

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

1st Special Session

OF THE

*One Hundred and Sixth
Legislature*

OF THE

STATE OF MAINE

1974

Kennebec Journal
Augusta, Maine

HOUSE

Thursday, January 17, 1974

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

Prayer by the Rev. Dr. John W. McKelvey of New Harbor.

The journal of yesterday was read and approved.

Papers from the Senate

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

Order Out of Order

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

ORDERED, that Donna Frey and Katie Greene of Auburn be appointed Honorary Pages for today.

Reports of Committee Ought to Pass

Committee on Appropriations and Financial Affairs on Bill "An Act Creating a Third Assistant County Attorney for Androscoggin County." (S. P. 760) (L. D. 2191) Emergency — reporting "Ought to pass"

Report of same Committee reporting same on Resolve Providing Funds to Settle an American Arbitration Association Award and for Extra Costs in Constructing a Fish Trap on the Union River (S. P. 784) (L. D. 2264) Emergency.

Came from the Senate with the Reports read and accepted and the Bill and Resolve passed to be engrossed.

In the House, the Reports were read and accepted in concurrence, the Bill and Resolve read once and tomorrow assigned for second reading.

House Report of Committee Divided Report

Later Today Assigned

Majority Report of the Committee on State Government on Joint Resolution to Ratify The Equal Rights Amendment to the Federal Constitution. (H. P. 1802) (L. D. 2282) reporting "Ought to be Adopted"

Report was signed by the following members:

Mr. SPEERS of Kennebec
— of the Senate.

Mrs. GOODWIN of Bath
Mrs. NAJARIAN of Portland
Messrs. CURTIS of Orono
FARNHAM of Hampden
COONEY of Sabattus
CROMMETT of Millinocket
GAHAGAN of Caribou
BUSTIN of Augusta

— of the House.

Minority Report of the same Committee on same Joint Resolution reporting "Ought not to be adopted"

Report was signed by the following members:

Messrs. WYMAN of Washington
CLIFFORD of Androscoggin
— of the Senate.

Messrs. SILVERMAN of Calais
STILLINGS of Berwick
— of the House.

Report was read.

(On motion of Mr. Simpson of Standish, tabled pending acceptance of either Report and later today assigned.)

Mr. Ross of Bath was granted unanimous consent to address the House.

Mr. ROSS: Mr. Speaker, as I understand it, on a question such as this, which has been tabled until later in today's session, since it is a constitutional amendment and a resolution, it is adopted or not adopted in this House and does not have two or three several readings. So we will have one crack at it today, is that correct.

The SPEAKER: The gentleman is correct. The Chair thanks the gentleman.

Consent Calendar First Day

(H. P. 1674) (L. D. 2067) Bill "An Act Increasing Borrowing Capacity of Ashland Water and Sewer District" Emergency — Committee on Public Utilities reporting "Ought to pass" as amended by Committee Amendment "A" (H-639)

(H. P. 1676) (L. D. 2069) Bill "An Act to Increase Borrowing Capacity of the Fort Fairfield Utilities District" Emergency — Committee on Public Utilities reporting "Ought to pass" as amended by Committee Amendment "A" (H-640)

(H. P. 1677) (L. D. 2070) Bill "An Act Extending the Territorial Limits of Kennebec, Kennebunkport and Wells

Water District to Include all of the Town of Wells" — Committee on Public Utilities reporting "Ought to pass"

(S. P. 803) (L. D. 2297) Bill "An Act Relating to Use of Name of the State by Nonprofit Corporations" — Committee on Legal Affairs reporting "Ought to pass"

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

Consent Calendar Second Day

(S. P. 741) (L. D. 2153) Bill "An Act to Authorize County Commissioners of Oxford County to use 1974 Federal Revenue Sharing Funds for Hangar Facility at Oxford County Regional Airport"

On the request of Mr. Immonen of West Paris, was removed from the Consent Calendar.

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

(S. P. 709) (L. D. 2121) Resolution Proposing an Amendment to the Constitution to Eliminate the Three-Month Voting Residence Requirement Following a Change of Residence Within the State (C. "A" S-310)

(S. P. 732) (L. D. 2144) Bill "An Act Relating to Equitable Relief after Period of Redemption in Real Estate Sales or Liens"

(S. P. 766) (L. D. 2197) Bill "An Act to Establish Guidelines for Release of Accused Persons Pending Trial" (C. "A" S-311)

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

Passed to Be Engrossed

Bill "An Act to Provide Emergency Medical Training for Ambulance and Rescue Personnel" (H. P. 1660) (L. D. 2053) (C. "A" H-635)

Bill "An Act to Authorize County Commissioners of Oxford County to Use 1974 Federal Revenue Sharing Funds to Support Oxford County Extension Service" (S. P. 743) (L. D. 2155)

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

Passed to Be Enacted Emergency Measure

An Act Appropriating Funds to Carry out Duties of the Director of Legislative Research (S. P. 728) (L. D. 2140)

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. 112 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act Increasing Mileage Allowance for State Employees on State Business (H. P. 1683) (L. D. 2076) (C. "A" H-626)

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. 115 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Enactor Reconsidered

An Act to Authorize Maine Maritime Academy to Grant Honorary Degrees (H. P. 1693) (L. D. 2086)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

The SPEAKER: The Chair recognizes the gentleman from Stonington, Mr. Greenlaw.

Mr. GREENLAW: Mr. Speaker and Members of the House: The Academy's graduation this year is the 27th of April and they wish to use this bill to grant honorary degrees. In order to do this, I would like to put an emergency amendment on this, so I have to go through some parliamentary maneuvers to back it up, if I may.

On motion of Mr. Greenlaw of Stonington, under suspension of the rules, the House reconsidered its action of January 11 whereby the Bill was passed to be engrossed.

The same gentleman offered House

Amendment "A" and moved its adoption.

House Amendment "A" (H-642) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended in non-concurrence and sent up for concurrence.

Passed to Be Enacted

An Act Relating to the Collection and Disposal of Solid Wastes by the Lincoln County Commissioners (H. P. 1743) (L. D. 2202)

An Act to Establish a Vocational Training and Sheltered Workshop at Camp Waban in Sanford (H. P. 1799) (L. D. 2279)

Finally Passed

Resolve Providing Funds for Cerebral Palsy Centers (S. P. 706) (L. D. 2118)

Resolve to Reimburse Lauren Sturtevant of South Paris for Damage to Property by Escapee from Boys Training Center (H. P. 1699) (L. D. 2092)

Resolve to Reimburse Ansel Fowler Sr., of Costigan for Loss of Beehives (H. P. 1708) (L. D. 2101)

Resolve to Reimburse Mr. and Mrs. Ernest Glidden of Gardiner for Property Damages Caused by State Wards (H. P. 1772) (L. D. 2244)

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

Orders of the Day

Mr. Greenlaw of Stonington presented the following Joint Resolution and moved its adoption:

WHEREAS, creatures of the continental shelf are protected by international agreement from foreign fisheries; and

WHEREAS, survival of the North American lobster from overfishing by foreign fleets is considered dependent upon such classification; and

WHEREAS, the Maine Congressional Delegation have unified their energies for passage of legislation which declares lobster a creature of the shelf among other important measures; and

WHEREAS, this is a significant development for United States fisheries and one which will prevent further depletion of the resources by unorganized, nonconservation-oriented,

foreign fishermen; now, therefore, be it

RESOLVED: That we, the Members of the One Hundred and Sixth Legislature of the State of Maine now in Special Legislative Session, commend each member of the Senate and House of Representatives from this State in the Congress of the United States for their outstanding efforts in achieving passage of the lobster as a creature of the shelf bill and for their continued support for other measures of significance which have the net effect of revitalizing not only the lobster fishery, but all fisheries which offer both food and employment to Maine fishermen; and be it further

RESOLVED: That duly authenticated copies of this resolution be immediately transmitted by the Secretary of State to:

The Honorable Edmund S. Muskie,

The Honorable William D. Hathaway,

The Honorable Peter N. Kyros, and

The Honorable William S. Cohen, in token of our gratitude. (H. P. 1876)

(On motion of Mr. Talbot of Portland, tabled pending adoption and tomorrow assigned.)

