressman from this State. And so more than one hundred years ago two Maine people had a great deal to do with the writing of the Fourteenth Amendment to the United States Constitution. Interestingly enough, in 1954, another United States Senator got involved in another issue which many of us agreed with. And that of course is when Senator Smith rose to the floor of the Senate denouncing the tactics of Senator Joseph McCarthy. In so doing, Senator Smith began a series of events which eventually brought the downfall of Senator McCarthy. And so I think Maine's involvement in national affairs is most important. I do not think it is unfair for us to say that we have done a great deal in helping draft sections of the United States Constitution.

In closing, I would just like to quote what another United States Senator from Maine said a couple of years ago in the Congressional

Record and it goes like this: "If we are to make our union more perfect, we must eliminate all obstacles to equal opportunity. If we are to establish justice, we must eradicate all injustices that deny men their dignity and human worth. If we are to insure domestic tranquility, we must put an end to those practices which drive men into the streets in search of their rights. If we are to provide for the common defense, we must make all Americans proud to serve their country. If we are to promote the general welfare, we must make it possible for all Americans to gain the education and training necessary for them to find and obtain jobs utilizing their full potential.

And, finally, if we are to secure the blessings of liberty to ourselves and our posterity, we must take steps to guarantee the equality of all Americans, regardless of race, creed, or color."

And so I think today that we have an opportunity to add sex to those words and I believe that that is the step that we ought to take, and so I would ask you to vote against the motion of indefinite postponement.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Cottrell.

Mr. COTTRELL: Mr. Speaker and Members of the House: I am going to take one minute. To me, the most important thing in our government is our Constitution and probably the next most important thing is adding an amendment to it. I have had difficulties with this, but I have made up my mind and I am going to vote for this amendment because I trust the Senate of the United States of America. Historically the Senate is known in history as the greatest governmental body in world history, deliberative, and responsible.

Over 60 percent of the United States Senate are lawyers and some of them are constitutional lawyers. At the Judiciary Committee of the United States Senate has held long hearings on this and they have come up with a vote of 15 to 1 that this amendment ought to be accepted. And the preponderant vote in the House

also, 84 to 8 of the Senate of the United States is a hard thing to combat.

The SPEAKER: The Chair recognizes the gentleman from Hampden, Mr. Farnham.

Mr. FARNHAM: Mr. Speaker and Ladies and Gentlemen of the House: As a member of the State Government Committee who heard through long hours of testimony both sides of this question, who were swamped with literature from both sides of this question, and as one who signed the majority "ought to pass" report, I stand here today urging each and every one of you to vote for this amendment.

Now I realize that as the motion has been made for indefinite postponement, if we wish to vote for the amendment we must vote nay.

While I was sitting here listening to all of this, a couple of lines of poetry came through my mind that I must have read forty years ago when I was in college. I don't know who wrote them but they were considered to be the ugliest lines ever written in poetry. I am not just exactly sure how it went but it was something like this: "Irks care the cropful bird, doubts fret the maw-crammed beast." I think our problem here today is this problem of doubt, doubt as to what will happen if this passes and ladies and gentlemen, if we vote no today we just postpone the inevitable, for this is a subject whose hour has come.

And then thinking again back to some lines somewhere in the Bible, I can't tell you where and I can't quote them verbatim, but they go something like this, though I speak with the tongues of men and angels and have not — and you can substitute faith, hope, or charity — I am but a sounding brass or a tinkling cymbal. Today the word we need is faith, faith in the future of our country, faith in womankind and trust in womankind. All of us or most of us have spent most of our lives living with a wonderful woman. Probably why we are here today is because of her guiding hand and that of our mothers and I think it would be a slap in the

face not only to our mothers but to our wives and daughters to oppose this amendment. I hope, sincerely hope, that you will vote no on the motion to indefinitely postpone.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

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

The SPEAKER: The pending question is on the motion of the gentlewoman from Lewiston, Mrs. Berube, that this Report and Resolution be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Ault, Baker, Berry, G. W.; Berry, P. P.; Berube, Binnette, Birt, Bither, Bragdon, Brawn, Bunker, Cameron, Carey, Carrier, Carter, Conley, Cote, Cressey, Dam, Davis, Deshaies, Donaghy, Dudley, Dunn, Dyar, Evans, Farley, Farrington, Fec-teau, Finemore, Flynn, Fraser, Good, Haskell, Henley, Hoffses, Hunter, Immonen, Kelleher, Kelley, Lawry, Lewis, E.; Littlefield, Lynch, Maddox, McCormick, McNally, Merrill, Morin, L.; Murchison, Parks, Pratt, Rollins, Ross, Shaw, Shute, Silverman, Simpson, L. E.; Snowe, Sproul, Stillings, Theriault, Trask, Trumbull, Tyndale, White, Willard, Wood, M. E.

