

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

SENATE

Wednesday, February 28, 1973
Senate called to order by the President.

Prayer by the Rev. Douglas Morrill of Augusta.

Reading of the Journal of yesterday.

House Papers

Bills and Resolve today received from the House requiring Reference to Committees were acted upon in concurrence.

Communications

STATE OF MAINE
Department of State
Augusta, Maine 04330

February 27, 1973

To the Honorable Senate of the 106th Legislature of the State of Maine:

I have the honor to transmit herewith the results of the examination by this office of the initiative petitions relating to "An Act Creating the Power Authority of Maine".

The minimum number of valid signatures required to initiate this legislation has been determined to be 32,539. Our examination of these petitions reveals the following:

Number of petitions received 275.
Number of petitions accepted 249.

Number of petitions eliminated 26.

Total number of valid signatures 34,837.

Number of invalid signatures 10,048.

In view of the foregoing determination of the number of valid signatures, it would appear that these petitions have met the constitutional requirements of the minimum of 32,539 valid signatures.

Respectfully,

Signed:

JOSEPH T. EDGAR
Secretary of State
(S. P. 379)

Which was Read and Ordered Placed on File.

Sent down for concurrence.

STATE OF MAINE
Department of Transportation
February 28, 1973

To the Honorable Senate and House of Representatives of the 106th Legislature
Gentlemen:

The 105th Maine Legislature under Resolve S. P. 386, L. D. 1141, provided \$10,000 to the Maine Port Authority for a "Feasibility Study for New Marine Facilities for the Port of Portland".

Implementation of the Government reorganization program approved by the 105th Maine Legislature placed the Maine Port Authority within the Maine Department of Transportation as the Bureau of Waterways.

I am pleased to submit a summary report of a study of the "Marine Highway" which analyzes the potential operation of vehicle and passenger ferries between Portland, Maine and New York, New York.

A detailed report is being made available to the Maine State Library.

Additional work is planned on this study in coordination with the work of the U.S. Maritime Administration on the design of the vessels and also in efforts to obtain a builder and operator of the vessels.

Respectfully submitted,

Signed:

DAVID H. STEVENS
Commissioner
Department of Transportation
(S. P. 380)

Which was Read and with accompanying papers Ordered Placed on File.

Sent down for concurrence.

Senate Papers

Business Legislation

Mr. Cox of Penobscot presented Bill, "An Act Revising the Law Relating to Dealers in Securities." (S. P. 372)

Mr. Clifford of Androscoggin presented Bill, "An Act Relating to Maternity Benefits for Unmarried Health Insurance Policyholders and Minor Dependents of Health Insurance Policyholders." (S. P. 373)

Mr. Cox of Penobscot presented Bill, "An Act Relating to Bank Holding Companies." (S. P. 374)

Which were referred to the Committee on Business Legislation and Ordered Printed.

Sent down for concurrence.

Legal Affairs

Mr. Conley of Cumberland presented Bill, "An Act Authorizing Housing Authorities to Act as Urban Renewal Authorities." (S. P. 375)

The same Senator presented Bill, "An Act Relating to Consolidation of Existing Housing and Urban Renewal Authorities." (S. P. 376)

Which were referred to the Committee on Legal Affairs and Ordered Printed.

Sent down for concurrence.

Judiciary

Mr. Joly of Kennebec presented Bill, "An Act Regulating the Interception of Wire and Oral Communications." (S. P. 377)

Which was referred to the Committee on Judiciary and Ordered Printed.

Sent down for concurrence.

Public Utilities

Mr. Greeley of Waldo presented Bill, "An Act Relating to Public Utilities Commission Rate Regulation for Carriers of Freight." (S. P. 378)

Which was referred to the Committee on Public Utilities and Ordered Printed.

Sent down for concurrence.

Committee Reports House

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

Reported that the same Ought to Pass.

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

Reported that the same Ought to Pass.

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

Reported that the same Ought to Pass.

Come from the House, the Bills Passed to be Engrossed.

Which reports were Read and Accepted in concurrence, the Bills

Read Once and Tomorrow Assigned for Second Reading.

The Committee on Fisheries and Wildlife on Bill, "An Act Relating to Deer Doing Damage to Blueberry Lands." (H. P. 290) (L. D. 364)

Reported that the same Ought to Pass.

Come from the House, the Bill Passed to be Engrossed as Amended by House Amendment "A" (H-61).

Which report was Read and Accepted in concurrence and the Bill Read Once. House Amendment "A" was Read and Adopted in concurrence and the Bill, as Amended, Tomorrow Assigned for Second Reading.

Ought to Pass — As Amended

The Committee on State Government on Bill, "An Act to Clarify the Municipal Records Law." (H. P. 178) (L. D. 220)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-48).

The Committee on Health and Institutional Services on Bill, "An Act Increasing Renewal Fee of Certificate to Practice Chiropractic and Increasing Compensation of Board of Chiropractic Examination and Registration." (H. P. 224) (L. D. 297)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-59).

Come from the House, the Bills Passed to be Engrossed as Amended by Committee Amendments "A".

Which reports were Read and Accepted in concurrence and the Bills Read Once. Committee Amendments "A" were Read and Adopted in concurrence and the Bills, as Amended, Tomorrow Assigned for Second Reading.

The Committee on Business Legislation on Bill, "An Act Relating to Real Estate Brokers' Trust Accounts." (H. P. 372) (L. D. 501)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-53).

Come from the House, the Bill Passed to be Engrossed as Amended by House Amendment "A" (H-63).

Which report was Read and Accepted in concurrence and the Bill Read Once. Committee Amendment "A" was Read and Adopted in concurrence. House Amendment "A" was Read and Adopted in concurrence and the Bill, as Amended, Tomorrow Assigned for Second Reading.

The Committee on Taxation on Bill, "An Act to Repeal the Poll Tax." (H. P. 17) (L. D. 17)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-57) and Committee Amendment "B" (H-58).

Comes from the House, the Bill Passed to be Engrossed as Amended by Committee Amendments "A" and "B".

Which report was Read and Accepted in concurrence and the Bill Read Once. Committee Amendment "A" was Read and Adopted in concurrence. Committee Amendment "B" was Read and Adopted in concurrence and the Bill, as Amended, Tomorrow Assigned for Second Reading.

Ought to Pass in New Draft

The Committee on Human Resources on Bill, "An Act Relating to Biennial Elections of the Passamaquoddy Tribe of Indians." (H. P. 218) (L. D. 291)

Reported that the same Ought to Pass in New Draft under Same Title (H. P. 827) (L. D. 972)

The Committee on Human Resources on Bill, "An Act Relating to Census and Membership in the Passamaquoddy Tribe of Indians." (H. P. 215) (L. D. 288)

Reported that the same Ought to Pass in New Draft under Same Title (H. P. 826) (L. D. 971)

Come from the House, the Bills in New Draft Passed to be Engrossed.

Which reports were Read and Accepted in concurrence, the Bills in New Draft Read Once and Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on State Government on Joint Resolution relative to Ratification

of Equal Rights Amendment. (H. P. 139) (L. D. 161)

Reported that the same Ought to be Adopted.

Signed:

Senator:

SPEERS of Kennebec

Representatives:

FARNHAM of Hampden

BUSTIN of Augusta

NAJARIAN of Portland

GOODWIN of Bath

CURTIS of Orono

CROMMETT

of Millinocket

COONEY of Sabattus

The Minority of the same Committee on the same subject matter reported that the same Ought Not to be Adopted.

Signed:

Senators:

CLIFFORD

of Androscoggin

WYMAN of Washington

Representatives:

SNOWE of Auburn

SILVERMAN of Calais

STILLINGS of Berwick

Comes from the House, the Majority report Read and Accepted and the Joint Resolution Adopted.

Which reports were Read.

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Kelley.

Mr. KELLEY: Mr. President and Members of the Senate: It has come to my attention that our good friend and colleague, Senator Katz of Kennebec, has had an unexpected and unfortunate death just recently in his family which prevents him from being here today. Accordingly, out of courtesy to him, Senator Katz, who I understand very much would like the opportunity to vote on this very important issue of equal rights, I think we should allow him the opportunity to vote on it.

As we all know, in the past there have been motions tabled out of courtesy to colleagues to allow them to vote on issues, to work on issues, or to speak on issues which concerned them. Accordingly, I would welcome from a member of the Senate a tabling motion on this item in order that Senator Katz would have the opportunity to vote on this sometime later on this week.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY: Mr. President and Members of the Senate: I am most sympathetic to the situation as Senator Kelley from Aroostook has described, however, I would point out that members of the body will be absent for any number of reasons.

We have had plenty of correspondence with our constituents on this matter, we have present today a large and good-looking gallery that I am sure would be interested in the proceedings here, and I would hope if a motion is presented that we would vote against it and proceed.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President and Members of the Senate: It is quite true that members of this body are liable to be absent for any number of reasons on any number of days, but we have before us here this morning not an ordinary bill, but rather an amendment to the Constitution of the United States of America. That is an issue that only the most pressing reasons would require an individual to be absent from this chamber when such an issue is being discussed.

Senator Kelley has indicated the reason Senator Katz is not present here today; that reason being the unfortunate death of his brother. And I would submit that only a reason of that kind would compel a Senator to be absent from the chamber when an issue such as an amendment to the Constitution of the United States is being discussed.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. Conley of Cumberland then moved that the Bill be tabled and Tomorrow Assigned, pending Acceptance of Either Report.

Mr. Berry of Cumberland requested a division on the motion, and subsequently Mr. Conley of Cumberland requested a roll call.

The PRESIDENT: A roll call has been requested. Under the Constitution, in order for the Chair to order a roll call, it requires

the affirmative vote of at least one-fifth of those Senators present and voting. Will all those Senators in favor of ordering a roll call please rise and remain standing until counted.

Obviously more than one-fifth having arisen, a roll call is ordered. The pending question before the Senate is the motion of the Senator from Cumberland, Senator Conley, that Item 6-11, Joint Resolution relative to Ratification of Equal Rights Amendment, be tabled and specially assigned for tomorrow, pending acceptance of either committee report.

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, I wonder if the Senator may amend his motion. There is no guarantee that Senator Katz will be here tomorrow, but perhaps he will be able to be here at a later time, and I wonder if he would amend his motion to extend the time for debate on this issue.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Conley.

Thereupon, Mr. Conley of Cumberland withdrew the tabling motion. The same Senator then moved that the Bill be tabled and Specially Assigned for March 5, 1973, pending Acceptance of Either Report, and subsequently requested a roll call on the motion.

The PRESIDENT: A roll call has been requested. Under the Constitution, in order for the Chair to order a roll call, it requires the affirmative vote of at least one-fifth of those Senators present and voting. Will all those Senators in favor of ordering a roll call please rise and remain standing until counted.

Obviously more than one-fifth having arisen, a roll call is ordered. The pending question before the Senate is the motion of the Senator from Cumberland, Senator Conley, that Item 6-11, Legislative Document 161, be tabled and specially assigned for Monday next, pending acceptance of either committee report. A "Yes" vote will be in favor of the tabling motion; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Brennan, Conley, Cummings, Cyr, Danton, Fortier, Kelley, Marcotte, Richardson, Speers, and Tanous.

NAYS: Senators Aldrich, Anderson, Berry, Cianchette, Clifford, Cox, Graffam, Greeley, Hichens, Huber, Joly, Minkowsky, Morrell, Olfene, Peabody, Roberts, Schulten, Sewall, Shute, Wyman, and President MacLeod.

ABSENT: Senator Katz.

A roll call was had. 11 Senators having voted in the affirmative, and 21 Senators having voted in the negative, with one Senator absent, the tabling motion did not prevail.