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

Bill "An Act Increasing Salaries of Various County Officers" (H. P. 1732) (L. D. 2176)

Tabled — January 16, by Mrs. Boudreau of Portland.

Pending — Passage to be engrossed.

Thereupon, on motion of Mr. Churchill of Orland, the Bill was passed to be engrossed.

The SPEAKER: The Chair recognizes the gentleman from Gardiner, Mr. Whitzell.

Mr. WHITZELL: Mr. Speaker, I would like to have the Clerk hold the item. The reason for that is that there are several things still. I have prepared another amendment for it, and I am sorry you didn't recognize me, but you were looking down at the time. I was going to interject as the gentleman was finishing. Since there was a vote taken on this bill and I was not on the prevailing side, I was hoping that somebody would ask for reconsideration.

By unanimous consent, all matters acted upon in concurrence and all matters requiring Senate concurrence were

ordered sent forthwith to the Senate.

The Chair laid before the House the following matter:

Report of the Committee on State Government on Joint Resolution to Ratify the Equal Rights Amendment to the Federal Constitution (H. P. 1802) (L. D. 2282) which was tabled earlier in the day and later today assigned pending acceptance of the Committee 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 another momentous occasion in the history of the federal system of our government, in which we have the rare opportunity to ratify the Twenty-seventh Amendment to the United States Constitution.

After decades of consideration, Congress voted favorably about two years ago to propose the Equal Rights Amendment. The vote in the U.S. House of Representatives was 354 to 23 and the vote in the Senate was 84 to 8. The entire Maine delegation supported the proposal, which has also been endorsed by every President since Dwight David Eisenhower.

This past Monday, the State Government Committee held a four-hour public hearing on the Equal Rights Amendment. Last year we held an even longer public hearing. In the tradition of the Maine Legislature and free speech, we listened to everyone who had facts or opinions, including those from out of state as well as our own Maine citizens.

For the second time, a majority of your State Government Committee recommended ratification. Nine of our members have signed the report which recommends ratification and four opposed ratification.

The Amendment itself is a simple statement of equality. If ratified, it would add the following language to our United States Constitution: 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 says the Congress shall have the power to enforce, by appropriate legislation, the provisions of this article. The third and final section provides that the Amendment shall take effect two

years after the date of ratification.

So far, thirty states have ratified. After eight more have ratified, then the Amendment shall become part of the Constitution.

The purpose and effect of the Equal Rights Amendment is to make all people equal under the laws so that governments in this country would not be able to utilize sex as a discriminating factor when no rational reason exists for the legal differences. Federal and state laws which would be affected 2 years after ratification by the 38 states would include those establishing different rules for ownership and transfer of property, federal social security benefits, different penalties for violation of criminal laws and a variety of other illogical legal distinctions. Reasonable laws, based upon physical differences in sex, such as the rape statutes, would continue to be effective and would provide protection.

Although popularly considered as an amendment designed to benefit women, the word "woman" is not mentioned in the Amendment. In fact, the Equal Rights Amendment would provide benefits to men also. Statutes discriminating against men, such as alimony and child custody laws in some states, would be unconstitutional if the Amendment is ratified.

As we decide how to vote this morning, it is very important that we consider the real issues, equality of rights under the law, and not get confused by irrelevant issues.

There are two specific areas in which the effects of the Equal Rights Amendment are frequently misunderstood. I would like to mention those briefly.

First, the Equal Rights Amendment will not require integration of public toilet facilities. The Supreme Court of the United States has unequivocally stated that individuals in the United States have a right of privacy of their persons and, consequently, toilets are one area in which "separate but equal" public facilities would continue to be the law of the land.

Secondly, many people are interested in the effects on the draft. Now, of course, the present administration in Washington has abolished the draft. But, in the event that our country were in danger in the future and the draft were

to be reinstated, it would apply equally to men and women. That means, of course, that exemptions for parenthood would be equally available to women as well as men.

Opponents of the Equal Rights Amendment would like to have us take that description one step further and make us believe that women would be forced to serve in the front lines in any future war. Such, of course, would not be the case. Women drafted to serve their country in need would be assigned to positions where they are most needed when this country would be at war and where they would be most effective, just as men are now. Perhaps a graphic analogy can be made to the recent newscasts and reports from the Middle East where women are required to serve in the Israeli Armed Forces. We did not see any women in the tanks or in the front lines there because they were assigned to other positions.

Finally, if the United States ever is in dire danger and foreign attack is imminent and the draft were necessary, I for one am absolutely confident that the women of this country will be as equally willing to help defend our freedoms as the men.

Mr. Speaker, Ladies and Gentlemen, let us take positive action so that all our people are equal in the eyes of the law. I move for the adoption of the majority report and ratification by Maine of the Equal Rights Amendment.

The SPEAKER: The gentleman from Orono, Mr. Curtis, moves the acceptance of the Majority "Ought to be adopted" Report.

The Chair recognizes the gentleman from Berwick, Mr. Stillings.

Mr. STILLINGS: Mr. Speaker, Ladies and Gentlemen of the House: As one of the four members of the State Government Committee who signed the "ought not to be adopted" report, I would like to suggest that contrary to Representative Curtis' views, the Equal Rights Amendment is more than just a simple statement of equality. I am not opposed to equality for anyone. I am opposed to section two of that Amendment which states that Congress shall have the power to enforce by appropriate legislation the provisions of this article. The Supreme Court of the United States has ruled in

the case of *Katzenbach v. Morgan* that if a constitutional amendment contains a clause giving Congress the power to enforce by appropriate legislation, then Congress can pre-empt the field and the states lose jurisdiction to legislate on that subject. This is because Article XI of the Constitution says that the Constitution of the United States is the supreme law of the land.

This same clause appears in the Equal Rights Amendment that would give Congress the power to enforce by appropriate legislation, and this simply means that Congress will be able to swallow up the rights of state's presently held primary authority in almost everything that involves the rights of women. These areas that are now regulated by the states and will be transferred from the states to the federal government include marriage law, marriage property rights, divorce, alimony, child custody, dower rights, inheritance rights, insurance rates, protective labor legislation, prison regulations and all other laws involving different treatment for women.

When the men who wrote our great Constitution in 1787 were deliberating over its content, they were very concerned with the position of the states in the federal system, so concerned that in Article V they said that no state without its consent shall be deprived of equal suffrage in the Senate. Then when the Bill of Rights was being considered, 12 Articles were proposed in 1789 and 10 were adopted in 1791.

Article X, the Bill of Rights said that powers not delegated to the United States by this Constitution nor prohibited to the states are reserved to the states or to the people.

Mr. Speaker, Ladies and Gentlemen of the House, I had not intended to speak on this issue this morning. My position is well known and was well known the last time and I didn't speak last time. Perhaps because the position of members of the State Government Committee are known in advance because they are required to commit it in advance means that we perhaps get more mail and a little more pressure than other members.

I received a letter yesterday which has prompted me to speak this morning. The letter came from the president of a state-

wide women's organization and it includes this, and I quote: "I would urge you to reconsider your past vote, to lay aside side issues of ERA and to vote with integrity on the real issue, equality."

I don't believe that this is a question of one's integrity on the issue of equality, but a question of the integrity of our states in the federal system. I think every member of this legislative body has at one time or another suggested that we have continually abdicated responsibility belonging to the states to the federal government. This, in my view, gives more authority to the federal government, and I would urge that you vote against adoption.

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

Mrs. BERRY: Mr. Speaker and Members of the House: This Amendment to the Constitution is not necessary to give women or anybody else the rights they mistakenly believe and are being told it will give them. It will be destructive to the American family life and culture.

I want to particularly mention the draft, and women will be drafted. We have been told this morning that women will not be in combat. Apparently the proponents of the bill want equality to go just so far and then no more. Equality will not stop at the edge of the foxhole. They will be in there, the women will, fighting, and they will be included in the statistics, the dead, the disabled, and prisoners of war and those missing. I would particularly like to ask the men this morning, is this what you want for your daughters and many of you for your granddaughters, and ask even those of you who might have daughters in the future? I don't believe it; I can't believe it.