NAY — Albert, Boudreau, Briggs, Brown, Bustin, Chick, Chonko, Churchill, Clark, Connolly, Cooney, Cottrell, Crommett, Curran, Curtis, T. S., Jr.; Dow, Frigotas, Dunleavy, Emery, D. F.; Barnham, Ferris, Gahagan, Garsoe, Gauthier, Genest, Goodwin, H.; Goodwin, K.; Greenlaw, Hamblen, Hancock, Herrick, Hobbins, Huber, Jackson, Jacques, Jalbert, Kelley, R. P.; Keyte, Kilroy, Knight, LaCharite, LaPointe, LeBlanc, Lewis, J.; MacLeod, Ma-

hany, Martin, Maxwell, McHenry, McKernan, McMahon, McTeague, Mills, Morin, V.; Morton, Mulkern, Murray, Najarian, O'Brien, Palmer, Perkins, Peterson, Pontbriand, Ricker, Rolde, Santoro, Sheltra, Smith, D. M.; Smith, S.; Soulas, Susi, Talbot, Tanguay, Tierney, Webber, Wheeler, Whit-zell, Mr. Speaker.

ABSENT — Barnes, Faucher, Hodgdon, Norris, Walker.

Yes, 68; No, 78; Absent, 4.

The SPEAKER: Sixty-eight having voted in the affirmative and seventy-eight in the negative, with four being absent, the motion does not prevail.

The Chair recognizes the gentleman from South China, Mr. Farrington.

Mr. FARRINGTON: Mr. Speaker and Ladies and Gentlemen of the House: At this stage of the game I realize that whatever I might say would not gain ten votes, however, I did want to express my sentiments briefly.

My several sessions in the House I have never had so many correspondence so many telephone calls as I have had from my constituents in opposition to the ratification of this Constitutional amendment. Basically, I think the second section that abdicates the power of States rights to the federal government and allowing the Congress to make all rules and regulations relative to the control of the sexes is the basic issue. As I said, I don't think that I will be able to change ten votes in the House.

These for instance are some of the letters that I received just this morning from a group, the American Legion Auxiliary in Maine and they are from all over the State, I dare say most every section that you legislators represent. I hope that we might reconsider our last action. I am not in order to reconsider.

The SPEAKER: The pending question is on the motion of the gentleman from Orono, Mr. Curtis, that the House accept the Majority "Ought to be adopted" Report.

Thereupon, Mr. Shaw of Chelsea requested a vote on the motion.

The SPEAKER: The Chair recognizes the gentleman from Norway, Mr. Henley.

Mr. HENLEY: Mr. Speaker and Members of the House: I remained silent through, and it was quite an effort, through all of this debate. Of course the only effect the debate has had on me is to make me feel sad that we are doing something, as I stated before, to take away rather than to give. I am with various friends here that have mentioned it, and the big word that I am afraid of is in Section 2 of this amendment which is the word "enforce". As I have stated before, this section says, "The Congress shall have the power to enforce by appropriate legislation the provisions of this article." Now what does this mean, ladies and gentlemen? It means that whatever happens after this becomes a part of the constitution, the 27th Amendment, whatever happens that women or men might want to do that gain public recognition that they might want to do by themselves, somebody of the opposite sex is going to object to. They are going to call on this very same section of this article.

They are going to say Congress is empowered to enforce. I want Congress to enforce my rights to invade whatever it is the opposite sex may be wanting to do.

Believe me, that isn't a dreamed up imagination; it has been done. The State's laws regarding, as you will, the color division, prior to its being broken down by the Supreme Court, the State's laws said, "equal though separate." What happened? The Congress enforced that this "equal though separate" institutions could not prevail, that they had to integrate.

We all know what happened. We know what is happening now in the bus controversy. The right to this sort of a decision in the communities on busing has been abrogated, has been taken away by the federal government. They aren't doing it here yet, but we hear every day about families that have to send their children by bus 30, 40, 50 miles out of their community to some other area to forcefully integrate schools. Is that sensible, ladies and gentlemen? No, it is ridiculous.

It has been said that the women want rights to some of the choice jobs. I noticed in the news today that Congresswoman Shirley Chisholm gave a talk over at the University of Maine. Did she have her rights taken away? She has held one of the highest jobs in the country for a good many years in spite of her situation. Our own Margaret Chase Smith is probably unparalleled in her climb to the top.