The **PRESIDENT:** The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President and Members of the Senate: As I indicated just a few moments ago, this body has before it at the present time one of the most important issues that it could possibly consider in this session of the legislature; that issue being the ratification of an amendment to the Constitution of the United States. In a very real sense today we stand in the footsteps of the founders of the Republic in that it is upon our shoulders at this moment to decide the wording of the document which stands as the foundation of our very nation.

It is one of the strengths of the Republic that the Constitution may be amended. It is a living document. It is a document which conforms to the norms and ideals of the society as that society may change from time to time, from decade to decade. It is one of the strengths of our Republic that we are here at this moment determining this issue, and that our posterity as well may determine what the wording of that Constitution will be. And we are here today in this body at this hour to decide whether or not we are to continue to expand upon the ideal that all individuals are to be equal and that all individuals are to be treated equally under the law. We are here to decide today whether that principle of equality has met its outside limits, whether

that principle of equality has been limited in any way, whether there are qualifications which are to be placed upon equality, whether there are exceptions to that ideal.

The Equal Rights Amendment reads: "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 is an ordinary enforcement provision which appears in almost every other amendment to the Constitution, that "The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article."

Section 3 allows the states an amount of time to amend their laws where such laws are discriminatory on account of sex by stating that "This Amendment shall take effect two years after the date of ratification."

That Amendment, Mr. President, passed the Senate of the United States of America by a vote of 84 to 8, and passed the United States House of Representatives by a vote of 354 to 23. That Amendment, Mr. President, has now been ratified by 28 states of the United States.

It is unfortunate that the opposition to this Amendment, that the opposition in admitting that it is a simple statement, a very forthright statement of principle, a principle of equality, equality under the law, that no law shall make a distinction based solely on account of sex, it is unfortunate that that opposition has wrapped this Amendment in a group which many of us find extreme in the carrying out of their attitudes and their own ideals, as is their right, however; that group being the movement known as Women's Liberation Movement.

The opposition would have us believe that this Amendment is the brainchild of the Women's Liberation Movement, that this amendment was not even thought of before the Women's Liberation Movement came into being. Mr. President, nothing could be further from the truth. The Equal Rights Amendment has been a proposal before the Congress of the United States for 49 years, Mr. President.

The Women's Liberation Movement has been an active movement only over the last several years.

Another amendment to the Constitution of the United States which passed in 1920, granting women the right of equal suffrage, was before the Congress of the United States for 37 years before that amendment finally passed.

I would like to read just a few of the groups that support the Equal Rights Amendment: the American Association of University Women, the American Newspaper Guild, the American Nurses Association, the Association of the Bar of the City of New York, B'Nai Brith Women, Churchwomen United, the Communications Workers of America, the Council for Christian Social Action — United Church of Christ, the Democratic National Committee, the Republican National Committee, International Brotherhood of Painters and Allied Trades, International Brotherhood of Teamsters, International Union of United Automobile, Aerospace and Agricultural Implement Workers U.A.W., the Interstate Association of Commissions on the Status of Women, the Ladies Auxiliary of Veterans of Foreign Wars, the League of American Working Women, the National Education Association, the President's Task Force on Womens Rights and Responsibilities, the Unitarian-Universalist Association. Several church groups support the Equal Rights Amendment. The American Baptist Convention, Division of Christian Social Concerns, the National Council of Churches, the Presbyterian Church in the United States, Office of Church and Society; the United Methodist Board of Church and Society; the United Church of Christ, Council for Christian Social Action. Mr. President, these are only a few of the groups that have indicated their support for this Resolution.

There has been a great deal of misinformation, perhaps on both sides, in lobbying for this particular Amendment. The opposition would have us believe that this Amendment, if passed, would destroy the American home and the American family as it is known

today. The proponents would have us believe that this Amendment, if passed, would wipe out all kinds of discrimination, personal discrimination that some men may have against some women or, vice-versa, that some women may have against some men. Mr. President, I submit this amendment would do neither of those two extremes. The relationship between individual men and individual women is something that is up to those two individuals. They should have the right to hold the door open for a woman if the man so desires. A woman should certainly have that right to refuse to have a door opened if she so desires. But these are issues to do with the Women's Liberation Movement, and that movement again. Mr. President, has nothing to do with the Equal Rights Amendment that is before us today, other than the fact that they, as do so many other groups, as I have indicated, do support this Amendment.

What the Amendment would do is simply remove from law the inequality and the distinctions based upon sex alone which are presently written into law in many of the states of the United States. The Amendment has nothing to do with the social customs between men and women.

Maine is very fortunate in that the laws that we have on our books today have very little discrimination written into them. There is, however, some. Some of the opposition has indicated, as I mentioned, that the American family and the American home would be destroyed by this Amendment. Well, at the present time both parents in Maine are responsible for the care, custody and control of their children. They are jointly responsible, and a court, when called upon to determine in a divorce action which parent should be awarded custody of the child, makes that determination in Maine solely on the basis of what is in the best interests of the child. In other states, Mr. President, in other instances, the custody of the child would be awarded automatically to the mother of that child based solely upon the consideration of sex, regardless of whether or

not such an award of custody would be in the best interests of that child.

Under our present law in the State of Maine, Title 19 of the Statutes, Section 442, every man is responsible for the support of his wife and child when in need. And under our present law, Mr. President, Title 19, Section 443, every woman is responsible for the support of her child and husband when in need. The courts may presently use their discretion under the law in awarding support. The order of payment of support is based upon the need and ability to pay, and under this philosophy it is the breadwinner who is usually held liable for the support of the homemaker and the family. These are two areas under Maine law which would not change by the adoption of the Equal Rights Amendment, and yet the opposition would have us believe that the entire structure of the family in Maine will be destroyed by the adoption of that Amendment.

Another point that the opposition brings to bear is the idea that the protective labor legislation will be wiped from the books. In many instances where that labor legislation is used to discriminate against women, Mr. President, that would be true. In other instances where the labor legislation, however, is used for the benefit of women workers, then that legislation, at the option of this legislature, could be extended to all workers in the State of Maine, men as well as women.

I would like to quote from a case that is reported in the Council of State Governments' pamphlet. "The California State Court found that such legislation, in effect, placed legal restrictions on the employment opportunities of women. Laws which disabled women from full participation in the political, business, and economic arenas are often characterized as protective and beneficial. Those same laws applied to racial or ethnic minorities would be readily recognized as invidious and impermissible. The pedestal upon which women have been placed has all too often, upon closer

inspection, been revealed as a cage. We conclude that the sexual classifications are properly treated as suspect, particularly when those classifications are made with respect to a fundamental interest such as employment."

We are fortunate in Maine in that some of our laws, most of our laws, are rather liberal and apply mostly equally between men and women. This is not the case in many other states, Mr. President. In many other states women are denied the right to serve on juries. They are denied the right to manage their own property and their own affairs. The argument may be made: Why should Maine concern itself with the affairs of other states and with the laws of other states? The answer can be found in the fact that this is an Amendment to the United States Constitution. The same arguments could have been made in the 1960's during the Civil Rights Movement when Maine did not have the discrimination against black members of society that existed in other parts of the United States. Yet it is federal legislation that was needed to obliterate the discrimination that did exist in other parts of the country.

The fight for equality has never been easy. The fight for equality has engendered in many aspects throughout history a great deal of controversy and a good many problems. Yet I would submit that to deny equality on the basis that it is going to create problems for all of us is to deny the very history of the United States of America.

Last summer on the Platform Committee of the Republican National Convention the Director of the Smithsonian Institution presented an address in which he said that the history of America to a great measure has been the struggle on the part of some Americans for the rights of other Americans. The Civil War is one of the greatest examples of that, where men fought and died for the rights of other men to be free. And the Women's Suffrage Amendment itself in 1920 was, after all, adopted by a nation of male voters.

I would like to read just a couple of letters that have been sent to

me out of the many hundreds which I have received on this issue. One of the arguments that has been made is that the equal rights issue is an issue which only the educated are concerned with. I received this letter: "I am an employee at the Healthtex Garment Factory and took Wednesday off, with no pay of course, to come to the hearing to support the Equal Rights Amendment."

Another letter from a worker in an industrial cafeteria: "The most important issue is not protective laws, bathroom facilities, or the draft; it is simply human dignity. Women had to fight 40 years to get the vote and, despite the predictions of the anti-suffrage people, the identical warnings you heard Wednesday at the hearing, this nation did not collapse nor did the family."

Finally, from the President of the Young Women's Christian Association in Portland: "Regarding the impact of ERA on the quality of family life that seems to be concerning so many people, the Y feels that full personhood under law can only strengthen the family. This would apply to low income families and opportunities for low income women as well."

Mr. President, the issue really comes down basically to the simple statement that is contained in Section 1 of the Amendment to the 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." Are we now here to decide that we have reached the outside limits of equality, that all individuals are to be treated equally under the law, but are there to be exceptions? Mr. President, there must be no limitations to equality. There must be no qualifications placed upon equality. There can be no exceptions to equality under the law.

Mr. President, I move the acceptance of the Majority Ought to be Adopted Report, and I request that when the vote be taken it be taken by the Yeas and Nays.

The PRESIDENT: The Senator from Kennebec, Senator Speers,

moves that the Senate accept the Majority Ought to be Adopted Report of the Committee in concurrence. A roll call has been requested.

The Chair recognizes the Senator from Cumberland, Senator Brennan.

Mr. BRENNAN: Mr. President and Members of the Senate: First, I want to commend the Senator from Kennebec, Senator Speers, for his very fine, persuasive and comprehensive remarks.

I agree with Senator Speers that this session today is an extraordinary occasion, for today we deliberate in our special and distinctive capacity as ratifiers of amendments of the United States Constitution. We do not sit today to enact a public law nor a private act, nor a resolve having the force of law. What we do here today is not legislation. Instead, we deliberate according to the command of Article V of the United States Constitution to act on behalf of and as representatives of the people or as a special ratifying body of the Congress of the United States. Our decision will alter the fundamental and organic law of our nation. From our decision there is no recourse. When we alter the Constitution we alter the organic substance of our law in this country.

There can be no referendum on this. There will be no court decision or no presidential proclamation. It is for us and our colleagues in about a dozen more states to decide the direction our nation's fundamental law is going to take.

In the whole history of our State this is the fifteenth time this Senate has convened to consider an amendment to the United States Constitution. And every time this body has deliberated an amendment to enlarge and enhance the civil liberties and civil rights of the American people this Senate has voted in the affirmative.

Maine was in the forefront in abolishing slavery, in adopting the Fourteenth Amendment, in extending the franchise to the newly freed slaves, in giving the people the right to choose their

senators, in extending the right to vote to women and to the people in Washington, D.C., and most recently in abolishing the poll tax as a condition for voting.

Now is the time for Maine to again enlarge and enhance the civil rights of over half of our citizens. It is time for Maine to ratify the Equal Rights Amendment for Women.

My support for this amendment is based on the simple proposition that all persons ought to be equal before the law, that men and women ought to have equal rights, that no person should be prejudiced or favored because of his sex any more than on account of race, language or religion. American independence was built on the principle of equality of all persons before the law. This Amendment serves to confirm that principle.

This Amendment would require that the government demonstrate a compelling need before enacting or enforcing laws distinguishing among citizens on the basis of their sex.

If we truly believe men and women are of equal status, that the one sex is not superior and the other not inferior, that persons of neither sex should be relegated to second-class citizenship, then this Amendment is eminently reasonable and proper.

In the past, and to some extent even today, the differences between the sexes were considered so fundamental as to justify unequal treatment of men and women with respect to political and other rights. Such views will persist but in the long run they cannot prevail.