We should also be concerned about other items, the husband's responsibility to support his family, elimination of preferential social security benefits that women now enjoy, the jeopardizing of the present lower life insurance rates for women and the nullifying of many other laws which do protect women.

The second part has been spoken of giving the power to the federal government, and this does deserve special attention because of the effect it will have in putting the citizens one step closer to

the Washington control of their lives. If we desire any kind of legislation, we can easily adopt it at the state legislature directed at points of concern and this would be of an advantage because at the state level it can be enacted immediately with emergency legislation and need not be delayed for years as this Amendment will be. State legislatures get directly to the problems, and they know what they are doing and would have no undesirable side effects.

We have heard that Congress passed this amendment. Our citizens have been told this. Congress did not, by giving this Amendment to the states for rejection or ratification, they did not endorse ERA. In effect, they merely left the decision up to the states and indicated their willingness to abide by the will of the people.

The advocates state that great weight should be placed upon the vote of the Congress to send it to the states, and therefore the legislators should speedily ratify and jump on the constitutional bandwagon following the lead of Congress. When Congress sent this Amendment to the states, it was with the expectation that each state would give this Amendment serious consideration and be representative of the judgment of each state legislature, therefore, also their constituents.

We who are opposing the proposed amendment to the United States Constitution support equal rights for women and anybody else, but we oppose this amendment as unnecessary, undesirable and the results which will be destructive.

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

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: I also oppose the ratification of this Amendment and the acceptance of the majority report.

The Constitution of the United States is one of the greatest governing documents of all times. It must never be taken lightly nor treated in a casual manner. It should not be cluttered up with superfluous wording, redundant provisions or vague phraseology. This is exactly what this Amendment would do. Even the United States Congress could not specifically decide it.

Our Constitution guarantees protection for unenfranchised and minority.

groups. In this modern era, women perse fit into neither of these categories. We have already built into this document constitutional weapons to insure fairness for all of the people.

Perhaps some legislators have received more letters for this bill than against it. The majority of these are probably from persons who do not understand the ramifications. They are motivated only by the enticing phrase "Equal Rights." Their sincerity is certainly not questioned. However, no individual on either side of the question knows exactly how this nonspecific suggestion would eventually be interpreted by Congress or the Supreme Court.

We should first understand the end results and full impact of such an amendment and not be swayed by a vocal group of dedicated but unenlightened feminists. For a cause which is thought to be very important and worthy, it is very easy to get carried away by the exuberance of one's own verbosity. It is up to us to remember that sober prudence is a greater virtue than careless enthusiasm. I, for one, would heartily endorse equality for the ladies, but before we tinker with the wording in our Constitution, we should know exactly what it means.

Tempted by political expediency, Congress passed this on to the states without knowing its exact aims and purposes. They only realized that if it were ratified they would still be in the game. They saw to it that they would lay down the ground rules, with no advice from the various states. They buried this implication in Section 2, hoping that no one would read beyond the words "equal rights."

The original bill contained an amendment which provided that it could never be construed to impair the rights already promulgated by other legislation. This wording was surreptitiously stricken from the document. The entire subject has become undefined and undefined liberation phenomena.

In line with ERA, we saw a fine tradition broken in our own House of Representatives last session. Since time immemorial, when a person has addressed this legislative body, he prefaced his remarks with the words, "Mr. Speaker, Ladies and Gentlemen of the

House." Last year, several members started out with the words "Mr. Speaker and Persons or People of the House." What a nondescript definition! This is instant unisex propounded by those who want no delineation as to gender. If I am old fashioned, so be it. However, in my opinion, this is not progressive language usage. I believe it only shows a certain lack of respect when applied across the board to a large and diverse group of individuals.

The proponents of ERA wish to make such symbolic equality a constitutional mandate. The basic fallacy in this approach lies in the lack of understanding of any diverse human relationships. Everything would become a simple abstraction.

A neutral society as to sex, which would take away all basic legal protections, would accomplish nothing but add to the woes of the majority of women. It is still not possible to forget the real functional differences between a man and woman. But for this, life could not continue to exist. In my opinion, any person who disregards this fact, under the guise of equal rights shows a complete lack of understanding and rationality.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I debated with myself as to whether I should say anything today. I believe I expressed myself unequivocally during our last debate as being in favor of the Equal Rights Amendment for Women, and I was wondering what, if anything, I could add to today's discussion.

As one of the Houses's leading resident experts on little girls, being the father of four of them, as you all know, I could perhaps report on their progress toward womanhood, but that progress hasn't been too extensive, since it has merely been less than a year since I last spoke to you. About the only thing I can say in this regard is that despite this talk about equal rights for women — which some people acquaint with the defeminization of the fairer sex—we have made some progress in getting our oldest daughter to wear blue jeans less and dresses more often.

But I did want to report to you the results of my curiosity as to what was said

in this body on a similar occasion, approximately 55 years ago, when the Maine Legislature debated the constitutional amendment for women's suffrage. I delved into these records because I wanted to put today's events, which seem so immediate and unique to us, into a broader perspective. And one aspect of the perspective, in light of what the gentleman from Bath just said, is that in those days members of this body addressed each other as Mr. Speaker and Gentlemen of the House.

There were those in 1919 who argued against women's suffrage by saying that women didn't want the vote and perhaps many didn't. There were those who argued against tampering with the Constitution and those who argued that state's rights were being violated. There were those who predicted dire effects upon home life. One honorable gentleman declared, and I quote, "If they do vote with a relativity equal to man, they will either vote in accord with their male environment or in discord. If in discord, heaven avert the day! for the ties of the domestic unit are already tightened enough and the home is inviting additional strain."

This same gentleman also predicted unfortunate effects upon the political process. "My friends," he said, "you are begetting a new type of male politician in our cities; he might be dubbed the dance hall diplomat!"

After the dire predictions an eloquent plea that closed the case for the opponents of women's suffrage went like this: "And in days like these when the very air is charged with strife, when we behold the turmoil and the chaos that is worldwide, where nothing seems certain but uncertainty and the truest truth is doubt, shall we by our solemn act add one more and one more great factor to that seething maelstrom of unrest in our own great state?" These, too, are familiar sounding words, or at least they express a familiar sounding thought.

Finally, the most startling feeling that a person has while delving into these dusty records, while re-reading those long dead words of protest and passion and listening to them in the light of today's knowledge of how more than fifty years of women's suffrage has worked out is absolute wonderment that such a

fuss could have been made over something so simple and so harmless and so correct as giving women the right to vote. And turning from the past and looking to the future, I can see some perplexed soul fifty years hence reading the dry dust of the words we utter today and wondering why there could have been such prolonged resistance to something as simple and harmless and correct as a statement in law of equal rights for women.

Mr. Garsoe of Cumberland presented the following Order and moved its passage:

ORDERED, that Kathy Lauritzen and Dede Haggerty of Cumberland be appointed Honorary Pages for today.

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

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. O'Brien.

Mr. O'BRIEN: Mr. Speaker and Members of the House: I would like to present just a small fact and try to separate some of the emotions that will probably get into this debate before it is over. I have heard mentioned at least twice on the floor of this House that we were quite concerned or they were quite concerned about the language in Section 2 of this Amendment. That language said that the Congress shall have the power to enforce, by appropriate legislation, the provisions of this article. I would like to call your attention to the fact that after the Thirteenth Amendment this exact same language is used; after the Fourteenth Amendment this exact same language is used; after the Fifteenth Amendment the exact same language is used; after the Nineteenth Amendment the exact same language is used; after the Twenty-fourth Amendment the exact same language is used; and after the Twenty-sixth the exact same language is used.

The point I am trying to make, when you try to present the fear that we are taking our power from the state and transferring it to Washington, it is a groundless fear. Any legislation dealing with the rights of people and the civil rights of people will always have this language, it is an order for the Congress

to present and protect the rights of these people.