And to revert back a moment, Shirley Chisholm, I believe, was the only woman in the history of the United States nominated for the presidency. So is our laws keeping women down? One would think, to hear the proponents of this bill, that all you have got to do is to pass this and immediately women would be elected to boards of directors of banks, insurance companies, industries; they would be made managers of these same industries just because of the amendment. Believe me, it is what is inside the person, whether it is man or woman, where they are going in this world.

Doctors, lawyers, and insurance executives have stated that there weren't many of them. Is this going to make more of them? There is no law that says a woman cannot be a lawyer and practice anywhere in the country if she passes the bar exam.

Once more I am just going to state that this word "enforce" in Section 2 is the most dangerous word in the whole thing because, again, by the adopting of this amendment any possible future protection of sex by its being sex, men or women, is out. It is much easier to put an amendment on there than it is to take it off.

Mr. Goodwin of South Berwick requested a roll call vote.

The SPEAKER: The pending question is on the motion of the gentleman from Orono, Mr. Curtis, that the House accept the Majority "Ought to be adopted" Report. A roll call has been requested. For the Chair to order a roll call vote it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

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

The SPEAKER: The pending question is on the motion of the gentleman from Orono, Mr. Curtis, that the House accept the Majority "Ought to be adopted" Report on Joint Resolution relative to Ratification of Equal Rights Amendment, House Paper 139, L. D. 161. All those in favor of that motion will vote yes; those opposed will vote no.

### ROLL CALL

YEA—Albert, Boudreau, Briggs, Brown, Bustin, Chick, Chonko, Churchill, Clark, Connolly, Cooney, Cottrell, Crommett, Curran, Curtis, T. S., Jr.; Dow, Drigotas, Dunleavy, Emery, D. F.; Farley, Farnham, Faucher, Ferris, Gahagan, Garsoe, Genest, Goodwin, H.; Goodwin, K.; Greenlaw, Hamblen, Hancock, Herrick, Hobbins, Huber, Jackson, Jacques, Jalbert, Kelley, R. P.; Keyte, Kilroy, Knight, LaCharite, LaPointe, LeBlanc, Lewis, J.; MacLeod, Mahany, Martin, Maxwell, McHenry, McKernan, McMahon, McNally, McTeague, Morin, V.; Morton, Mulhern, Murray, Najarian, O'Brien, Palmer, Perkins, Peterson, Pontbriand, Ricker, Rolde, Santoro, Smith, D. M.; Smith, S.; Soulas, Susi, Talbot, Tanguay, Tierney, Walker, Webber, Wheeler, Whitzell, Mr. Speaker.

NAY — Ault, Baker, Berry, G. W.; Berry, P. P.; Berube, Binnette, Birt, Bither, Bragdon, Brawn, Bunker, Cameron, Carey, Carrier, Carter, Conley, Cote, Cressey, Dam, Davis, Deshaies, Donaghy, Dunn, Dyar, Evans, Farrington, Fecteau, Finemore, Flynn, Fraser, Gauthier, Good, Haskell, Henley, Hoffses, Hunter, Immonen, Kelleher, Kelley, Lawry, Lewis, E.; Littlefield, Lynch, Maddox, McCormick, McNally, Merrill, Mills, Morin, L.; Murchison, Parks, Pratt, Rollins, Shaw, Sheltra, Shute, Silverman, Simp-

son, L. E.; Snowe, Sproul, Stillings, Theriault, Trask, Trumbull, Tyndale, White, Willard, Wood, M. E.

ABSENT — Barnes, Dudley, Hodgdon, Norris, Ross.

Yes, 78; No, 68; Absent, 5.

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

The Chair recognizes the gentleman from Waterville, Mr. Carey.

Mr. CAREY: Mr. Speaker, I hope that we reconsider our action and hope you vote against me.

The SPEAKER: The gentleman from Waterville, Mr. Carey, moves the House reconsider its action whereby it accepted the Majority "Ought to be adopted" Report. All in favor of reconsideration will say yes; those opposed will say no.

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

Sent to the Senate.

Mr. Simpson of Standish was granted unanimous consent to address the House.

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: Quite a few minutes ago we learned of a birthday of a very distinguished person, the Clerk of the House, and I am sure that we all wish her the best, but I would like to have it known right here and now that she also has been recognized by the other body of this legislature and I would like to have the Sergeant-at-Arms please come forth and we would like to present her a bouquet of flowers which has been presented to her by the Senate.

Thereupon, the Sergeant-at-Arms presented the bouquet of flowers to Mrs. Lincoln. (Prolonged applause, the members rising)

On motion by Mr. Birt of East Millinocket,

Adjourned until nine o'clock tomorrow morning.