

# 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**

Tuesday, March 6, 1973

Senate called to order by the President.

Prayer by the Rev. Thomas Joyce of Augusta.

Reading of the Journal of yesterday.

**Papers from the House  
Non-concurrent Matter**

Joint Order (S. P. 334) relative to appointing a Special Legislative Committee to Welcome Home Returning Prisoners of War.

In the Senate February 21, 1973, Read and Passed.

Comes from the House, Indefinitely Postponed, in non-concurrence.

Thereupon, the Senate voted to Recede and Concur.

**Joint Order**

WHEREAS, the Tigers of Rockland District High School are now semifinalists in the State Class "A" basketball tournament; now, therefore, be it

ORDERED, the Senate concurring, that the Members of the 106th Maine Legislature commend this team and its coach, Robert Brown, for their accomplishment in the field of sports and wish them continued success in their efforts to bring honor to their city, school and State; and be it further

ORDERED, that a copy of this joint order be sent to the principal and coach of Rockland District High School. (H. P. 1018)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

**House Papers**

Bills, Resolves, and Resolution today received from the House requiring Reference to Committees were acted upon in concurrence, except for the following:

Bill, "An Act Relating to Earning of Good Time by Inmates." (H. P. 862) (L. D. 1147)

Bill, "An Act Relating to Eligibility for a Parole Hearing." (H. P. 867) (L. D. 1155)

Bill, "An Act Relating to the Parole of Dangerous Persons." (H. P. 868) (L. D. 1156)

Come from the House referred to the Committee on Judiciary and Ordered Printed.

On motion by Mr. Hichens of York, the above three bills were tabled and Tomorrow Assigned, Pending Reference to Committee.

**Communications**

**STATE OF MAINE**

Joint Interim Legislative Committee To Study the Tax Structure of the State

To the Members of the 106th Legislature:

Forwarded herewith is the report of the "Special Joint Interim Legislative Committee to Study the Tax Structure of the State," prepared pursuant to Joint Order of the 105th Maine Legislature, First Special Session.

Sincerely,

Signed:

GEORGE H. CHICK  
Chairman  
(H. P. 965)

Comes from the House, Read and with accompanying papers Ordered Placed on File.

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

The PRESIDENT: The Chair would like to announce both to the Senate and to the gallery that we have a very distinguished visitor with us this morning, and for the second time this session for which we are very pleased, Mrs. Polly Curtis, the wife of His Excellency, the Governor. Will you please rise, Mrs. Curtis.

Thereupon, Mrs. Curtis rose and accepted the greetings of the Senate, the members rising with sustained applause.

**Senate Papers  
Appropriation and  
Financial Affairs**

Mr. Tanous of Penobscot presented Bill, "An Act Establishing the Maine Training Fund for Employment in Industry." (S. P. 397)

Which was referred to the Committee on Appropriations and Financial Affairs and Ordered Printed.

Sent down for concurrence.

**Business Legislation**

Mr. Tanous of Penobscot presented Bill, "An Act Providing for Suspensions of Domestic Corporations by the Secretary of State." (S. P. 398)

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

Sent down for concurrence.

**County Government**

Mr. Tanous of Penobscot presented Bill, "An Act to Increase Salaries of County Officers for the County of Penobscot." (S. P. 399)

Which was referred to the Committee on County Government and Ordered Printed.

Sent down for concurrence.

**Education**

Mr. Katz of Kennebec presented Bill, "An Act to Provide Maine Students with Benefits of Environmental Education." (S. P. 400)

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

Sent down for concurrence.

**Health and Institutional Services**

Mr. Hichens of York presented Bill, "An Act to Repeal the Statute on Boards of Visitors to State Institutions." (S. P. 401)

(On motion by Mr. Speers of Kennebec, tabled and Tomorrow Assigned pending Reference.)

**Judiciary**

Mr. Tanous of Penobscot presented Bill, "An Act Creating Public Defender Services." (S. P. 402)

(On motion by Mr. Tanous of Penobscot, tabled and Tomorrow Assigned, pending Reference.)