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

Mr. DUDLEY: Mr. Speaker, Ladies and Gentlemen of the House: I stand before you this morning and try to represent a group of people in northern Penobscot County that are very emphatically against this to the extent of at least 10 to 1, by virtue of the people that I talk with, by my mail, and for what I call very good reasons. I am not going to give you the whole of them; there will be plenty of other speakers, I know, today. I just don't want you to be intimidated by what other states have done, whether it was 33 or 49, this wouldn't interest me a bit, in the least. I do know that some of these states that have ratified it, if they could reconsider they would vote different than they did before. Unfortunately, once you vote for this you can't reconsider as easily as we have now. In less than a year we have reconsidered and vote again. But once you vote for it, you cannot reconsider. So these other states are not as fortunate as we are.

There are many many problems that will be taken up by others, but I want to say anything that these women want — and I can stand here and truthfully tell you that I have never denied them legislation in this House on the statutes. Whether they have asked for fair treatment in labor laws or whether it has been other things, I have been one that has supported what women wanted in this House by legislation. And if they want something today, the women of this state, and within the reasons of the majority of the women of this state, I still would support it on our documents in the State of Maine as a law.

As you know we can rescind laws that we put on the books if they don't work out. Once this is passed there is no more turning back; you never turn back. If what they want on the statutes, we try and give it to them here, and if it don't work out we can reconsider it. I would even go for a state-wide referendum to see what they want. If they want this by state referendum, I might even consider that, but I don't think the women in this state are that naive that they would vote for something like this. I am sure they

would vote against it, and then I suppose there are those that are politically minded that haven't been out amongst the people and really know. They meet a few agitators or the people that are for this, they are quite active, but, believe me, the people that don't want this task are the people that are minding their own business, home taking care of a family and trying to live family style — man and woman to raise a family.

I am sure that if you are politically minded and would like to get reelected again, you will want to support the people that sent you here. And if you take the time to inquire of your district, you would find that they are pretty much in agreement that this should not pass.

Remember — I only want to leave you — I am not going to talk long because I know there are too many that want to say something. I want to leave you with just two thoughts. One, if there is anything they want we can do it by legislation here or even by a state referendum here and then we can rescind it; the people of the State of Maine can rescind it. In other words, if they vote in the state for something, even another referendum statewide can change it, or if they put it on the statutes we can change it. But once this is passed there is no turning back, and I don't want to give the federal government, I don't want to delegate any more power to the federal government in any field, not only in this field, but in any other field. I am not one who would stand here and delegate any more authority to the United States Government or the Congress of the United States. In some instances, for my view, they have acted very irresponsible, and still do. And I am not satisfied even with some of the decisions of the United States Court either, and I wouldn't want to delegate any more power to them either. I think that Maine is a state, we should have our own laws on the statute that we can rescind or we can put it on for referendum or we can take it off. Once this is passed, the thought I want to leave with you is there is no turning back.

The SPEAKER: The Chair recognizes the gentlewoman from Machias, Mrs. Kelley.

Mrs. KELLEY: Mr. Speaker, Members of the House: I rise to oppose the

motion to accept the "ought to pass" report on the ERA Amendment. I am against the ERA as a member of the DAR, House and also a member of the DAR, who strongly oppose this Amendment.

I have been told that the members of the DAR are still living back from 1775, but I don't agree. As a woman, I think we are doing fine as we are. We don't need ERA.

When the vote is taken, I would request the yeas and nays.

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

Mr. CAREY: Mr. Speaker and Members of the House: The gentleman from Enfield, Mr. Dudley, mentioned polling the people in your district. I have been doing that for the past two weeks. We have had adequate press and radio coverage. I have made the secretary in my office available to these people so that they could call their Mayor's Office in Waterville to express their sentiments. I have committed myself — you know that I have voted against this thing in the past — I have committed myself to voting the way the poll came out, and I would announce to you today that out of some 10,000 voters in Waterville, some 18,000 people, there are less than 150 that took an active part in it. There were 84 yes's and 68 no's. Because of that, I will be swapping my vote from no to yes. If the women want to lose their protective shield, then that will have to be the case.

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

Mrs. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: The Equal Rights Amendment will, after nearly 200 years of legally sanctioned discrimination, bring to the last segment of our society, namely women, equal protection under the law and will guarantee that she cannot be deprived of life, liberty, or property without due process.

It has been said that we are already adequately protected under the Fifth and Fourteenth Amendments to the United States Constitution. This is not true. The Supreme Court has not declared sex to be a "suspect" classification as is race. There would have been no need for the Women's Suffrage Amendment had women been rec-

ognized as "persons" under the Fourteenth Amendment.

Women must now prove why discrimination is unreasonable before a court of law; with the ERA, the government would have to prove, as it must in matters of racial discrimination, why such discrimination is necessary. In other words, the ERA would shift the burden of proof.

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 merely says that sex must not be a factor in determining the legal rights of men or women. It says that the law must deal with the individual attributes of a particular person and not with the stereotypes of over-classification based on sex.

It does not apply to social customs and will not directly affect private relationships between men and women; nor will it affect any statute based on a unique physical characteristic of one sex.

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 attempts to restrict or deny equal opportunity to either men or women. It will forbid separation of the sexes by law except where it is shown to be necessary because of an overriding and compelling public interest.

It has been argued that ERA is an attempt to downgrade the traditional role of wife and mother. The ERA will instead uphold a women's place in society and recognize for the first time the real worth of a homemaker.

Also, it has been a basic principle of the American judicial system that the courts have refused to interfere with an ongoing marriage. ERA will not change that. No woman will be forced out of the home and into the labor market. Nor will ERA deprive any woman of enforceable rights of support or in any way weaken a father's obligation to support his family.

Ladies and Gentlemen of the House, as a woman, I am asking for nothing more and nothing less than my legal rights as a free citizen of the United States, and I am prepared to accept whatever

responsibilities might come with those rights.

I am asking you to look for a moment beyond my sex and recognize my humanity. I am asking you to allow me the dignity of being a "person" before the law. I am asking you to uphold the principles upon which this nation was founded — Equality and Justice For All.

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

Mrs. CLARK: Mr. Speaker, Ladies and Gentlemen of the House: One matter that bears on our legislative vote on the ERA today, a very significant matter, has received little or no attention. Let me present it to you now and urge your consideration of it. It is a matter that involves the economy of Maine, its potential for growth in the future, its ability to provide jobs and good wages. You who are concerned about business affairs in our State of Maine should not, I believe, neglect this issue.

It is the younger generation of current as well as potential employers and employees, men and women of 18 to 40 or so, who will be the main force behind economic growth and development in this state. The industries we need in Maine are nonpolluting, high wage paying, high product value industries that are based on very modern, advanced technology and product design, producers of scientific instruments and manufacturing controls, of fine-crafted and well-designed furniture, of pilot equipment for energy conversions from wood, from the tidal current of the sea, and from the wind — these will serve as examples of what I mean.

The technically trained people who are the executives and researchers in such industries are the young, not the old. And the workers they will need for their companies are today's young citizens of Maine who are talented, educated, energetic, adaptable, and ambitious, too many of whom each year leave the state, I say to you, are the resources that will develop this state, and develop it in ways compatible with the values we cherish in Maine, based on equality? Young people say yes.

Now it so happens, like it or not, that it is this younger generation of people which supports ERA with the most en-

thusiasm. Young people find equality between the sexes the natural state of affairs. ERA is more to them than an explicit constitutional amendment. It stands as a symbol of commitment. It stands as a symbol of belief that neither men nor women should be arbitrarily discriminated against by the laws of a state or nation.

These young people upon whom Maine's economic development so heavily depends will, of course, look for many things in deciding where they wish to live and to work as employers and employees, where they will locate their enterprises: good transportation, adequate supplies of energy at reasonable cost, good schooling for their children, research facilities, colleges, universities, available recreational facilities. They will also want to live and work in a community that is committed to non-discrimination of any arbitrary kind, whether the basis is color of skin, religious view, or whether one is male or female — in other words, equality of opportunity and responsibility.

If any one of you here today plans to vote against the Equal Rights Amendment on the grounds that it isn't needed, that in Maine's current development in the laws are moving towards equality of rights, let me remind you that these developments are far from the ideal and ask you to please reconsider.