American society has undergone dramatic changes in our lifetime. Women are taking on new roles in our society. They constitute a large percentage of our work force and a growing percentage of our professions, of the armed forces, and of our leadership. At the same time the traditional roles of women are diminishing, not in importance, but in time consumed in following their traditional roles. Labor saving appliances, more convenient methods of merchandizing, and a birth rate diminishing to the point of zero population growth, are all

indisputably features of modern American life. What this inevitably means is that women will have more time available for taking part in the public life of our society. Anything we do or fail to do here cannot change those facts.

What we can decide is whether women emerging from their traditional role into their modern role, or combining the two, are to face artificial and unnecessary obstacles. I will vote to remove those obstacles and to welcome women to their new roles.

I believe that voting for this amendment assists in eliminating obstacles to women's full participation in society, not only with respect to government action, which is the chief target of this Amendment, but also in opening new opportunities for women in the private sector of society. For I firmly believe this Amendment will serve to raise the national consciousness and even the awareness of the men of Maine of women's right to participate in society with full equality. I believe that the law is capable of influencing life, and this amendment will help change the psychological climate of the country to encourage equality for all Americans.

I would like to point out too some of the rather conservative forces in this country that support this Amendment. It is my understanding that President Nixon supports this Amendment, that the National Republican Committee supports this Amendment, that it is part of the State Republican Platform, and I understand even Vice President Spiro Agnew supports this Amendment. So, therefore, I must say that support for this Amendment does not come from the radical or the chic forces in our society; it comes from the very most conservative forces.

Now, I have talked to a lot of people as to why they are opposed to this Amendment. I think the distinguished Senator from Kennebec, Senator Speers, pointed out that a lot of them are turned off by some of the militant supporters, some of those who are in the vanguard of this movement, some of those who identify it with the

Women's Liberation Movement. Some of them are turned off by the Betty Friedmans of this world and the Bella Abzugs. I say it is unfortunate that this flamboyance may be in front of this movement, but I say it is still an idea whose time has come.

Now, another objection I hear is: what about military service? I think a lot of people are very much afraid of the idea of their daughters, their granddaughters, their nieces, their sisters, being compelled to go into the military service. We all know that the draft has been abolished; it is apparently on a voluntary status, however, we all appreciate that those things can change. So, in balance, the question has to be asked: Should women be denied equal rights so as to be immune from the military? I must say that I say no; I come down on the side of equal rights.

Also, I think it should be pointed out that if this Amendment is defeated I think the courts of this country are going to construe that as sort of a license to deny equality further, because that is where you get the legislative intent. So once something like this comes before a body of this nature, just to maintain the status quo it should be supported. So I would hope that when the vote is taken you would vote to accept the Majority Ought to Pass Report.

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Clifford.

Mr. CLIFFORD: Mr. President and Members of the Senate: As a member of the State Government Committee, I feel I have an obligation to speak on this issue and to state my reasons for opposing the Equal Rights Amendment. Before I do, I want to congratulate the distinguished Senator from Kennebec, Senator Speers, for the manner in which he conducted the hearing on the Equal Rights Amendment and the deliberation on the Equal Rights Amendment. Everyone had a chance to speak and be heard. It was fairly and well run.

I think it is difficult, Mr. President, to oppose the Equal Rights Amendment for two reasons. One is its name alone. People tend to

say that if you are against the Equal Rights Amendment then you are naturally against equal rights. Secondly, the number of good people who are in favor of the Equal Rights Amendment makes it doubly difficult, I think, to oppose. But as the speakers in favor of the Amendment have said, and have pointed out, it is an amendment to the Constitution and it should be and must be closely scrutinized before we change the basic law of our society.

The purpose of the Amendment, Mr. President, is to end discrimination against women, and certainly I don't think there is anyone in this chamber who will not admit that there is a great deal of discrimination against women which has existed in our society for a long time. I think we must examine what those areas of discrimination are, those injustices. I think we must determine whether or not they can be cured by means other than a constitutional amendment. And I think we must examine, thirdly, Mr. President, the total effect of the Equal Rights Amendment on our society. And I, as I said, admit that there are many areas in our society where women are discriminated against. I think the two most important areas are the areas of employment and the area of education.

As far as employment, Mr. President, it is my understanding that both the proponents and the opponents, because of the Fair Labor Standards Act of 1963, the Civil Rights Act of 1964, and the Equal Employment Opportunity Act of 1972, both the proponents and the opponents agree that there is nothing further that can be put on the books as far as discrimination in employment. All that can be written in the law is presently in the law. There is nothing further that can be written. It is so that the law is so broad and so absolute in this area, Mr. President, that they had to write in an exception in the employment law that if you wanted to hire a male actor to play the role of a male then that is an exception to the law. That is one of the few exceptions in the law. There is no

discrimination allowed in pay, no discrimination allowed in hiring, and no discrimination allowed in promotion.

The field of education is another area where traditionally there has been a great deal of discrimination against women in our society. It still exists. But this legislature in the university system through one vote could eliminate quotas in the university system, it could eliminate any quotas which exist in the vocational schools and, without amending the Constitution of the United States, we could open up our educational system, graduate schools and undergraduate schools to women with one vote here in the Senate and one vote in the House.

So I think that the two areas in which discrimination has been the most severe could be cured by means other than the Equal Rights Amendment.

I think we must look at the total effect of the Equal Rights Amendment on our society. I think we must look to what it says and to what both the proponents and the opponents say it means. As Senator Brennan said, I think he has the impression that it really is merely an extension of the Fourteenth Amendment to women; it is not. Both the proponents — and the most scholarly presentation of the opponents, as I understand it, is in the Yale Law Journal, which I read — and the opponents agree that the Equal Rights Amendment which we are about to vote on totally, absolutely prohibits and outlaws any and all distinctions and classifications based on sex. It denies and outlaws the separate but equal doctrine. It does not allow classification if they are reasonable, as the Fourteenth Amendment does. The Fourteenth Amendment prohibits arbitrary and unreasonable classifications based on sex. It allows reasonable classifications based on sex. This Amendment does not do that. It is total and it is absolute. It is called by Professor Froine, who is one of the leading constitutional authorities in the country, a constitutional yardstick of absolute equality.

Mr. President, much of the talk of the opponents — and I think that I am the first to admit that the opponents have often overstated the case against the Equal Rights Amendment, but I think also that the proponents have understated the case for the Equal Rights Amendment, because I think they are understanding the total effect of this in the long run on our society — is that it would affect the draft. It would not only affect the draft, which is in an administrative state of abeyance, but it would affect the total military picture. It would outlaw the Women's Army Corps. It would outlaw the Women's Nursing Corps. It would require the integration of the military of sexes.

It would change our Social Security laws which now discriminate in favor of women by assuming that a woman who is a widow is dependent upon her husband.

It would change, as I understand the law, the law of support between husband and wife. As I understand the law, if I read the law correctly, a wife has an equal obligation with a husband to support a child. But a wife's obligation to the husband is not equal to the husband's present obligation to the wife. The husband has to support his wife under any and all circumstances. A wife has to support her husband during the marriage only in case of need. It would downgrade the status of the housewife under the law.

It would call into question and probably outlaw, most authorities agree, the distinction in the discrimination which now exists in insurance rates. Women pay lower premiums on insurance policies because they outlive men. Women pay lower premiums on automobile policies because they have lower accident rates. This is a classification based on sex which would be outlawed under the Equal Rights Amendment.

It would require that our prison facilities no longer be segregated. It would require that we integrate our prison facilities. And I think everyone would agree, Mr. President, that this would come about

only at great expense to the taxpayers of the State of Maine.

It would call into question the entire athletic and gym programs of our public school system. The law, the Equal Rights Amendment, absolutely and totally forbids the doctrine of separate but equal. We would no longer be able to have, as I understand the law, separate but equal facilities for girls and boys at the high school level.

The restroom issue has been one which has received a lot of attention, and I am not saying that after this law is passed we would be prohibited from having separate restrooms. But the only reason why we won't be prohibited from having separate restrooms, if this law were passed, is because there is another law, another right in the Constitution: the right of privacy, which the scholars say would probably allow the continuation of separate restrooms. But on the face of the Amendment, just to show you an example of its totality and its absoluteness, it would prohibit separate restrooms.

Also on the face of it, Mr. President, the Amendment only applies to public action but, as we all know, public action reaches out into many areas of our society. Any private club or private organization which had a liquor license, that liquor license would be in jeopardy if that club was not open to both sexes. The American Legion, social clubs, service clubs, are some which hold liquor licenses and who would either lose their liquor license or have to open up their doors to both sexes. The Boy Scouts, the Girl Scouts, and the tax exemptions which they receive on their real estate taxes would be called into question because the Boy Scouts and the Girl Scouts discriminate on the basis of sex.

The point I am trying to make is that I am not saying that all these areas such as the military, social security, and our school system, I am not saying that they should always remain the same, but I think the point is that they should be changed by the legislature, and if this amendment passes the legislature is abdicating its authority to the courts, to the

judiciary. And I think we will all agree that the legislature, being elected by the people, is the branch of government which is closer to the people.

The issue, Mr. President and Members of the Senate, is not one of being for equal rights for women or being against equal rights for women. The issue really is how best to accomplish the goal of equal rights for women. And I say the best way to accomplish it is leaving it in the hands of the legislature. The issue really, in a word, Mr. President and Members of the Senate, is good government, and I would urge a "No" vote on the motion. Thank you.

THE PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Kennebec, Senator Joly.

MR. JOLY: Mr. President and Members of the Senate: I would like to agree with the remarks of the Senator from Androscoggin, Senator Clifford. I won't repeat any of them, but I would like to bring to the attention of the Senate a poll that I took yesterday.

Not having a wife and not being able to learn the women's feelings, as many of my fellow Senators can, I thought it might be a wise idea to go out and do some polling. I went to the Registry of Deeds in Augusta, the Courthouse in Skowhegan, the Main Street in Skowhegan, the bank in Fairfield, and about twelve different office buildings in Waterville, including a beauty parlor, a couple of insurance offices and a dental office, and I asked the question "Are you familiar with the Equal Rights Amendment which would give equal rights to women that is being debated in Augusta this week?" I saw 151 women, and 75 said they were not aware of the bill so they therefore couldn't comment on it either way. Of the remaining, 13 said they were in favor of it and 63 were against it. I would contend that the 75 that had no opinion are probably content with the status as it is. There certainly has been quite a bit of publicity; there has been some one-page ads in the papers,

so I would hardly be able to believe that if someone was interested they wouldn't know something about it.

Finally this morning I had an informal poll taken of the ladies that we associate with right here at this end of the corridor. I found out that 29 of them were against the bill and two were for it. Now, this bill is supposedly for the women, and they evidently don't want it. Thank you.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Cummings.

Mrs. CUMMINGS: Mr. President and Members of the Senate: I have a unique position in this august body and I assume you will all be in agreement with me that I am treated as a fellow Senator. I do not consider there is any discrimination. I do get the door held open for me, and I like it. I am treated as a woman, and I like it.

I do not think that these rules can possibly be changed; this is a method of behavior. And I think that what I am pleading for is the passage of this bill because I think it will treat individuals as individuals.

I think it is most unfortunate that any woman would be kept from pursuing any career she chooses, disregarding her qualifications. I think she should be allowed to pursue any career she likes and that her abilities to perform any job should be looked at just on the qualifications she has to bring to that job.

I think that Maine has been remarkably free, as Senator Speers said, of discriminating laws. And perhaps we don't want to go on record just to save other states, but I think that the few laws that do remain that are discriminating against women should be removed, and can be with one fell swoop instead of doing it little by little.