The same Senator presented Bill, "An Act to Correct Errors and Inconsistencies in the Maine Business Corporation Act." (S. P. 403)

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

Sent down for concurrence.

**Labor**

Mr. Tanous of Penobscot presented Bill, "An Act to Modify the Test for Determining Coverage of Injuries under the Workmen's Compensation Act." (S. P. 404)

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

Sent down for concurrence.

**Legal Affairs**

Mr. Anderson of Hancock presented Bill, "An Act Relating to Displaying of Fireworks at Blue Hill Fair Grounds on Sunday." (S. P. 405)

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

Sent down for concurrence.

**State Government**

Mr. Tanous of Penobscot presented Bill, "An Act Relating to Salaries of Members of the Industrial Accident Commission." (S. P. 406)

Mr. Hichens of York presented Bill, "An Act to Establish a Committee on Problems of Corrections." (S. P. 407)

Mr. Tanous of Penobscot presented Bill, "An Act to Make the Industrial Accident Commission Full Time and to Establish the Salaries of its Members." (S. P. 408)

Which were referred to the Committee on State Government and Ordered Printed.

Sent down for concurrence.

**Transportation**

Mr. Graffam of Cumberland presented Bill, "An Act Providing for Motor Vehicle Operator's License Classification." (S. P. 409)

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

Sent down for concurrence.

**Committee Reports  
House**

The following Ought Not to Pass reports shall be placed in the legislative file without further action pursuant to Rule 17-A of the Joint Rules:

Bill, "An Act Transferring Allagash Wilderness Waterway to Forestry Department." (H. P. 240) (L. D. 321)

Resolve, to Reimburse Maurice Norton of Vinalhaven for Loss of Revenue Caused by Failure to Carry his Trucks to Vinalhaven. (H. P. 246) (L. D. 327)

Bill, "An Act Creating the Jackson Wildlife Management Area, Waldo County." (H. P. 450) (L. D. 599)

#### **Ought to Pass — As Amended**

The Committee on Education on Bill, "An Act Relating to High School Equivalency Certificates." (H. P. 272) (L. D. 379)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-68).

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

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

#### **Committee of Conference Report**

The Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill, "An Act Providing Complimentary Hunting Licenses to Maine Residents Over 70 Years of Age." (S. P. 1) (L. D. 28)

ask leave to report: that the Senate recede and concur with the House and Pass the Bill to be Engrossed.

On the Part of the Senate:

ANDERSON of Hancock  
HICHENS of York  
MINKOWSKY

of Androscoffin

On the Part of the House:

HENLEY OF Norway  
DYAR of Strong  
LYNCH

of Livermore Falls

Comes from the House, the Report Read and Accepted and the Bill Passed to be Engrossed.

Which report was Read and Accepted in concurrence and the Bill Passed to be Engrossed.

#### **Senate**

##### **Ought to Pass in New Draft**

Mrs. Cummings for the Committee on Natural Resources on Bill, "An Act Relating to Safety of Dams." (S. P. 177) (L. D. 485)

Reported that the same Ought to Pass in New Draft under Same Title (S. P. 410)

Which report was Read and Accepted, the Bill in New Draft Read Once and Tomorrow Assigned for Second Reading.

#### **Second Readers**

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

##### **House**

Bill, "An Act Relating to Dragging of Scallops in Gouldsboro Bay, Hancock and Washington Counties." (H. P. 126) (L. D. 150)

Bill, "An Act Appropriating Funds for a Fishway at West Bay Pond in Gouldsboro." (H. P. 356) (L. D. 471)

Bill, "An Act Providing Funds for a Fishway at West Harbor Pond in Boothbay Harbor." (H. P. 383) (L. D. 512)

Bill, "An Act Relating to Federal and State Standards and Labeling of Milk and Milk Products." (H. P. 234) (L. D. 315)

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

##### **House — As Amended**

Bill, "An Act Relating to Hunting from Public Ways." (H. P. 160) (L. D. 202)

Bill, "An Act Relating to Notice in New Voter Registration Applications." (H. P. 414) (L. D. 563)

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

##### **Senate**

Resolve, to Reimburse Albert S. Herrick of Ellsworth for Boarding Stray Dogs. (S. P. 111) (L. D. 256)

Bill, "An Act Relating to Name of Maine Oil Heating & Equipment Dealers Association." (S. P. 263) (L. D. 760)

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

Sent down for concurrence.