Do we do wrong to reassert our commitment to nondiscrimination? Will we not, by approving this constitutional amendment, symbolize for young executives, young technicians, all workers, men and women alike, that Maine is the place for them to live and work? Will we not thereby be strengthening, however little or greatly, the economic development of Maine? I think we will be approving and voting yes on the pending notion.

If you are one, like many in this chamber I suspect, who have been pushed to the point of indifference by conflicting arguments, I urge you now to commit yourself on economic grounds to support the ERA.

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

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: First, I would

like to thank the gentleman from Portland, Mr. O'Brien, for calling our attention to the fact that Section 2 of the Equal Rights Amendment, which reads, "The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article," is common language and six of the amendments to our great United States Constitution.

The world won't really be any different after the Equal Rights Amendment has passed, just as it was after the Emancipation Proclamation, and after suffrage was granted to black males and then to all women. But we will all be able to walk a little taller because we will know that we live in a country that guarantees equality under the law to every American.

The SPEAKER: The Chair recognizes the gentleman from Biddeford, Mr. Sheltra.

Mr. SHELTRA: Mr. Speaker, Ladies and Gentlemen of the House: I am getting up today because one of my fellow Representatives here posed an interesting question to me in reference to polls that are taken.

Actually, before getting into that matter, however, I would like to say that I think you are all aware of the fact that the trend in government today has been, in a way, from Congress to the state, to the home rule level. This, to me, is the trend and a tendency that has been established. Consequently, the proponents, for instance, of this bill will readily admit that we are not voting on this bill for the sake of the State of Maine, that presumably we are voting for this bill because of states like Alabama. Well, I am sure for certain that if I were a legislator in the State of Alabama, I certainly wouldn't want a legislator or persons from the State of Maine telling me how to run my affairs. I am sure that conversely this would be true.

Getting back to — I wasn't going to get up and speak this morning, but getting back to my reason, our polls are very deceptive. I would like to pose a question to my very good friend, Spike Carey from Waterville, relative to the polls he received, and you know full well what a small vote actually or poll that he got, but I would like to pose this question. How many polled that were for this vote,

how many of them were presumably from Colby College?

The SPEAKER: The gentleman from Biddeford, Mr. Sheltra, poses a question through the Chair to the gentleman from Waterville, Mr. Carey. He may answer if he wishes. The Chair recognizes that gentleman.

Mr. CAREY: Mr. Speaker, the gentleman from Biddeford makes a good point. We took down the names of those people that were voting so that we would not get an undue influence from the students up at Colby. Out of the 84 who voted for the poll, there were 57 of them who were directly related to the staff at Colby College, which is an extremely liberal school.

The SPEAKER: The Chair recognizes the gentleman from Eastport, Mr. Mills.

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: We have had it mentioned here what the act of Congress is and what the action is in other states that have ratified this amendment. The fact of the matter is, it will be the same as it was in prohibition. Congress passed the Prohibition Act and the states ratified it. And then it took years, and years, and years for the repeal of prohibition. If we ratify this here this morning, the ERA amendment, we will be in the same position, and many of us will not be here if there is ever an attempt by the House or any part of the Legislature to repeal this thing.

I was one of those that asked for this to be delayed in the opening of the session. I now have the polling figures back, and it is running 40 to 2 in my district against this amendment. As an individual I care not which way it goes. As a representative of my people I will be obliged to vote no.

The SPEAKER: The Chair interrupts the debate for a moment to note at the rear of the Hall the 1973-74 Maine Potato Queen, Miss Anne Marie Dubay of Fort Fairfield is the daughter of Mr. and Mrs. Alcide Dubay. She attends the University of Maine at Orono. Would the gentleman from Easton, Mr. Mahany, kindly escort Miss Dubay to the rostrum.

Thereupon, Miss Ann Marie Dubay was escorted to the rostrum by Mr. Mahany of Easton, amid the applause of the House, the members rising.

The SPEAKER: We welcome you to the legislature and would be pleased to hear you if you have a few words to say, Miss Dubay.

Miss ANNE MARIE DUBAY: Thank you, Mr. Speaker. Mr. Speaker, Mr. Mahany, Ladies and Gentlemen of the House of Representatives: Please accept my very sincere thanks for the privilege of addressing you briefly today. As a representative of one of Maine's most important industries, I have had an opportunity to realize the great potential women are able to offer to the agricultural industries. The opportunities open to women today are very numerous. They offer excitement and responsibility. By just browsing through magazines one may notice articles about women as important chemists in big industrial companies, and bankers, diplomats, engineers, executives, and even women as potential ministers. Every field is opening up to women in the 70's.

I sincerely congratulate you for your exquisite vision and foresight toward the betterment and welfare of Maine's people. Thank you.

Thereupon, Miss Dubay was escorted from the rostrum by Mr. Mahany of Eastport. (Applause)

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker and Members of the House: I listened very attentively to the remarks of my dear and good friend from Enfield, Mr. Dudley, and I can guarantee one thing, that he knows how to cover his territory. And he will be the first one to dissertate on that subject.

I was particularly intrigued with the remarks of another particularly good friend of mine, the gentleman from Bath, Mr. Ross. Now, I have heard over the many years the gentleman from Bath, Mr. Ross, read over 200 speeches. He is one of the few people that can really write a speech and also can really read it. But this morning he excelled himself. And nobody can tell me that somewhere under that Christmas tree was not a fresh, unabridged Webster's. Because if you will read some of his past speeches, and if you will read tomorrow the proof, I think you will go along with

me. Also, I am thoroughly convinced looking at him this morning he looks a little peaked, he looks a little-tired. And I think he spent — either he went without his pabulum this morning or he spent quite a little time on this bauble he read to us this morning.

What really got me on my feet was what I have said on the floor of this House for years. And many people were surprised when I declared myself for ERA. As a matter of fact, I was written a letter, there was a letter written to the editor three years ago which couldn't understand my feelings on one subject, yet the fact that I was against ERA, when it hadn't even reached us. But today, what I have been saying right along, the women are far superior to men, and women are far the better go-getters than men was proven just five minutes ago. Now, I know that I will speak as a real good man. He is a good father. But nobody need tell me that the Dubay girl should have made the first move. That was proof enough that ERA is good enough for me.

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

Mr. COTTRELL: Mr. Speaker and Members of the House: I didn't speak on this matter last year, but the second appearance of this in the 106th has brought second thoughts to me. And the reason I am speaking now is perhaps for the benefit of my colleagues with whom I have discussed this and for my constituents. After deliberation, under the conditions, I have gone full circle and gone back to my original position, which is supporting this amendment. History brings to mind the names of Lucretia Mott March, Elizabeth Cady Stanton, who in the 19th century fought hard and long and successfully to get women's rights, even go getting them the privilege of speaking from a public platform.

In Statuary Hall in our United States Capitol there is a statue of Esther Hobart Morris. Each state has had the privilege of putting two statues in Statuary Hall. Mrs. Morris came from Wyoming. Wyoming was the first state, in 1890, to give women the right to vote. So, history has convinced me that this amendment is eventually going to pass.

And in this chance, which could be my last, I would like to go on record as favoring this.

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

Mr. CAREY: Mr. Speaker, I was just called out to call my office. The poll is still going on. The no's have it. So I am no longer a yes; I am currently a no.

The SPEAKER: The Chair recognizes the gentleman from Livermore Falls, Mr. Lynch.

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: We have had several people say we should ignore Section 2, which gives to the Congress the power to enforce by appropriate legislation the provisions of this Article. Now, this is the section that disturbs me; and this is the section which I find that I cannot support in the constitutional amendment.

We have had many people, proponents of this bill, speak and tell you what it will not do. None of them had training in law. And if they had training in law I don't think they can tell you what this amendment will not do. If you are cognizant of what has been going on in this country in recent years, you know that much of the law in this nation is not made by the Congress; it is being made by the Courts and very liberally slanted in their opinions in recent years. And I am afraid the adoption of this constitutional amendment will create more trouble than it will solve.