I heard one Senator say when, as you can imagine, there has been a great deal of discussion, that if this was the only law that was going to be changed, if this was it and it wouldn't go any further than that, that he would vote for it, but he was afraid that this

would open up the door to a great deal of weakening of the Constitution and it would also do a great deal of harm as far as changing laws which have taken a long time to establish. I really believe, Mr. President, that this is not true; that if we have a great many laws that will have to be changed because of this Equal Rights Amendment, all the more reason to pass this. If there were no laws that had to be changed, if this Equal Rights Amendment thing had no effect on our Constitution or on our state laws, then we wouldn't need it. It wouldn't matter; we would be treating women as equals. The fact that there are laws that have to be changed doesn't mean that we can't change them one by one. Yes, we can, but it takes a long time and the chances are we won't.

Another point was made that this would weaken the Constitution; that we shouldn't have any more amendments, because the more amendments there were, this meant that the constitution was less and less perfect and that meant that we would weaken it. Well, I really don't think that is true. I think if something is wrong and it has to be changed that people will be benefitted by it being changed, and it should not be just kept and hopefully just sweeping it under the rug because this is wrong. If something is wrong with the Constitution, I think we should change it.

We have heard the phrase that men treat us with romantic paternalism. Well, that is a great phrase. I don't mind the romantic part, but it says here that the U.S. Circuit Court of Appeals rejects just this kind of romantic paternalism as unduly Victorian and instead vests individual women with power to decide whether or not to take on an unromantic job. This is all that I think women should be given, the freedom to pursue a career. If she is happy in the home, great. I do not believe that if this passes women will rush out and get jobs. If they are happy in the home, they should certainly stay there. But a happy woman makes a happy home, and if she

wants to pursue a career I do believe that she should be helped in every way that she can and that she shouldn't be kept from fulfilling whatever she has of potential just because of her sex.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Richardson.

Mr. RICHARDSON: Mr. President and Members of the Senate: I am terribly disappointed, and I mean exactly that, that we are denied the opportunity to have the thoughtful eloquence of the Senator from Kennebec, Senator Katz, present with us here today. I feel that this is a tremendously significant vote for this Senate and, again, I regret very much that we are not going to have all of the Senators here present and voting on this issue.

I am not going to repeat — I know you are all thankful for that — but I do want to indicate two or three points particularly in response to some comments made by the Senator from Cumberland, Senator Brennan. The President of the United States has supported the Equal Rights Amendment for something on the order of 22 years. He sent a special message to Congress, part of which indicated that, while every woman may not want a career outside the home, every woman should have the freedom to choose whatever career she wishes and an equal chance to pursue it. And I would add only to that an equal chance to pursue that career without reference to her sex and to be given the same opportunities for advancement, both educationally and careerwise, that we men like to think we have.

Running throughout this debate is an undercurrent of condescension to women's intellectual capacity that I find shocking and disgraceful.

I would also point out that Dwight Eisenhower, as President of the United States, referred to the Equal Rights Amendment as being a matter of simple justice.

I would suggest to you that the writer who said that "Injustice is relatively easy to bear; what stings is justice" was absolutely right. I do not believe that this Amendment is as radical as the Senator from

Androscoggin suggests that it is. I believe that military commanders in the armed forces can make decisions on the make-up of combat organizations having regard for the possibly non-combative results of combining an infantry platoon in the Marine Corps half and half men and women. I think that to suggest otherwise is really quite absurd.

I think, Members of the Senate, classifications in insurance policies are based on loss ratios and on statistical data indicating, for example, that drivers under the age of 25 have an unhappy capacity for getting involved in accidents, whereas those in their middle years seem to do a little better.

Finally, in defense of the great progressive former Governor of Maryland the present Vice President of the United States, I believe that both Vice President Agnew and the President of the United States, I would suggest to the Senator from Cumberland, Senator Brennan, are progressive Republicans and that their support of this Amendment is completely consistent with that policy.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Tanous.

Mr. TANOUS: Mr. President and Members of the Senate: I hope you will bear with me for a few minutes. I picked up a cold skiing last week so I may be a little hoarse. There is no discrimination in getting a cold; I guess both men and women alike get colds skiing.

Mr. President, my fellow Senators and Madam Senator: Perhaps many of you have been torn as I have been since this session started with knowledge of the fact that the Equal Rights Amendment was going to be presented to us. Now, I know that I have lost a little sleep and I have done quite a bit of soul searching on this particular Amendment, and probably the reason for this is that basically my whole inner soul tells me to vote against this particular Amendment. It does, and it is perhaps a terrible admission to make when I intend to vote for it. And my reason is that probably why my inner soul tells me to vote

against this particular proposal is that it is based on probably a chauvinistic and protective attitude toward women, and maybe I feel that I don't want this to change, that I want my wife to play a wifely role in the home, I want women to be treated like women, and I want them to be held on a pedestal where they have been placed by men because I feel that they should remain on that pedestal. This is my inner feeling, as I mentioned, and based on this I suppose I should vote against the Equal Rights Amendment.

But in truth and in essence, I guess I realize that this is not the issue on this particular matter. It isn't really the issue, because if the Equal Rights Amendment is enacted I don't think that we are going to change the attitude of men towards women nor will we change the attitude of women towards men. This is a matter of the mind; it is a psychological thing, and if we want to continue to treat women in a womanly manner and to hold them on that pedestal where they have been, I don't see why adoption of the Equal Rights Amendment would remove the sanctity of the women from that pedestal. It certainly is not going to change the thinking of the men and the women of this country nor of this state. So it is a matter of the mind, and basically I think what we are opposed to is that we don't want to remove them from the plateau that we have placed them on.

So what does this Equal Rights Amendment actually deal with, when you stop to consider it? Incidentally, I might mention that U. S. Congressman Celler from New York, who has been in Congress I guess for fifty years, and is House Chairman of the Judiciary Committee, held this bill up in the U.S. Congress thirty years. For over three decades he held this bill up in the U.S. Congress. It is unbelievable some of the powers that we have given our congressmen. It is unfortunate that he held it up so long too because probably we wouldn't be faced with it here today, and I am sure many of us would like to be somewhere else rather than here.

In my research — and I dug out the Declaration of Independence, which I guess I hadn't looked at since my high school days, it is ironic that the founders of our country, who I am sure we all consider as great men and women who were involved in the Declaration of Independence, that they should commence our Declaration of Independence with these following words: "We hold these truths to be self-evident that all men are created equal." And all through our founding documents our founding fathers refer to people as men. It is on very rare occasions that they ever mention women. First of all, what did they intend by men being created equal? After all, these were very able individuals, the people who actually founded this country, who founded the United States of America, and are we to believe that they literally meant the word "men," with the omission of women, in "all men are created equal"?

This in itself really is a fallacy, when you stop to think about it, because all men aren't created equal, and neither are all women created equal. Children are born, they are retarded, they are maimed when they are born, and they are not created equal. Some are blind and some are deaf at birth, so that all men aren't really created equal, and is this what our founding fathers meant when they declared that all men are created equal? Are we to accept this literally? Are we to accept the word "men" literally as used in so many of our documents?

Maybe this is where the attitude of men has come from because history, from the time that we were children in school, deals mostly with the male sex, and very rarely does it deal with the female sex. Men aren't created equal: some are rich, some are poor, some are of different colors, so that men really aren't created equal. And I can't believe that our founding fathers meant this all literally. I am sure that perhaps back in the 18th century women back then were considered chattels, and they were considered chattels for years and years. Also

in the biblical interpretation of a woman after marriage, she became one with the man and they were treated as one. It was considered that once a man took a wife that they were one person. So perhaps these are the reasons that back in the founding days of our country the word "men" was used so often. It certainly wasn't intended, in my opinion, to discriminate against women.

So today, after almost 200 years, we are here debating whether our founding fathers perhaps meant that our laws should discriminate against women or that our laws should discriminate against men, and I can't believe that this is what they intended, nor do I believe it today. When you tell yourself that women or men aren't discriminated against you are fooling yourself, because they are. There is no question about it that women are discriminated against. I have had male applicants for a secretary's job, and sure, I will admit I discriminated; I didn't hire a man as a secretary in my office. And I am sure other discrimination of this type is prevalent in our society. Whether this Equal Rights Amendment will abolish these particular discriminations in the instances that I have mentioned, I don't think so. I don't think it is going to change the way that people think.

There are areas that I feel it should be changed in. In the business world, for instance, women without any question are discriminated against. I have talked to many men whose wives perhaps have attempted to get a loan, for instance, without the knowledge of knowing perhaps who their husband was or his income or status and they are discriminated against. They are refused equal rights in our business world. They are refused equal rights under many of our employment opportunities. And this, in my opinion, is the issue here today. I don't think by adoption of this Equal Rights Amendment that you are going to change the minds of people nor are you going to change the way that women are treated or the special considerations which they receive from gentlemen. And

I am sure that if we enact this that we are not going to, as men, lessen ourselves by not treating women as we have in the past. I am sure that we will be as protective and as polite toward the female sex.

So it is difficult when you think about it. There is no question about it, we will have to change many of our statutes. I shall say that if this Equal Rights Amendment is adopted that one of the first things this legislature will have to do is to immediately create a commission to amend our laws that discriminate, because if we fail to do so — take the sex laws in the state, your rape laws, your indecent liberties laws, they only deal with men, so if a man takes indecent liberties with a girl between the ages of 14 and 16, it just relates to men, or your rape laws — so if we enact this, there is no question that we will have to amend these statutes because they will be struck down, they will become unconstitutional. It will be as if we have no laws on the books whatsoever dealing with rape or indecent liberties, so that we will have to amend these statutes.

We will have to amend many of our labor laws that we enacted, incidentally, some seventy years ago, most of them, because back then I guess we had the boiler room type of conditions for women and we passed protective legislation for them. So we will have to amend some of these because they are unconstitutional.

Our divorce laws: I was a little concerned about this particular one and I did some research from the Health and Welfare Department, and it certainly isn't going to add to our rolls of AFDC because this doesn't concern this at all. Our present laws relative to support of children is that it is an equal responsibility upon the man and the woman, and the court so ruled in this fashion. So it isn't going to change this in any way. Now, it will be possible in the future for a man to receive alimony from the wife if she is of sufficient means, and this is an equal right that men have been denied. So it works both ways. It isn't all for

the benefit of the female sex that the Equal Rights Amendment will seek to equalize.

So, in looking over the entire picture of this particular Amendment and analyzing this in perhaps a logical sense without emotion, I am fully convinced that we should adopt the Equal Rights Amendment, and I ask all of you to support it. Thank you.

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Mr. MINKOWSKY: Mr. President and Members of the Senate: I don't believe at this particular point of the debate that I could add anything of significant value that already has not been stated.

I really believe that the Equal Rights Amendment as stated here today, displaying the magnitude and scope of this Amendment really tends toward the centralization of our National Government instead of towards the decentralization. I look upon this as being a very hazardous thing in our society today. If the ERA Amendment was the panacea then that would be the end of it; I do not really believe that I would object to it as strenuously as I do today. I sincerely believe that this really is a dangerous attempt perpetrated against this democratic society of ours and possibly eroding away the very foundation of this great nation.

A couple of examples that materialized recently is our Supreme Court ruling of praying in school, which is a road away from our Constitution and also the law or the recent court decision in reference to the abortion laws. If this is truly a nation of the people, by the people, and for the people, I think we really should look towards giving the power back to the people instead of trying to take it away from them.