##### **Senate—As Amended**

Bill, "An Act Relating to Publishing Rules and Regulations of the Parks and Recreation Department." (S. P. 55) (L. D. 139)

Bill, "An Act Providing for Deputy Clerks of the District Court." (S. P. 64) (L. D. 167)

Bill, "An Act Providing that the Running of Statutory Time Periods

Be Governed by the Maine Rules of Civil Procedure." (S. P. 95) (L. D. 241)

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

Sent down for concurrence.

### Joint Order

Out of order and under suspension of the rules, the Senate voted to take up the following paper from the House:

WHEREAS, Tuesday, the sixth day of March, 1973, marks the one hundredth birthday of a grand Augusta lady; and

WHEREAS, Mrs. Alice H. Young, daughter of Martha Pierce and Oliver Prescott Robbins of Vassalboro was born a century ago today at Riverside; and

WHEREAS, she will be joined today by family and a host of friends throughout the State in the celebration of her birth; now, therefore, be it

ORDERED, the Senate concurring, that We, the Members of the One Hundred and Sixth Legislature of the State of Maine now assembled, pause in our deliberations to join this celebration in her honor and to extend to Mrs. Young our warmest congratulations and best wishes on this the one hundredth anniversary of her birth; and be it further

ORDERED, that a duly authenticated copy of this Order be transmitted forthwith to this remarkable centenarian in honor of the occasion. (H. P. 1054)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

### Enactors

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

An Act Relating to the Use of Separate Ballot Box for Constitutional Amendments and Referenda. (S. P. 154) (L. D. 388)

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

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

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

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

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

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

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

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

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

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

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

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)

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

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

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

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

(On motion by Mr. Berry of Cumberland, tabled and Tomorrow Assigned, pending Enactment.)

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

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

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

### Emergencies

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

An Act Making Additional Appropriations from the General Fund for the Expenditures of State Government and for Other Purposes for the Fiscal Year Ending June 30, 1973. (S. P. 356) (L. D. 991)

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

These being emergency measures and having received the affirmative votes of 30 members of the Senate, were Passed to be Enacted and, having been signed by the President, were by the Secretary presented to the Governor for his approval.

### Orders of the Day

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

Bill, "An Act Establishing the West Bath Game Sanctuary." (H. P. 248) (L. D. 328)

Tabled — February 26, 1973 by Senator Anderson of Hancock

Pending — Passage to be Engrossed.

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

Mr. ANDERSON of Hancock: Mr. President and Members of the Senate: There has been considerable dissension over this bill in the Bath area. Both segments, those for and against, have agreed that they do not want this type of bill and have asked me to indefinitely postpone it. Mr. President, I so move.

The PRESIDENT: The Senator from Hancock, Senator Anderson, moves that Bill, "An Act Establishing the West Bath Game Sanctuary", be indefinitely postponed. Is this the pleasure of the Senate?

Thereupon, the Bill was Indefinitely Postponed in non-concurrence.

Sent down for concurrence.

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

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

Tabled — March 1, 1973 by Senator Cox of Penobscot.

Pending — Passage to be Engrossed.

On motion by Mr. Cox of Penobscot, Tabled and Specially Assigned for March 8, 1973, pending Passage to be Engrossed.

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

House Reports — from the Committee on State Government — Ratification Resolution for Equal Rights Amendment. (H. P. 139) (L. D. 161) Majority Report, Ought to be Adopted; Minority Report, Ought Not to be Adopted.