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

Mr. MULKERN: Mr. Speaker, Ladies and Gentlemen of the House: There is no single issue that has come before this House during my short term as a legislator that I have spent more time thinking about, discussing, debating and researching than the Equal Rights Amendment, and I believe that this is as it should be. The United States Constitution is the foundation stone of our American Government, and should in no way be altered without the greatest possible degree of consideration. Today, before us we have a proposed constitutional amendment which I personally believe the State of Maine should vigorously support.

I quote the Yale Law Journal, which I believe to be an objective, authoritative source on this amendment. The basic premise of the proposed amendment in its original form is a simple one. As stated by Prof. Thomas Emerson, the original text is based on the fundamental proposition that sex should not be a factor in determining the legal rights of women or of men.

I spoke the last time on this amendment, and I think my remarks are a matter of record, so I am not going to go into many of the remarks that I made before about the rights of housewives being violated. I think that women themselves can make up their own minds on these things.

However, I am going to put myself in a difficult position of disagreeing with our distinguished orator in residence who sits a couple of seats over from me, Mr. Ross. I listened very closely to his remarks. And I feel one point he made concerning putting various amendments onto the Constitution, that we must somehow know fully the ramifications of what we are putting into the Constitution is erroneous. I have studied a little bit of history myself. I am acquainted somewhat with the history of the Constitution, and I know that very often that constitutional amendments have been passed without knowing the full ramifications, the full effects that would take place. The history of women's suffrage, I believe, is a prime example of this. Now, if I am misinterpreting Mr. Ross' remarks I wish he would counter. But I believe I understood him correctly.

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

Mr. CARRIER: Mr. Speaker and Members of the House: Due to uncontrollable things that happened this morning I lost my notes. And I can assure you that I have in front of me just what I said last year as a reminder. And I could also say to you that I could talk to you without any notes right off the cuff if the situation was right and this was a private meeting.

However, I wish to say to you that I am against the proposed ERA amendment. And I speak for myself and I also speak for most of the women in Westbrook, excluding 4 of them got over me and tried

to convince me otherwise. However, first, I do not intend to make a long dissertation of the moral philosophy involved here. But I do intend to talk about some of the legal points which apparently nobody speaks about. It seems to be more of getting involved in an emotional riptide as to how this beautiful amendment will solve everything. But nobody ever questions, except one of the last speakers just what this will not do, and what it will do to affect you. It seems to me that this is very important. If you go anywhere or do anything, even if you take a new job you want to know what are the benefits of that job if you do take it. And I think this is a very important subject, and I think I would like to say a few words about it.

Now, this L. D. 2282 could legally be called a first-rate amendment. Now, I said that in the last session; I say it again. And I truly believe this whole thing would disrupt our legal system of society. I truly believe this, and they cannot say any different. Because if this passes I will be one of the ones to make sure that everything is really enforced and written in the law.

I have nothing to lose. I think that this for the men population, I think this is all in their favor. I have read this morning a few articles in the Portland paper which really, of course, that paper over there, naturally, favors the ERA. You have a lot of publications on ERA in favor of this and very little against it. There is one section in there that says that — it is written by an individual — it is written that this particular woman wants to be able to have credit, to be able to have mortgage money to buy her home and everything else. I am not against that. As a matter of fact, I am all in favor of it as long as they don't put me on as a co-signer or make it by law that I am obliged to take care of them. If that is what they want; let them have it; let them pay for it. Let the institution that is supposed to lend or will lend; let them qualify and let them fight if they refuse.

Somebody seems to believe that this is everything; that they can go to the bank, they will get a mortgage, they will get all kinds of credit and never be refused it by law. Anyone that wants that, anybody that lends credit has the right to refuse if somebody is unemployed. And I will tell

you this, that if they say that this will not force a woman in to the labor market, it will force them in to the labor market. If I decide that I don't want to work anymore, I am not going to work any more; and she will have to support me. I can guarantee you that, either her or my friend, one of the two.

We can go on forever on this ridiculous amendment. But I want to touch very lightly on some of the tactics that have been used in trying to promote such a foolish, ridiculous amendment. I want to call your attention — and I got here late, it might have been mentioned before, what happened up in there with the Senator that was just elected up at Oxford County I guess. I don't know. Maybe it isn't. But anyway, what happened? What kind of tactics have been used here? When you have to resort to tactics of labeling somebody in connection with the communist party I think it is awfully bad, I'll tell you that. This is not the type of people that I would like to represent at any time, whether I vote for this or not.

Now we can go on and say — they talk about property rights. Maybe not here, but it has been mentioned, property rights. Well, what is the difference? A lot of women today have their property in their name. I put the property in my name. You ask any lawyer up here, ask him in whose name the property is that they own. Is it in their name or their wife's name? And I can assure you that you will find out that for many good reasons that this is done, already done. And it seems to be all a matter of money, what will happen, or in case of divorce or anything else, what will happen? Well, what will happen is the fact that it will happen; you get what you get when you started and not what somebody else has worked for for years for you.

I want to call to the attention of some of you people — I think that you receive periodically a list of the jobs available in the State Department. Well, I received one a couple of weeks ago and I meant to bring it here but I didn't. And it involves, if I recall right, a job of a warden; qualification, Warden I. I don't know I from IV. But it is I. And in there it says underneath there -- and this is good for the woman that thinks that she is being discriminated against — in there it says

under height; it says in there under height for women is five feet, four. I don't know. I think it is five feet anyway. That is what it is. The minimum five feet. The maximum six feet. So then you come to men and they say five feet, four to six feet, five. Six foot, five or whatever it is. So anyway, this is what? They say you are being discriminated against. Do you think for a moment if this thing is passed that we are going to put up with this stuff? I'm not I can tell you that. They want equal rights? They will have equal rights. I'm telling you that.

And you get into the seating of the House here. You get into the system of sitting in the House. We always cater through our fine generosity. We always catered to the woman; the ladies come and take the seats that they want. Do you think that this is going on again or, that it will go on again? Under the law you won't be able to do this. You say this is trivial matters? It is not trivial matters. These are the facts of life. And when you come down to the facts of life, a lot of them are going to find out that most of them, that plenty of them have much more to lose than they have to gain on this thing.

I heard the word sex. Well, I think if I was a young fellow, 17 or 18, I — you know — this would be great. But I think that everything that is mentioned by some of these women libbers is the fact that it is sex, based on sex. Well, I am going to tell you that great countries have failed because of sex. So all in all, you know, it is really not a laughing matter. It is just quaint, quaint that we are putting here.

Somebody mentioned the Harvard Law Review. There is the Harvard Law Review for those of you that haven't read it. There are about 200 or 300 pages on this Equal Rights Amendment. You can take the part that you want. You can take the part of it that Mr. Mulhern mentioned that is in favor of the ERA, or you can take the other part that is not in favor of the ERA. There is the Harvard Law Review, and there is the one that I like. Probably it shares my ideas more than others. But on the other hand, these law reviews are not — you can pay as much attention to it as you want to — as much as was an article in last Friday's paper here supporting the ERA, written

by a student from the law school. I have nothing against the students or anything like that. Under the direction of who? Of some outsider that comes here in a year's time or two or three years' time, and they are going to tell us how lousy this state is, what changes we should make along this line and other lines of state government.

I am convinced that the laws here — I think that this document in itself is a fraud. Give it enough time and it will kill itself. And if the Supreme Court ever comes in and does what it says, that the people that have ratified it, that the states that have now ratified it can now do away with it, then they are in real trouble. They are in trouble right now. Let them try getting here next April that they want to get so badly. But if they do, if they do, I will live, and I might even live better than I do now.

So I submit to you, ladies and gentlemen, that this is not in the best interests of the women of Maine. It is not in the best interests of the younger generation who have been exposed by going around and giving buttons "Vote for the ERA" in school and who have been used for different things in the newspapers to promote such a foolish amendment.

Everybody is entitled to their conviction. Many quotes from the Harvard Law Review says that the proposed amendment attempts to impose a single standard of sameness for both male and female. I don't see how this is possible, and I don't see who wants this. I can visualize who wants it. A few months ago, or last year when we had this, who promoted this? This organization NOW. N-O-W, NOW. You can put whatever connotation you want to that phrase. But last February there was an article in the paper, an article which made the headlines in the local newspapers, that such an outfit, such an outfit approved lesbianism. Now, if you are going to base something on something, and you are going to vote for something, you should at least try to see who is behind it and what their line of thinking is. I don't say that all of them are that way; far from it. But I do say that it does require consideration.