A matter that was brought to my attention yesterday by my daughter was a publication which came out in one of our schools in the City of Lewiston, namely, Montello Junior High School, written by a thirteen year old girl, and I will just quote excerpts from this particular article, especially the title, and I think this will

correlate in certain degrees to what has been stated here today. The title is "Woman's Liberation, for the Birds", and the first paragraph that this young lady writes is "I disagree for the most part on Women's liberation. I think God made us for what we are and we should not try to change our roles, with some exceptions: If some women can take men's roles with no problems that is great. If they have young children to take care of, then I do not think they should be working. Some women say that like a man they are not afraid of anything. When the time comes to be afraid of something though they jump right into the man's arms for protection. I don't think they should be liberated women if they cannot live up to this particular policy. It is really hard on the children to have a liberated mother because they do not go to school; they get shoved off to a baby sitter or to a day care center. The result is that these children will never see their mothers." Another excerpt: "Men should not be made to stay home and clean houses. I think it is dumb, even if they do it on their own free will, although they do not do this sort of thing in other areas." Finally, "Men should be masculine and support their families; not stay home and tend children."

I think, Mr. President and Members of the Senate, if a thirteen-year old youngster in our State of Maine school system can evaluate and analyze this particular problem and this point of view, I think it is very obvious that women throughout the United States and possibly, as it has been pointed out, especially here in the State of Maine, do really have a great deal of freedom and latitude as they have desired over the years.

I think it is incumbent upon the individual states in this nation to rectify their own laws; not to take these powers away from the various legislatures throughout the country. Thank you very much, Mr. President.

The PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Anderson.

Mr. ANDERSON: Mr. President and Members of the Senate:

I feel very strongly that my colleagues in this august body will follow the dictates of the vast majority of their constituents and vote "No" on this Equal Rights Amendment which, if passed, would be nothing short of a national catastrophe.

In a poll taken in my section of Hancock County, it disclosed that women against the Amendment far outweighed those for it. It is my honest belief that this ratio, almost 10 to 1, would hold true from Kittery to Fort Kent. To substantiate this I have names on petitions of over six hundred, and if any member of the Senate would like to look these over I am sure one of the pages would be glad to place it on your desk.

I wonder if we have all given serious thought to the work that will be involved if this Amendment is ratified.

The accumulation of statutes since the Constitution of these United States was written is staggering to contemplate. All these will have to be scrutinized piece by piece. In every state hundreds of statutes will have to be repealed — hundreds of documents and regulations rewritten.

Some authorities have stated that it will take two years to iron out the legal, social, spiritual and moral ramifications of this act after ratification.

I say to you, in my humble opinion, there will be confusion that will spill over into chaos before this mess is finally untangled. If it makes a mockery of our Constitution how elated competitive foreign powers will be.

Here are some of the things that will be forever lost if this is ratified:

It will take away the many rights, benefits and privileges that women now enjoy.

The foundation of this great nation rests in the hands of the family circle. All this will be destroyed if this devisive unnecessary act comes to pass.

The coexistence that male and female have known since the dark ages of the caveman will be a thing

of the past. Yes, the God-given relationship between man and woman will be wiped out by the stroke of a pen.

It will have the demoralizing effect of stamping out the right to be a woman and replace it with the right to be a man.

It will take away from wives and mothers their right to be provided a home and financial support by their husbands.

It will take away from daughters their exemption from the draft in future wars. God forbid that we ever have another war, but if we do, a draft will be inevitable.

A woman's present freedom of choice to take a job will be taken away.

It will take away the right to be a full - time wife and mother. And how sad; it will take away the right to be a woman.

This amendment makes no allowances for the physical differences which exist between men and women. Women today have protective labor legislation which prevents their being forced by employers to do a man's work.

This amendment will wipe out these protections and women will be forced to do any work they are assigned. If they can't do it they could be discharged and lose out on their unemployment compensation. The overwhelming majority of women don't want to give up this protection.

Why, I ask you, should the vast majority of women relinquish their present status in order to appease the tiny minority of women who want to be treated like a man?

There are two major groups of women lobbying for this amendment. One group is the Women's Liberationists. Their motive is plainly radical. They have no use for men, marriage or children. Their obvious aim seems to be to destroy morality and the family circle.

The other group, business and professional women, are more honest in their motives. They believe they have been discriminated against in the labor market. It is a shame they have been misled into thinking ratification of the Equal Rights Amend-

ment will help their cause. They have failed to see that the Civil Rights Act and the Equal Employment Opportunity Act will protect them against discrimination in the field of labor.

It is my sincere hope that this group will ultimately find a solution to their problems through the Acts mentioned above.

To sum it all up, this will be no help to women, but will take away the many privileges they now enjoy.

This amendment might well have been written for the benefit of men as it will prove to be a bonanza to the male population.

Chivalry seems to be at a low ebb these days. I hate to think what it will be if this amendment should be ratified.

The Senator from York, Senator Hichens, was ridiculed by the press a few days ago when he said, and I quote, "I've placed women on a pedestal and I want to keep them there."

Perhaps you don't realize it, but what Senator Hichens said is subconsciously in the hearts and minds of every man in this Chamber.

You know, women are lovable, soft, indispensable creatures; Provocative at times, but after all, why shouldn't they be; they're meant to be loved and not understood. They are superior to man, always have been, always will be.

Let's keep them that way.

Vote no on the ratification of his Equal Rights Amendment.

Mr. President and Members of the Senate, my thanks for your kind indulgence.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY: Mr. President, I request a roll call.

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President and Members of the Senate: We have listened to a great deal of debate on this issue. I would simply remind the members of this Senate that what we are talking about are the laws which apply to men and

women in a different manner. Discrimination, a distinction written into law. We are not talking about the manner in which one man regards a woman or by which all men regard women, or social customs, or anything of this sort. We are talking about laws, Mr. President, and equality of treatment under the law.

I appreciate the concern with which all of the members of the Senate have viewed this particular issue. I have shared in that concern a great deal and at great length myself. But far from wishing I were elsewhere, I regard this moment as a very rare opportunity and I am very honored to be a part of it. The opportunity comes very infrequently for any individual to be a part of writing the Constitution of the United States.

Far from eroding the foundations of our society, this Amendment would continue in the tradition that has always been a part of our democracy, continue with the expansion in the meaning of the word "equality".

The good Senator from Androscoggin, Senator Clifford, mentioned that this would create a constitutional yardstick of absolute equality. The Fourteenth Amendment was passed almost one hundred years ago and, Mr. President, we are still obtaining opinions as to how that amendment shall be applied. If this Equal Rights Amendment passes, we will have a number of cases as to what it means and as to how it shall be applied. We will be having those cases and be requesting those decisions for as long as America is a democracy, for as long as we are living under the Constitution. That is why we need a Supreme Court. That is why that Court exists today, because that Court is asked for opinions and decisions on the meaning of the present Constitution, and will be asked for those opinions on this Amendment as well.

The good Senator also mentioned that this Amendment would downgrade the status of the housewife under the law. I believe it would have precisely the opposite effect. If a woman wishes to be a housewife, there is nothing in this

Amendment that will deny her that right and the status of the housewife would be upgraded from the knowledge that that woman did not need to be a housewife but freely, openly, and with a wide range of choices before her, chose to undertake that path for her life.

Again, Mr. President, we are talking about equality under the law, and we are here to decide whether or not there are to be exceptions to that very basic foundation and principle of American democracy.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President and Members of the Senate: This is the first time, I think, in my years in the legislature that I have ever been so tied up with such an emotional issue. I have thought perhaps of what Sir Walter Raleigh might be thinking at this time, if he has not already turned over in his grave. Secondly, I have heard statements made in the corridors so many times since the ERA was introduced in this session of the legislature that by the time it got to the Senate, if we could only turn the lights off and have a vote taken, that the vote would be 32 to 1 and each of us upon leaving the Senate would get outside say that we were the one who voted for it.

Also, in the early months of traveling back and forth and staying over up here in Augusta in the last several weeks, I have been confronted with somewhat of an insomnia situation. Last evening I got into bed very early and started to go off to sleep when the phone calls started coming. Needless to say, getting a good night's sleep was a little difficult, but I have been talking with many Senators here in respect to this particular Constitutional Amendment and I approximately three weeks ago, had made the statement that at that time I was 98 percent sure of voting against it. And every morning I would run into the good Senator from Androscooggin, Senator Clifford, and he keeps continuing to ask if there is any shrinkage. Right at the moment I feel like a stock on the New

York Stock Exchange that is going up and coming down every twenty minutes.

To analyze the amendment as it stands, the title itself, Equal Rights Amendment, is a somewhat shocking thing, because I think we all believe that everyone should have equality in life. I have often felt that woman remained far superior in their little position in life, and I think that most women feel that that is actually the way they wish to remain, to stay. And I honestly don't feel that the adoption of the ratification by the State will really make much difference regarding the lives of all of us, because to me it just appears that on the surface the Amendment does absolutely nothing. It is a play on words in a sense that it is saying that we are giving equality to women, but there is no implementation in our laws. People are saying, as the good Senator, Senator Cummings, says, that it will strike out with one swoop of a pen any discriminatory laws in other states, and we are all aware of the fact that as far as Maine is concerned that we do have our statutes in pretty good shape relative to the women of our state.

I have just become so wrapped up in this thing in the last few days, and I listened with great interest to the poll that the good Senator from Kennebec, Senator Joly took yesterday in the State House, the County Courthouse up in Skowhegan, and Waterville, and it doesn't surprise me at all about the results of that poll. I know though, on the other hand, that we can talk about any particular bill in the legislature before our constituents, and that people have very little knowledge or understanding of what it currently before this session of the legislature. And I know, having served on the City Council in Portland for a number of years now, that people really don't get up tight or don't come to the meetings; they sort of leave these things in the hands of the body politic unless it directly affects them, and then we will have a massive turnout.

So today, as the latest assessment, in reality this ratification or the adoption of the amendment does very little but give a psychological uplift to the women of this country, then I can honestly see that there is no reason why it should not be ratified and adopted.

The PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Shulten.

Senator SHULTEN: Mr. President and Members of the Senate: It certainly has been well documented that the amendment that is under discussion today is important, so I won't impose on your time to convince you of its importance. I think this has already been said and very well said by many, but because of the interest in this amendment, because of the people who have traveled a great distance perhaps, to hear the results of the Senate deliberations today, and because of the widespread interest, why I do feel that a brief explanation of how I should vote would be in order because I certainly have not been completely free in my own mind as to which was the right decision to make.

I have read about equal rights. I have talked about equal rights at great length, to a great extent, and certainly I have listened a great deal about equal rights. I had hoped that equal rights being as involved, and perhaps subject to areas of jeopardy, that the important thing for this body to consider would have been the formation of a study group so that they could easily meet a deadline that is required of the ratification by the United States Congress. To me this would make an extremely lot of good sense, and we would then be able to wash away all the myth and separate the fact from fiction. I feel very definitely that this would have been the right thing but it is not to be, evidently, at least not before we take some sort of action.

Separation of fact and fiction, to paraphrase perhaps, or to go back to what one of our esteemed Senators talked about when he mentioned the biblical times, brings to mind the wheat and the chaff, and I think to a point this

is applicable to the things that we are thinking about here this morning. And for the distinguished Senator from Penobscot County who brought up the idea of the biblical times, and man and his relationship down to the present generation, I would point out that perhaps the banking fraternity at that time did have a policy of backwardness or unenlightenment. However, I think the good Senator from Penobscot would find that today bankers hope that they are an enlightened group. I think you will find that most of them are equal opportunity employers and I think, most importantly, you will find that a banker that is worth his salt will make loans based on ability to pay; not on ability of what happened as they were born. In other words, there is no sex discrimination at all in the banking fraternity today, and I would think that you would find the banks, as well as other industries, are more than anxious to promote and to elevate the ladies and the women in those institutions to their highest possible potential.

It is a matter of demonstration so far as we see it. And this brings one more fact and fiction picture to mind, and I would like to take just a moment to tell you about that.