Tabled — March 5, 1973 by Senator Berry of Cumberland.

Pending — Acceptance of the Minority Ought Not to be Adopted Report.

The PRESIDENT: The Chair would like to make it known to the Senate that if the Minority Ought Not to be Adopted Report is rejected by the Senate the resolution will be before the body, and it would be subject to all the motions that any bill would be subject to, such as recommittal, indefinite postponement substitution of the resolution for the two committee reports, or send it back to the House in non-concurrence.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, I want to extend my sincere appreciation to those members of the Senate who helped defer the final judgment on this resolution until my return from Massachusetts. I am deeply thankful for your thoughtfulness.

I also want to say that I understand the Senate's eagerness to dispose of this issue promptly last Wednesday. My personal experience since my return has given me in full measure a taste of the pressures under which you labored.

This is the sixth legislature in which I have served, and I can

identify only two votes in all these years which measured up to the ratification of the Equal Rights Amendment in drama and tension: the first one was the downgrading of the Prestile Stream to make way for a second cash crop in Aroostook County, and the second was the passage of the Maine State Income Tax — only two in six legislative sessions. Both of these votes pale to insignificance in comparison to our vote here today. And it is because I am deeply convinced, as has been said, that we are walking in the footsteps of the founding fathers, that I consider my vote on the Equal Rights Amendment to be the most important vote I have made since being in the State House.

I know that there are those who say that this is much ado about nothing, that it really won't do much good and it won't do much harm either, that it is an expression of conscience to make the ladies feel good, and I couldn't disagree more. I consider this attitude not only to be patronizing but dead wrong. The implications implicit in the passage of ERA would spread over the source of the next half century, and because I have an enormous respect for the potential change which could occur in this nation following ratification, I have vigorously kept my mind open and my vote uncommitted. I have sought out as broad a spectrum as I could of opinion and information on this subject, and I must say in the last few days I haven't had much problem locating people who had an opinion to express.

I have come through this emotion packed period, after all the phone calls, the personal messages, the hundreds of letters, wires and postcards, with an enormous feeling of awe at the basic decency and goodness of Maine people. Not one offensive letter, not one abusive phone call, despite the deep emotion of so many people. Dozens and dozens were thoughtful enough to include a message of sympathy at my recent loss. No threats of political reprisal, no insults, and a minimum of strident language. They all wanted justice, as each one individually viewed just what

justice was in this case. To share in this outpouring of intellectual and emotional concern has been a rare experience for me, and I feel privileged that I have shared in it.

The Associated Press was quoting me accurately last month when it said I was leaning toward voting yes on ratification. That seems ages ago, before my briefcase and my head began to bulge with legal briefs and statutory abstracts, before the hundreds of letters and the imposing petitions. Now it is all behind and I have heard all the concerns and the fears, and witnessed all the shadows. And today I have asked to have my name removed from those who are leaning favorably in support of the Equal Rights Amendment and put it under the column with the names of those of my colleagues who will vote yes for ratification.

I have respect in great measure for the opinion of those who have sought a contrary vote from me, but I have a sense of history that now is the time for equal rights under the law for all women. I shall vote yes on ratification today with a clear mind and a calm conscience.

I guess I shall support equal rights today not only because of what it is, but because of who I am. So, Mr. President, I urge the Senate to vote "No" on acceptance of the Minority Ought Not to be Adopted Report, and I request a roll call.

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from Androscoggin, Senator Clifford.

Mr. CLIFFORD: Mr. President and Members of the Senate: I think it is important for the record that the names of several groups of people and people who have opposed the Equal Rights Amendment be entered on the record. They include President Kennedy's Commission on the Status of Women. That Commission was chaired by Eleanor Roosevelt. Roscoe Pound, former Dean of the Harvard Law School and one of the great legal scholars and legal educators of our time; Charles



Warren, scholar and author of a book on the United States Supreme Court; Felix Frankfurter, former Justice of the United States Supreme Court and, along with Justices Brandeis and Holmes, were probably the three greatest Justices of this century on the Court; Paul A. Freund, Professor of Harvard Law School, who also is the Chairman of the Commission which is now revising the Federal Judiciary; Philip B. Kurland, Professor of Law, Chicago Law School; Bernard Schwartz, New York University Law School; James J. White, University of Michigan Law School.