The SPEAKER: The Chair recognizes the gentleman from Bethel, Mr. Willard.

Mr. WILLARD: Mr. Speaker, Ladies

and Gentlemen of the House: This will be very short, because this has been rather long-winded. But I notice that it was the Potato Queen that came down the aisle rather than a Potato King. If it had been the Potato King he wouldn't have gotten nearly the reception that the Potato Queen got and our Honorable Speaker wouldn't have looked near so pleased. Perhaps the Clerk would have received the kiss.

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

Mr. DONAGHY: Mr. Speaker, Ladies and Gentlemen of the House: I, too, will keep this very brief. But I do speak from a very unique position, if Mr. B. B. Brown will allow me to say this. I had the unique experience of having been the inspector of the Women's Bureau of the United States Department of Labor. I have worked in the Women's Bureau, in the garment district of Boston sweat shops, right up through to the Homework Projects, back in the old days, up in the St. John River Valley. And I know something of the problems of labor and women. I know something about the laws of the United States. I am against this ERA bill. Back as a Representative, I wanted to find out how my people felt. Although in the regular session they were well aware of what I had done. And so I hadn't heard anything this time. So I can't get back and make a poll the same as Mr. Carey in City Hall. So I advertised in three local papers, three weekly papers, and asked for information and feed-back. As of this date I have had nothing at all. Because I feel sure one of the main reasons is these people up there know how I feel and they are satisfied.

Secondly, this morning I did have one letter come in from a rather substantial business man who I think a great deal of his judgment in some things. But he winds up and says: "In other words, if they will lose certain benefits and privileges from the passage of this amendment, they now have rights not afforded them. And specifically, rights that I myself do not enjoy." Well, I am going to vote against this constituent on record. And I am also going to vote against ERA.

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

Mr. SOULAS: Mr. Speaker, Ladies and Gentlemen of the House: I am going to be old today. I am 200 years old or young, what have you. I have labored, slaved, even trampled upon and yes even spat upon. But as usual, I spring back to endure more. My name for woman is wise, obedient, mentally sound, excellent and most important, necessary.

The Greek's have a word for woman (ye-nek-ka) when translated it means, comes from birth, or creation, the creators of life. What we are trying to do here today is to create equality of life for all.

You know we Greeks really love our women and we don't care what kind of work they do as long as they get home in time to have our dinner on the table.

I fully support ERA.

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

Mr. BRIGGS: Mr. Speaker, Ladies and Gentlemen of the House: I rise this morning in support of this very important constitutional amendment. I know how tempting and pleasurable it is for us all to regard women as objects of art and pulchritude, but I caution that we must not over indulge in that because all women long to be regarded as persons, just as we try to do with our women colleagues here in the House. They are fully equal to us in many respects, we know. But in many other ways, I am sure you will agree there are large areas of discriminations still about in the land, and these are the concerns that plague us; these are the great causes that bring about this request for an Equal Rights Amendment and make it important for the State of Maine to ratify that right.

It has been pointed out to you this morning a very very substantial majority of support of hope that this Amendment received in the Congress has, as a matter of fact, a vote in the Judiciary Committee of 15 to 1 in the Congress of the United States. And as a matter of fact, after extensive debate on the floor of the Senate, it was passed by a vote of 84 to 8 on the floor of the United States Senate. And as a matter of fact, it was then passed by the House of Represent-

tatives by a vote of 354 to 23. I am sure this must give some of you at least cause to have the feeling that there was a good deal of reflection and debate and thought that went into this.

When the gentleman from Bath was referring to the fact that it might be possible that some people did not understand the Equal Rights Amendment, I couldn't help but reading from a list of persons who supported this Amendment, among whom are the Episcopal Church women, and I wonder if the Episcopal Church men and Episcopal Church women are so far divided that one doesn't know what the other supports.

We have received such large volumes of support and endorsement from associations from all across the country. Now I cannot believe, and I hope you cannot believe that these forms of endorsements are mere careless or careless rubber stamps saying nothing except that they heard about ERA and decided they would give their rubber stamp of approval to it. This is not the case I assure you. In most of these associations and societies the proposition of the Equal Rights Amendment has been studied, and these people have gone on record in support of it. And the list of them is so long that it makes it impossible to present to you.

I just wanted to leave you with the idea that the support for this is broad and it is increasing. I think it is increasing here among us and I will be delighted if we are able to cast our ballot for it in a favorable way for the motion at a very early moment.

The SPEAKER: The Chair recognizes the gentleman from Oakland, Mr. Brawn.

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: I am not going to speak upon this question at all, but a moment ago my good friend said he didn't know whether B. B. Brawn from Oakland would allow him. I haven't debated this with him or anyone, but this is as bad as yesterday. Yesterday I heard debated the Midnight Special, and as I rode here with my car yesterday I saw up here in the window our Midnight Special, epsom salts.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: The legal analysis of what will happen if the Equal Rights Amendment is passed, its effect on the law of the land I believe has been stated correctly, and I think they are agreed upon by both sides. But the rest of the arguments contain a fatal flaw, no matter where they are spoken by one side or the other, and that is that the assessment of the possible consequences is pure conjecture.

All the opponents, this morning at least, and I think perhaps after one of the later speeches I will have to amend that, have professed their belief in equal rights. Have we no confidence in the sense of the people as the future comes upon us? Do we have confidence in our own work here and that of future legislatures and future congresses.

Now obviously new laws will be passed; old statutes will be outlawed. I am optimistic; I am not pessimistic. I do not see us in the future deliberately creating the dire consequences which are so dolefully predicted. Proper protection will be provided according to the pressures of the electorate at the time.

I am reminded of a quote from a poor but gifted Eighteenth Century English poet, William Blake, concerning a discussion that he was apparently having about another controversial document. He said, "Both read the Bible day and night, but thou readest black, where I read white." The words of this amendment still say very simply that equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex.

There is nothing in this about mandating changes and social mores. Those will come and go according to what the people want.

Now in the morning and in the foreseeable future I cannot imagine my name being recorded as being against such noble words as is contained in Section 1 of this proposition.

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 pre-

sent 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 adopt the Majority "Ought to be adopted" Report on Joint Resolution to Ratify the Equal Rights Amendment to the Federal Constitution, House Paper 1802, L. D. 2282. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

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

NAY — Ault, Baker, Berry, G. W.; Berry, P. P.; Binnette, Birt, Bither, Bragdon, Brawn, Bunker, Cameron, Carey, Carrier, Carter, Chick, Churchill, Cote, Cressey, Davis, Deshaies, Donaghy, Dudley, Dunn, Dyar, Evans, Farrington, Fecteau, Ferris, Finemore, Fraser, Good, Haskell, Hoffses, Hunter, Immonen, Kelley, Lawry, Lewis, E.; Littlefield, Lynch, Maddox, McCormick, McNally, Merrill, Mills, Morin, L.; Murchison, Norris, Parks, Pratt, Rollins, Ross, Shaw, Sheltra, Shute, Silverman, Simpson, L. E.; Sproul, Stillings, Strout, Theriault, Trask, Trumbull, Walker, Webber, White, Willard, Wood, M. E.

ABSENT — Conley, Dam, LaCharite, McKernan, Tanguay.

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 Eagle Lake, Mr. Martin.

Mr. MARTIN: Mr. Speaker, having voted on the prevailing side, I would now move we reconsider our action whereby this Amendment was finally ratified and ask you to vote against me.

Thereupon, Mr. Simpson of Standish requested a roll call vote.