I got a call last night among many, as most of you did, and this was a person, a leader of a national organization with a statewide membership. In the phone call, the caller assured me of their position, that I was to vote for Equal Rights Amendment, and if it would influence me, since they understood that I had not yet made a commitment, they were willing to have enough members call me so that I could be talking on the phone all night long, but I assured the person that no, this was not necessary, that I would listen very attentively and, hopefully, I could gather the total picture. So, I got the pitch and I kept it as brief as possible. But before the phone was hung up this particular person insisted on giving me a for instance, and the for instance was that we had a case of discrimination right in my own area. And

I might say that I have had very few people ask of me from my own particular district to vote one way or the other; they more or less have felt that I was capable of making my own decisions, I hope, but there has been very little of that. However, this person who is not from the area pointed out this discrimination. The discrimination was that very recently a woman in the computer department of the largest manufacturer in our area, and probably one of the largest manufacturers in the State, had been denied a promotion, and the promotion was denied not on the basis of ability but on the basis of sex. And I said well that is rather strange to believe, but I will accept what you tell me and I will bear it in mind. So this morning I got in telephonic communication with this organization, and they assured me that such was completely contrary to their operating policy, that they too are equal opportunity employers, that they are doing everything they possibly can to advance the cause of women within their own organization, and all they need is competency and ability to demonstrate.

Since I had deliberately not asked for names, I was unable to furnish names in this particular case, but for your information I might add that this company is making deliberate inquiries to find out if such a thing did occur, and if it did occur, and they can document it, I will be back some time next week to let you know who was involved and how it came about. But certainly as far as policy is concerned this is not true.

So these are the things that have bothered me in voting for this equal rights amendment. I feel that there is just too much here that remains unseen and might possibly jeopardize the position or the future of the women.

Now, I have too much respect and admiration for the ladies of this State to ever knowingly vote for anything that I did not feel was in the best rights and for the best interests of these ladies and so, because I am willing perhaps to give to a point, even though I do so reluctantly, if the women

of this State are convinced that this Equal Rights Amendment is to their best interests, even though when I walked in this morning to this Chamber I had enough persuasion that the women did not want this, but since there is a question in my mind that possibly I would be doing them a disservice by not casting my vote, I shall, as I say, reluctantly vote to pass the amendment. Thank you.

The PRESIDENT: The Chair recognizes the Senator from Franklin, Senator Shute.

Senator SHUTE: Mr. President and Members of the Senate: I share the regrets of Senator Richardson that Senator Katz is not here with us this morning, but I agree with the Senator from Sagadahoc and the Senator from Cumberland, Senator Conley, that another night of phone calls would be just too much to bear. When you miss the popular show "Maude" because of phone calls, that is to be regretted.

I also welcome Senator Richardson's remarks in which we welcomed Senator Brennan into the ranks of progressive Republicanism. And yesterday, as you are well aware, the bill which I fathered, which would permit the Sunday hunting of rabbits, died an inglorious and probably a much deserved death, but I would like to remind the members of this body that in my constituency, because of my sponsorship of this bill, I have been called a flaming radical, so you know where 23 of you stand in the political spectrum as a result of the vote yesterday.

I would like to tell you that I have been torn several different ways in trying to make up my mind on the Equal Rights Amendment issue, but I did make up my mind some time ago. In studying, as you have studied, the Yale and Harvard Law Reviews, the reports from the learned doctors of law, many of whom oppose the passage of the Equal Rights Amendment, which they say could destroy more rights than it creates by attempting to create equality through sameness, there are two things that I would like to call to your attention.

The first thing takes us back ten years to President Kennedy's Commission on the Status of Women. Its report of October 1963 categorically rejected the ERA at that time. Since the Commission is convinced that the U.S. Constitution now embodies equality of rights for men and women, we conclude that a constitutional amendment need not now be sought in order to establish this principal.

There is one other thing that I would like to call to your attention: the progress of ERA through Congress on June 22, 1971 by a vote of 19 and 16. Now, this was less than seven years after the Kennedy Commission on the Status of Women gave its report. The 92nd Congress Sub-committee Number 4 of the Judiciary Committee reported to the full committee by a vote of 19 to 16, adding a section which provided that the amendment would "not impair the validity of any law of the United States which exempts a person from compulsory military service, or any other law of the United States or any State which reasonably promotes the health and safety of the people". This was the so-called Wiggins Amendment. Well, the committee then by a vote of 38 to 2 reported the Joint Resolution favorably. This was filed July 14, 1971. On October 12, 1971, three months later, the House rejected this amendment and passed the resolution in its original form. I am quoting from the Congressional Record.

The following February, a year ago now, the Senate rejected six subsequent moves of a similar nature to add qualifying language. We believe that Congress made a grave mistake in so doing and this will prove to be the ultimate downfall and rejection of the amendment.

Now there is hardly a more liberal Congressman than Representative Emmanuel Celler, Democrat of New York, distinguished Chairman of the House Judiciary Committee. He had been renowned in the fight for civil liberties, and yet Congressman Celler spoke these words — he said in reference to ERA: "It is a blunderbuss proposal that

will wipe out all the good with the bad." He says, "at one fell swoop this amendment would wipe out all those protective laws that we, after arduous toil, sought to put on the statute books." So for my part, after study of both sides of this issue, I believe that ERA is untimely, unneeded and unwanted by a majority of the people.

The Senator from Kennebec, Senator Speers, has indicated that he has received a lot of mail on this, and I am sure that we all have. I have taken a count on the mail. I have not conducted any polls, such as Senator Joly has indicated, but in going through the mail, the telephone calls, and the petitions I find that outside the 17th Senatorial District there were 60 people who indicated that they were for Equal Rights Amendment; there were 14 people who were opposed to it. Inside my District, where I am elected, there were 11 for it, and 96 in opposition. Now this sampling includes men and women, it includes college-age women, as well as wives, mothers and retired persons. And speaking of the A.A.U.W. as one of the sponsors of this amendment, one of the organizations in support of it nationally, the A.A.U.W. Chapter in Farmington is split about fifty fifty on this question.

I have rejected this thing, and perhaps it politically is not the in thing to do, but I have considered the majority sampling in my District. Twenty-eight states thus far have ratified this amendment, ten have rejected it, and I believe passage of the Equal Rights Amendment would create more legal mischief than the passage of the Volstead Act, which took 14 years to rectify, and I plan to vote against ratification.

THE PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Kennebec, Senator Speers, that the Senate accept the Majority Ought to be Adopted Report of the Committee on Joint Resolution relative to Ratification of Equal Rights Amendment.

A roll call has been requested. Under the Constitution, in order for

the Chair to order a roll call, it requires the affirmative vote of at least one-fifth of those Senators present and voting. Will all those Senators in favor of ordering a roll call please rise and remain standing until counted.

Obviously more than one-fifth having arisen a roll call is ordered. The Chair will state the question once again. The pending motion before the Senate is the motion of the Senator from Kennebec, Senator Speers, that the Senate accept the Majority Ought to be Adopted Report of the Committee on Joint Resolution relative to Ratification of Equal Rights Amendment. A "Yes" vote will be in favor of Ratification; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Brennan, Cianchette, Conley, Cox, Cummings, Danton, Kelley, Marcotte, Morrell, Peabody, Richardson, Schulten, Sewall, Speers, Tanous, and President MacLeod.

NAYS: Senators Aldrich, Anderson, Berry, Clifford, Cyr, Fortier, Graffam, Greeley, Hichens, Huber, Joly, Minkowsky, Olfene, Roberts, Shute, and Wyman.

ABSENT: Senator Katz.

A roll call was had. Sixteen Senators having voted in the affirmative, and sixteen Senators having voted in the negative, with one Senator absent, the Joint Resolution Failed of Adoption.

Mr. Speers of Kennebec was granted unanimous consent to address the Senate:

Mr. SPEERS: Mr. President and Members of the Senate: I think it is quite apparent to the members of this body that the matter of the two reports which are now before us are of the utmost importance not only to this legislative session, not only to the citizens of the State of Maine, but to the citizens of the United States as well, and I think it quite apparent from the vote that was just taken that this matter be before this body when the body is at its complete strength. I thought at the time that we took this up that it was rather unfair to the absent member of this body that this was taken up at this time because of the impor-

tance of the matter. I would now hope that someone would table this matter until such time as the Senate may vote upon it in full strength.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Richardson.

Mr. RICHARDSON: Mr. President, I would direct a parliamentary inquiry to the Chair if I may.

The PRESIDENT: The Senator may state his inquiry.

Mr. RICHARDSON: Mr. President, I would like to inquire if I, having voted yes, am considered to have voted on the prevailing side.

The PRESIDENT: The Senator would not be considered to be in the majority because there was a tie vote sixteen to sixteen and the vote did not prevail. The vote failed so the prevailing side would be Ought Not to be Adopted; there was no majority. The Senator voted yes, so the Senator was not on the prevailing side.

Mr. RICHARDSON: Mr. President, I request permission to change my vote from yes to no, and I did not hear the President announce the result of the vote.

The PRESIDENT: The Chair has announced the vote as sixteen in favor and sixteen opposed. The Senator may not change his vote after the vote has been announced.

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY: Mr. President, having voted on the prevailing side, I move reconsideration and request everybody to vote against my motion.

The PRESIDENT: The Senator from Cumberland, Senator Berry, moves that the Senate reconsider its action whereby the Senate refused to accept the Ought to be Adopted Report of the Committee. As many Senators as are in favor of reconsideration will please say "Yes"; those opposed "No".

The Chair recognizes the Senator from Penobscot, Senator Tanous.

Mr. Tanous of Penobscot then moved that the Joint Resolution be tabled and specially assigned for March 6, 1973, pending the motion by Mr. Berry of Cumberland to reconsider.

Mr. Berry of Cumberland then requested a division, and subsequently Mr. Conley of Cumberland requested a roll call.

The PRESIDENT: A roll call has been requested. Under the Constitution in order for the Chair to order a roll call, it requires the affirmative vote of at least one-fifth of those Senators present and voting. Will all those Senators in favor of ordering a roll call please rise and remain standing until counted.

Obviously more than one-fifth having arisen, a roll call is ordered.

For what purpose does the Senator rise?

Mr. RICHARDSON: To direct a parliamentary inquiry to the Chair, if I may.

The PRESIDENT: The Senator may state his inquiry.

Mr. RICHARDSON: Mr. President, I would ask whether or not a motion to adjourn would take priority at this time and prevent a vote on the tabling motion and, if I may complete my parliamentary inquiry, whether or not the first order of business on reconvening the next legislative day would not at that time in fact be the motion to table? The rules of order and proceedings in the Senate, I believe, indicate the motion of highest priority is the motion to adjourn.

The PRESIDENT: The Chair would inform the Senator from Cumberland, Senator Richardson, that a motion to adjourn is always in order. The Chair would also inform the Senator that if the motion to adjourn prevailed, the first order of business before the Senate when the Senate reconvenes on the next legislative day would be the regular order of business, and this would come under unfinished business under Orders of the Day.

The pending motion before the Senate is the motion of the Senator from Penobscot, Senator Tanous, that the Joint Resolution be tabled until Tuesday next, pending the motion of the Senator from Cumberland, Senator Berry, that the Senate reconsider its action.

The Chair recognizes the Senator from Cumberland, Senator Richardson.

Mr. Richardson of Cumberland then moved that the Senate Adjourn until ten o'clock tomorrow morning.

The PRESIDENT: The Senator from Cumberland, Senator Richardson, moves that the Senate be adjourned until ten o'clock tomorrow morning. The Chair is ordering a division.

As many Senators as are in favor of the motion of the Senator from Cumberland, Senator Richardson, that the Senate be adjourned until 10:00 a.m. tomorrow morning will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

A division was had. Fourteen Senators having voted in the affirmative, and seventeen Senators having voted in the negative, the motion to adjourn did not prevail.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. Speers of Kennebec then requested a roll call.

The PRESIDENT: A roll call has been requested. The pending question before the Senate is the motion of the Senator from Penobscot, Senator Tanous, that Item 6-11, Legislative Document 161, be tabled and specially assigned for Tuesday next.

For what purpose does the Senator rise.

Mr. SPEERS: Mr. President, my request was for a roll call vote on the motion to adjourn.

The PRESIDENT: The Chair apologizes to the Senator. A roll call has been requested on the adjournment motion. Under the Constitution, in order for the Chair to order a roll call, it requires the affirmative vote of at least one-fifth of those Senators present and voting. Will all those Senators in favor of ordering a roll call please rise and remain standing until counted.

Obviously more than one-fifth having arisen, a roll call is ordered. The pending question before the Senate is the motion of the Senator from Cumberland,

Senator Richardson, that the Senate stand adjourned until 10:00 a.m. tomorrow morning. A "Yes" vote will be in favor of the motion to adjourn; a "No" vote will be opposed.

The Secretary will call the roll.

For what purpose does the Senator rise?

Mr. TANOUS: A parliamentary inquiry.

The PRESIDENT: The Senator may state his inquiry.

Mr. TANOUS: Mr. President, I understand that under the Constitution that the legislature cannot meet when we have public hearings. Is that correct?

The PRESIDENT: Whether public hearings can be held while the legislature is in session?

Mr. TANOUS: Yes.

The PRESIDENT: There is nothing in the Joint Rules, to my knowledge, that would prohibit public hearings from being held while the legislature is in session. It has not been the practice.

A "Yes" vote will be in favor of the motion to adjourn; a "No" vote will be opposed. The Secretary will call the roll.

ROLL CALL

YEAS: Senators Brennan, Conley, Cummings, Danton, Kelley, Marcotte, Morrell, Peabody, Richardson, Schulten, Sewall, Speers, and Tanous.

NAYS: Senators Aldrich, Anderson, Berry, Cianchette, Clifford, Cox, Cyr, Fortier, Graffam, Greeley, Hichens, Huber, Joly, Minkowsky, Olfene, Roberts, Shute, Wyman, and President MacLeod.

ABSENT: Senator Katz.

A roll call was had. Thirteen Senators having voted in the affirmative, and nineteen Senators having voted in the negative, with one Senator absent, the motion to adjourn did not prevail.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President, a parliamentary inquiry.

The PRESIDENT: The Senator may state his inquiry.

Mr. CONLEY: Mr. President, on the preceding vote, the tie of sixteen to sixteen, and having not enough votes to accept the

majority report, would the next motion then be to vote for the minority report?

The PRESIDENT: That is usually the case. The pending question before the Senate is the motion of the Senator from Penobscot, Senator Tanous, that Joint Resolution relative to Ratification of Equal Rights Amendment be tabled and specially assigned for Tuesday next, pending the motion of the Senator from Cumberland, Senator Berry, that the Senate reconsider its action.

A roll call has been requested, and a sufficient number of Senators having arisen, expressing their desire for a roll call, the Secretary will call the roll. A "Yes" vote will be in favor of the motion to table; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Brennan, Conley, Cummings, Danton, Kelley, Marcotte, Morrell, Peabody, Richardson, Schulten, Sewall, Speers, and Tanous.

NAYS: Senators Aldrich, Anderson, Berry, Cianchette, Clifford, Cox, Cyr, Fortier, Graffam, Greeley, Hichens, Huber, Joly, Minkowsky, Olfene, Roberts, Shute, Wyman, and President MacLeod.

ABSENT: Senator Katz.

A roll call was had. Thirteen Senators having voted in the affirmative, and nineteen Senators having voted in the negative, with one Senator absent, the motion to table did not prevail.

The PRESIDENT: As many Senators as are in favor of the motion of the Senator from Cumberland, Senator Berry, that the Senate reconsider its action will please say "Yes"; those opposed "No".

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

The PRESIDENT: Is it now the pleasure of the Senate to accept the Minority Ought Not to Pass Report of the Committee?

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. Conley of Cumberland then requested a roll call.

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from Cumberland, Senator Richardson.

Mr. RICHARDSON: Mr. President, is the motion to accept the Ought Not to Pass Report debatable?

The PRESIDENT: The motion is debatable.

Mr. RICHARDSON: Mr. President and fellow Senators: It is to me not a matter of any great concern, a least such that I should attempt to stand before you as a freshman Senator and talk to you about what I think is a matter of conscience. But really, Lady and Gentlemen, really you are talking about an Amendment to the Constitution of the United States, and we routinely in this body, routinely, grant tabling motions because someone who has an interest in legislation is not here, is not available to vote. We do this as a matter of courtesy to a fellow Senator without giving it a moment's thought.

Those of you who are voting against the Equal Rights Amendment, I respect your views; you hold them for valid reasons, I am sure. Those of you who have had the courage to stand up here and debate the issue on the side in opposition, as those of us who stood up and spoken for the bill, have had to publicly take a position, and right or wrong you have every right to do that, and I think you are to be applauded. And the good Senator from Franklin, Senator Shute, gave an eloquent defense of the position against ERA but in all honesty, I fail to see how the Senate can take a vote on the measure of this significance without having everyone present here to vote. I am sure I am going to provoke a snicker of disbelief, but I honestly do not know how Senator Katz is going to vote; I honestly do not. I simply feel that we should give an opportunity to decide this issue with everybody here, as a matter of fundamental fairness, and as a matter of courtesy which we routinely extend to every single member of this Senate. Every single one of us demands it and expects it. We talk about the traditions of the Senate, or at least when I was in the House

a lot of you distinguished Senators would remind me of the superior manner in which the Senate conducts its business, and I simply cannot allow this to pass without protesting what I think is really, gentlemen and lady, a rather heavy-handed display.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Brennan.

Mr. BRENNAN: Mr. President and Members of the Senate: As I understand it, Senator Katz, like other Senators here, represents some 33,000 people, and I say today the question is whether or not we are going to disenfranchise those 33,000 people. I say today that we have got six years to decide on this, six years to make that decision, and I say that this is not being a very deliberative body if we are going to take action precipitously like this. But I say that the time is available; there is no rush, there is no bridge being built anyplace or there is no terminal building for Bangor or anything of that sort. The question here is whether or not we are going to disenfranchise 33,000 people because someone's brother untimely died. I would urge someone to table this measure for two days. I hope they would.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Danton.

Mr. Danton of York then moved that the Joint Resolution be tabled and specially assigned for March 5, 1973, pending Acceptance of the Minority Ought Not to be Adopted Report of the Committee.

Mr. Berry of Cumberland then requested a division, and subsequently Mr. Brennan of Cumberland requested a roll call.

The PRESIDENT: A roll call has been requested. Under the Constitution, in order for the Chair to order a roll call, it requires the affirmative vote of at least one-fifth of those Senators present and voting. Will all those Senators in favor of ordering a roll call please rise and remain standing until counted.

Obviously more than one-fifth have arisen, a roll call is ordered. The pending question is the motion of the Senator from York, Senator

Danton, that this Joint Resolution be tabled until Monday next pending acceptance of the Minority Ought Not to be Adopted Report. A "Yes" vote will be in favor of the motion to table; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Aldrich, Brennan, Cianchette, Clifford, Conley, Cox, Cummings, Cyr, Danton, Graffam, Greeley, Joly, Kelley, Marcotte, Morrell, Olfene, Peabody, Richardson, Roberts, Schulzen, Sewall, Shute, Speers, and Tanous.

NAYS: Senators Anderson, Berry, Fortier, Hichens, Huber, Minkowsky, Wyman, and President MacLeod.

ABSENT: Senator Katz.

A roll call was had. Twenty-four Senators having voted in the affirmative, and eight Senators having voted in the negative, with one Senator absent, the motion prevailed.

Thereupon, the Joint Resolution was tabled and specially assigned for March 5, 1973, pending the Acceptance of the Minority Ought Not to be Adopted Report of the Committee.

Senate

Leave to Withdraw

Mr. Shute for the Committee on Election Laws on, Bill, "An Act Relating to Copies of Voting Lists to Political Parties." (S. P. 169) (L. D. 424)

Reported that the same be granted Leave to Withdraw.

Which report was Read and Accepted.

Sent down for concurrence.

Second Readers

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

Bill, "An Act Relating to Board of Trustees of Independent Churches." (H. P. 152) (L. D. 185)

Bill, "An Act Relating to Outside Signs at Offices of and Increasing Fees of Change of Location of Real Estate Brokers." (H. P. 389) (L. D. 518)

Bill, "An Act Establishing the Lowell E. Barnes Wildlife Management Area, Oxford County." (H. P. 407) (L. D. 535)

Bill, "An Act Relating to Holding Property by Children's Aid Society of Maine." (H. P. 409) (L. D. 558)

Bill, "An Act Increasing Bond of Register of Probate in Cumberland County." (H. P. 417) (L. D. 566)

Resolve, Providing Funds for Project on Swan's Island, Hancock County. (H. P. 446) (L. D. 595)

Bill, "An Act Relating to Motor Vehicle Auxiliary Lights on Snow Plowing Vehicles." (H. P. 264) (L. D. 371)

Bill, "An Act Relating to Display of Headlamps on Parked Vehicles." (H. P. 268) (L. D. 375)

Bill, "An Act Relating to Exemption of Certain Securities and Dealers from Registration under the Securities Law." (H. P. 304) (L. D. 406)

Bill, "An Act Establishing Licensure Fees for Manufacture and Sale of Lightning Rods." (H. P. 305) (L. D. 407)

Bill, "An Act to Increase the Fee for Registration of Securities." (H. P. 306) (L. D. 408)

Bill, "An Act Relating to Display of Vehicle Headlamps." (H. P. 365) (L. D. 480)

Bill, "An Act Relating to Per Diem Compensation for Members of the Real Estate Commission." (H. P. 373) (L. D. 502)

Bill, "An Act Relating to Recording Municipal Ordinances Relating to Land Control." (H. P. 858) (L. D. 1001)

Bill, "An Act Relating to Wardens and Vestrymen in the Protestant Episcopal Church in the Diocese of Maine." (H. P. 252) (L. D. 333)

Which were Read a Second Time, and Passed to be Engrossed, in concurrence.

House - As Amended

Bill, "An Act Relating to Bridge Academy." (H. P. 196) (L. D. 269)

Bill, "An Act to Amend the Organization of Penobscot Bar Library Association." (H. P. 376) (L. D. 505)

Bill, "An Act Providing Funds for Elementary School Guidance Counsellors." (H. P. 384) (L. D. 513)

Which were Read a Second Time and Passed to be Engrossed, as Amended, in concurrence.

Enactors

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

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)

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

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

(On motion by Mr. Sewall of Penobscot, placed on the Special Appropriations Table.)

An Act Relating to Lights and Reflectors on Bicycles. (H. P. 96) (L. D. 117)

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

Which, except for the tabled matter, were Passed to be Enacted and, having been signed by the President, were by the Secretary presented to the Governor for his approval.

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

(On motion by Mr. Sewall of Penobscot, placed on the Special Appropriations Table)

Emergency

An Act Providing for an Additional District Court Judge at Large. (S. P. 65) (L. D. 188)

(On motion by Mr. Sewall of Penobscot, placed on the Special Appropriations Table.)

Orders of the Day

The President laid before the Senate the first tabled and specially assigned matter:

Joint Resolution Proposing A Legislative Address by Lt. Commander Mark Gartley. (S. P. 362)

Tabled — February 26, 1973 by Senator Brennan of Cumberland.