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 gentleman from Eagle Lake, Mr. Martin, that the House reconsider its action whereby it adopted the Majority "Ought to be adopted" Report. 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.; Binnette, Birt, Bither, Bragdon, Brawn, Bunker, Cameron, Carrier, Carter, Chick, Churchill, Cressey, Davis, Deshaies, Donaghy, Dudley, Dunn, Dyar, Evans, Farrington, Fecteau, Ferris, Finemore, Fraser, Good, Haskell, Hoffses, Hunter, Immonen, Kelley, Lawry, Lewis, E.; Littlefield, Lynch, Maddox, McCormick, McNally, Merrill, Mills, Morin, L.; Murchison, Parks, Pratt, Rollins, Ross, Shaw, Sheltra, Shute, Silverman, Simpson, L. E.; Sproul, Stillings, Strout, Trask, Trumbull, Walker, Webber, White, Willard, Wood, M. E.

NAY — Albert, Berube, Boudreau, Briggs, Brown, Bustin, Carey, Chonko, Clark, Connolly, Cooney, Cote, Cottrell, Crommett, Curran, Curtis, T. S., Jr.; Dow, Drigotas, Dunleavy, Emery, D. F.; Farley, Farnham, Faucher, Flynn, Gahagan, Garsoe, Genest, Goodwin, H.; Goodwin, K.; Greenlaw, Hamblen, Hancock, Herrick, Hobbins, Huber, Jackson, Jacques, Jalbert, Kauffman, Kelleher, Kelley, R. P.; Keyte, Kilroy, Knight, LaPointe, LeBlanc, Lewis, J.; MacLeod, Mahany, Martin, Maxwell, McHenry, McKernan, McMahon, McTeague, Morin, V.; Morton, Mulkern, Murray,

Najarian, Norris, O'Brien, Palmer, Perkins, Peterson, Pontbriand, Ricker, Rolde, Santoro, Smith, D. M.; Smith, S.; Snowe, Soulas, Susi, Talbot, Theriault, Tierney, Twitchell, Tyndale, Wheeler, Whitzell, The Speaker.

ABSENT — Conley, Dam, Gauthier, LaCharite, Tanguay.

Yes, 64; No, 82; Absent, 5.

The SPEAKER: Sixty-four having voted in the affirmative and eighty-two in the negative, with five being absent, the motion to reconsider does not prevail.

Sent up for concurrence.

The SPEAKER: The Chair recognizes the gentleman from Dover-Foxcroft, Mr. Smith.

Mr. SMITH: Mr. Speaker, is the House in possession of L. D. 2193, An Act to Permit Hours of Sale of Liquor in Take-out Stores to Correspond with On-premises Establishments?

The SPEAKER: The Chair would answer in the affirmative. The House is in possession of Senate Paper 762, L. D. 2193.

Mr. SMITH: Mr. Speaker, I move that we reconsider our action whereby this failed of enactment.

The SPEAKER: The gentleman from Dover-Foxcroft, Mr. Smith, having voted on the prevailing side, moves that the House reconsider its action whereby this Bill was indefinitely postponed in non-concurrence.

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

Mr. FARNHAM: Mr. Speaker and Members of the House: I would like to urge the membership of this House not to reconsider its action. This matter was voted on yesterday, the vote was clear-cut. The change — if any comes — will be from the fact that the beer barons, their chief lobbyists flocked in here yesterday afternoon and this morning.

I hope the members of this House will do their own thinking.

The SPEAKER: The Chair recognizes the gentleman from Biddeford, Mr. Sheltra.

Mr. SHELTRA: Mr. Speaker, Ladies and Gentlemen of the House: I personally didn't have a chance to vote yesterday; I was a little bit tardy.

I would like to inform you of the fact

that out of the four bills that appeared in the Liquor Control Committee, this was the only bill that the law enforcement officials were in favor of, simply because of the imposing present hours. It makes it very difficult for them to police.

The little store keeper could be open — roughly his time clock could vary five minutes and he would be in a lot of trouble. I feel that actually what we want here is uniformity throughout the state. If it can be sold in the cocktail lounges and elsewhere, why should the little storekeeper be deprived of earning his living?

I hope that you do vote for the bill.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I am surprised that this type of legislation was ever needed. I think this should have been on the books a long time ago. There was very little opposition to it at the hearing.

I believe the committee report was 10 to 3. The majority of the committee thought this difference in time should be applied to the stores and we all know that it generally affects the smaller grocery store that is having a hard enough time. I hate to keep pounding that old iron fence, but that is the fact.

I don't disagree with my friend from Hampden very often, but I think he is a little wrong on this bill. We would just simply be doing what Representative Sheltra said is uniformity, and the one thing I am for is uniformity.

The SPEAKER: The Chair recognizes the gentleman from Berwick, Mr. Stillings.

Mr. STILLINGS: Mr. Speaker, Ladies and Gentlemen of the House: I think perhaps I should join Mr. Kelleher in attempting to explain to this body the rationale behind the majority report of the committee when it did report out the bill favorably.

The bill did have the support of the Enforcement Division because of difficulties they were having with the disparity between all other licensees and this one particular class of licensee, the retail licensee.

The committee did feel it would equalize the hours for licensees; it would

help especially in the mill towns where many shifts get out at midnight. The committee felt, if nothing more, perhaps it might encourage those that would otherwise go to a bar and drink for an hour and then drive home, they might be encouraged to go to the take-out store and take it home and drink it.

There are about 2,000 of these licensees in the state. It has been estimated that probably not more than 10 and perhaps closer than 5 percent would take advantage of this additional hour. Very few of them take advantage of the midnight closing now and only in those areas as I have already suggested, mill towns and recreation areas, and we feel that it is important that the distinction be eliminated.

Mr. Sheltra of Biddeford requested a roll call vote.

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 gentleman from Dover-Foxcroft, Mr. Smith, that the House reconsider its action of yesterday whereby this Bill was indefinitely postponed in non-concurrence. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Ault, Berube, Binnette, Boudreau, Briggs, Brown, Bustin, Carney, Carter, Chonko, Churchill, Connolly, Cote, Cottrell, Cressey, Curran, Curtis, T. S., Jr.; Deshaies, Dow, Drigotas, Dudley, Dunleavy, Dyar, Farley, Faucher, Fecteau, Fraser, Garsoe, Genest, Goodwin, H.; Goodwin, K.; Greenlaw, Hancock, Hobbins, Jacques, Jalbert, Kauffman, Kelleher, Kelley, R.

P.; Keyte, Kilroy, Knight, LaPointe, Le Blanc, MacLeod, Martin, Maxwell, McHenry, McKernan, McMahon, McTeague, Mills, Morin, L.; Morin, V.; Mulkern, Murray, Najarian, Norris, O'Brien, Parks, Perkins, Peterson, Pontbriand, Pratt, Ricker, Rolde, Santoro, Sheltra, Simpson, L.E.; Smith, D. M.; Smith, S.; Snowe, Soulas, Stillings, Talbot, Tierney, Trumbull, Twitchell, Tyndale, Wheeler, Whitzell.

NAY — Baker, Berry, G.W.; Berry, P. P.; Bither, Bragdon, Brawn, Bunker, Cameron, Carrier, Chick, Clark, Davis, Donaghy, Dunn, Emery, D. F.; Farnham, Finemore, Flynn, Gahagan, Good, Hamblen, Hoffses, Huber, Hunter, Immonen, Jackson, Kelley, Lawry, Lewis, E.; Lewis, J.; Littlefield, Lynch, Maddox, Mahany, McCormick, McNally, Merrill, Morton, Murchison, Palmer, Rollins, Shaw, Shute, Silverman, Sproul, Strout, Susi, Theriault, Trask, Walker, Webber, White, Willard, Wood, M.E.

ABSENT — Birt, Conley, Cooney, Crommett, Dam, Evans, Farrington, Ferris, Gauthier, Haskell, Herrick, LaCharite, Ross, Tanguay.

Yes, 82; No, 54, Absent, 14.

The SPEAKER: Eighty-two having voted in the affirmative and fifty-four in the negative, with fourteen being absent, the motion does prevail.

The pending question now is passage to be enacted. The Chair will order a vote. All those in favor of this Bill being passed to be enacted will vote yes; those opposed will vote no.

A vote of the House was taken.

82 having voted in the affirmative and 51 having voted in the negative, the motion did prevail.

Thereupon, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

On motion of Mr. Simpson of Standish,
Adjourned until nine o'clock tomorrow morning.