Pending — Adoption.

On motion by Mr. Berry of Cumberland, retabled and Tomorrow Assigned, pending Adoption.

The President laid before the Senate the second tabled and specially assigned matter:

Senate Reports — from the Committee on Liquor Control on Bill, "An Act Relating to Hearings for Applications for Liquor Licenses." (S. P. 125) (L. D. 302) Majority Report, Ought Not to Pass; Minority Report, Ought to Pass.

Tabled — February 27, 1973 by Senator Fortier of Oxford.

Pending — Acceptance of Either Report.

Mr. Fortier of Oxford then moved that the Bill and all accompanying papers be indefinitely Postponed.

The PRESIDENT: The Senator from Oxford, Senator Fortier, moves that Bill, "An Act Relating to Hearings for Applications for Liquor Licenses", be indefinitely postponed.

The Senator has the floor.

Mr. FORTIER: Mr. President and Members of the Senate: Although this is a liquor bill, I am not going to start giving you a sermon on the morality or immorality of liquor, but I would like to point out one of the dangers which I think is inherent in this bill, and this is the deterioration of the influence of our electorate.

The bill calls for a repeal of the requirement to publish requests for renewal of liquor licenses. You have been told previously here that there is safety in the bill in that the town fathers, or the council, or the selectmen could require a public hearing if they need to, but what wasn't explained too strenuously was the fact of who would decide whether there is a public hearing on these bills or not. In the smaller towns, where there are three selectmen, two people would decide. There would be no opportunity for a referendum, no opportunity for the townspeople to ask for a hearing. If these two people on the Board of Selectmen of three people decided that we

should have no hearing, and that either this individual should or should not get a license, there is absolutely no recall.

Now, we deplored the apathy of our electorate. If you have ever attended a town meeting, you know as you get up to discuss highways, schools, welfare, or anything else, you are told you affect the subsidy to the municipality, consequently, this is practically out of order. This is just one more thing we are taking away from the people, and then we wonder why the people are not interested, why they don't turn out to vote. I would respectfully ask that you don't detract just a little more influence, a little more interest of our electorate, and vote for indefinite postponement.

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Olfene.

Mr. OLFENE: Mr. President and Members of the Senate: I would like again very briefly to speak to you on this particular bill. I realize that we have spent a long morning here and listened to a great bit of debate on a very important issue. However, if you will give me just a moment of your time, I would again briefly try to explain to you what this bill would do if it becomes passed.

As the present law stands, my good friend from Oxford, Senator Fortier, is correct; you now on off-premises liquor licenses must annually have a public hearing, which you must advertise in your local paper at the expense of the licensee.

Now, what this new proposed legislation in L.D. 302 would do would be nothing more than continue to require the public hearing on all new applicants for on-premise licenses, but would leave at the discretion of the municipal officers, either the city council, the board of aldermen, or in some cases the county commissioners, their discretion as to whether annually, on renewal only, would you have to have this public hearing.

I disagree a bit with the good Senator from Oxford, when I say that you can as a citizen have this hearing because you have the right

to go to your city municipal government or to the county commissioners, as it may apply, and ask and receive a hearing. Therefore, I see this as not loosening the liquor laws, the control of liquor, but I see this as a method of reducing some of the paper work, some of the expense to the licensees. It's much in favor of the department and, therefore, I would hope that you do not support the motion to indefinitely postpone. Thank you.

The PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Fortier.

Mr. FORTIER: Mr. President and Members of the Senate: I would like to clarify one more point. The good Senator from Androscoggin, has said that the citizens could go to the council or your executive offices and ask for a public hearing. I would like to remind you that under this bill the final decision would be made by the majority of that board, which in a good many cases is a majority of three. You could get every citizen in town to request and petition that board of selectmen, council, or county commissioners, whatever it may be, that you want a hearing, but if these two members do not want a hearing there will be no way on God's green earth to get that hearing. I hope you will support the indefinite postponement.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Sagadahoc, Senator Schulten.

Mr. SCHULTEN: Mr. President and Members of the Senate: Earlier this morning we were talking about senatorial privilege and courtesy as related to the tabling of bills, and because I feel, perhaps not rightly so, but I feel that this bill has twice been tabled in the Senate because of my absence from the body, why I should perhaps speak on the bill and give you my viewpoint on it.

I don't think it is any secret to most of the members of the Senate that I was delighted when I realized the tremendous compliment that had been paid me.

I don't expect you to remember this, but the very first bill that was passed out by the Liquor Com-

mittee as an ought to pass bill was one that I signed, and it was an act repealing the bond for a manufacturer's liquor license, and for one who might be thought of as in opposition to liquor bills and liquor loosening, this would perhaps seem to be a strange place to find my name. However, I found this in our hearing liquor manufacturers, of which there are three in the state, were required to place a bond every year. This costs a few dollars, not a great deal of money, but entails a lot of paperwork. Actually this has been on the statutes since 1934, there has not been one case where there has been any need for performance of a bond, and I felt perfectly free and justified in my own mind in supporting the bill ought to pass, in other words, eliminating such an unnecessary requirement.

On this particular bill, however, that we are looking at at the moment, L.D. 302, relating to hearings for applications for liquor license, I strongly support the position of the good Senator from Oxford County, Senator Fortier, because I feel that while the bill is very innocent looking, I think it really gets down to the fundamentals of local town government, or local city government, and any time that we take away the responsiveness or the willingness of people to be a part of their community affairs, I think it is a great mistake. I think it is reflected in our total enrollment in registered voters. It certainly is reflected in our feeling of dismay by the public that the legislature is not responsive to them. These are the things that tend to drive away our fellow townspeople.

This bill certainly would provide all the legal safeguards for anyone to complain about a liquor license and ask that something be done to have a hearing, but this is not the way it operated over the years, and this is not the way it should operate. In other words, the people of a community should have full assurance that once a year a liquor license is up for public hearing, and if the people who hold the license have had no problems, have run a respectable place, and these are by far the majority, why then

these hearings are nothing more than pretty much a routine acceptance of the reports, and the people show their unresponsiveness by not even the courtesy of attending.

But I know in our local area that once a year there are a lot of newspaper space devoted just to these liquor hearings, and they are resolved. They are resolved by the selectmen or the town councilmen based on facts that are exposed or brought forth at that time. So, to make our people in the State of Maine interested, responsive, and giving them every opportunity to participate in local town affairs, I certainly support the indefinite postponement of this bill because I think it is a strengthening that we need in our laws. I commend the Senator from Oxford County for his position.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY: Mr. President and Members of the Senate: I would like to support the position of the Chairman of the Liquor Control Committee, Senator Olfene from Androscoggin. I don't see the skeletons in the closet that both Senator Schulten from Sagadahoc and Senator Fortier from Oxford have indicated.

I do see hundreds and hundreds of Boards of Selectmen meeting around the state. I see many many city councils meeting on totally routine time-consuming applications as required by the existing law. I am sure that if all these selectmen and all these members of these municipal councils could speak that they would tell you that far and away the vast majority of these hearings are a waste of time.

I reluctantly disagree with Senator Fortier of Oxford's statement that a majority of two will railroad anything through. The smaller the town the more sensitive it is to this liquor situation, and it would just take probably a single call to a selectman to be sure that there would be an advertised public hearing.

You may recall a few years ago that we tackled a statewide problem somewhat along this line

and said that there would be no more automatic voting every two years on the half dozen or so liquor questions unless there were a petition presented to the town involved on a particular question. This has worked out awfully well. I think we have this safeguard built into this bill in that any resident of any town can call up a selectman and say, "I want a hearing on this liquor license that comes up." But by and large it seems to me that this is a reasonably progressive measure. It is not a wet or dry issue, and it is going to save an awful lot of our elected officials a lot of wasted time.

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

Mr. HICHENS: Mr. President and Members of the Senate: I would rise in support of the motion by the Senator from Oxford, Senator Fortier. The statement has just been made that many of the selectmen, and possibly the great majority, would figure that this was a waste of time and effort, but at the hearing that was held there were none of these selectmen that were present to say such things as that, and I think that if they had been concerned that they would have at least sent letters to the members of the committee saying that this is a bill that they would like to see passed. The ones that were speaking in favor of it were members of the Liquor Commission or paid lobbyists, and the opposition were individuals; not selectmen or anyone else.

We have had or will have a bill to repeal the poll tax. We have had all kinds of reports from the towns asking for support of that because of the waste and lack of convenience, and so forth. So, I think this is a shining example that the selectmen don't care and would just as soon have these hearings.

The PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Schulten.

Mr. SCHULTEN: Mr. President and Members of the Senate: Just one brief word on this. I feel what we are talking about here, even though it might be a little indistinguishable, is much more

important than the liquor bill. We are talking about the fabric of local government, and this is why I feel this particular bill should be indefinitely postponed. Anything that weakens our fabric is something that should be of greatest concern to all of us.

If our selectmen and our town councilmen are too busy to look at affairs such as this, and there are not that many, why then I think perhaps this is the first place we should start cleaning house, and getting new people in that do have an interest in town government. I think merely to say that it can work, I agree with that, absolutely, but anything that weakens or destroys town government is wrong and we should not be a party to that weakening, and this is the only pitch that I am making on this particular bill. I am interested in home rule, town government, and the strengthening, and anytime you take something away from the people they never get it back in whole. So, I heartily support the position of the Senator from Oxford, Senator Fortier.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Oxford, Senator Fortier.

Mr. Fortier of Oxford then requested a division.

The PRESIDENT: A division has been requested. The pending motion before the Senate is the motion of the Senator from Oxford, Senator Fortier, that Bill, "An Act Relating to Hearings for Applications for Liquor Licenses", be indefinitely postponed.

The Chair recognizes the Senator from Sagadahoc, Senator Schulten.

Mr. SCHULTEN: Mr. President, this is an interesting question, and I would request a roll call vote.

The PRESIDENT: A roll call has been requested. Under the Constitution, in order for the Chair to order a roll call, it requires the affirmative vote of at least one-fifth of those Senators present and voting. Will all those Senators in favor of ordering a roll call please rise and remain standing until counted.

Obviously more than one-fifth having arisen, a roll call is ordered. The pending question be-

fore the Senate is the motion of the Senator from Oxford, Senator Fortier, that Bill, "An Act Relating to Hearings for Applications for Liquor Licenses", be indefinitely postponed. A "Yes" vote will be in favor of indefinite postponement; a "No" vote will be opposed. The Secretary will call the roll.

ROLL CALL

YEAS: Senators Aldrich, Anderson, Cianchette, Cox, Fortier, Grafam, Greeley, Hichens, Huber, Minkowsky, Morrell, P e a b o d y, Sewall, Shute, Tanous, Wyman, and President MacLeod.

NAYS: Senators Berry, Brennan, Clifford, Conley, Cummings, Cyr, Danton, Joly, Kelley, Marcotte, Olfene, Richardson, Schulten, and Speers.

ABSENT: Senator Katz.

Mr. Schulten of Sagadahoc was granted leave to change his vote from Nay to Yea.

A roll call was had. Eighteen Senators having voted in the affirmative, and thirteen Senators

having voted in the negative, with one Senator absent, the Bill was Indefinitely Postponed.

Sent down for concurrence.

On motion by Mr. Sewall of Penobscot, the Senate voted to take from the Special Appropriations Table, Bill, "An Act Appropriating Funds for the Maine Commission on Drug Abuse". (S. P. 51) (L. D. 105)

The same Senator then moved the pending question.

Thereupon, this being an emergency measure and having received the affirmative votes of 31 members of the Senate was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

On motion by Mr. Sewall of Penobscot,

Adjourned until 1:30 o'clock tomorrow afternoon.