I enter these names on the record, Mr. President, to show that I don't believe the issue is really those for and against equal rights for women, because I don't think anyone could say that any of those people named were either ignorant of the law or reactionary in their approach toward civil rights.

I think the issue really is whether or not this Equal Rights Amendment is an extension of the Fourteenth Amendment to women, which would allow, if it were an extension of the Fourteenth Amendment, reasonable classification based on sex. It would prohibit arbitrary or unreasonable classification based on sex. It would allow, if it were an extension of the Fourteenth Amendment, some separate but equal treatment.

The other interpretation is a more absolute and total one; a complete prohibition of any classification whatsoever based on sex, and completely outlawing any separate but equal treatment of the sexes.

Professor Freund of the Harvard Law School puts it this way, Mr. President, and I am quoting from the Professor: "A mandate that equal rights under law shall not be denied or abridged by the United States or any state on account of sex can have either of two conceivable meanings. It can mean that any classification based on sex must be justified by some good (or very good, or compelling) reason, or it can mean that no such classification can pass muster. To this question there is

no authoritative answer to be found in the congressional history of the proposed Amendment, but the literature of its main sponsors insists on an absolute meaning."

The chief legal or scholarly document, Mr. President, which has been quoted by the proponents is the 80 Yale Law Journal, Page 871, which is a scholarly argument in favor of the Equal Rights Amendment, and I would like to quote several of the passages from that Law Journal to support the conclusion drawn by Professor Freund that the Equal Rights Amendment is absolute and is total.

"The principle of the Amendment must be applied comprehensively and without exceptions."

"Only an unequivocal ban against taking sex into account supplies a rule adequate to achieve the objectives of the Amendment."

"Prohibition against the use of sex as a basis for differential treatment applies to all areas of legal rights."

"From this analysis it follows that the constitutional mandate must be absolute."

"Our legal structure will continue to support and command an inferior status for women so long as it permits any differentiation in legal treatment on the basis of sex."

If this Amendment, Mr. President, were flexible, if it were an extension of the Fourteenth Amendment, I don't think there would be any issue in here at all. It is not; it is inflexible, and it takes away from the legislative bodies at the federal, state, and local levels and abdicates all those responsibilities, and turns them over to the Judicial Branch of the Government. For these reasons I oppose the Amendment, and I urge a "yes" vote on the motion before this body. Thank you.

The PRESIDENT: The Chair would ask the Sergeant-at-Arms to escort the Senator from Penobscot, Senator Tanous, to the rostrum to act as President pro tem.

Thereupon, the Sergeant-at-Arms escorted Senator Tanous of Penobscot to the rostrum where he assumed the duties of President pro tem, and President MacLeod was then escorted to the seat

assigned Senator Tanous on the floor of the Senate Chamber.

The PRESIDENT pro tem: The Chair recognizes the Senator from Penobscot, Senator MacLeod.

Mr. MacLEOD: Mr. President and Members of the Senate: I come down off the rostrum this morning for a couple of reasons: first of all, to explain to the Senate why last Wednesday, right or wrong, we decided to try and make a decision on this resolution. The reasoning was that several Senators had been to my office — the same thing had happened to the Senator from Cumberland, Senator Berry — asking us to please run it Wednesday because of the intolerable pressure that had been put on by telephone, by mail, by stopping in the street, and so forth. We all know what I am talking about, I think. So, because of these pressures we thought we should try and run it on Wednesday, even with the absence of the Senator from Kennebec, Senator Katz, who wasn't here because of the loss of his brother. If this was an arbitrary decision on our part, I want to apologize to my Senators, to my peers here in this body; it was not intended to be. It was intended merely to relieve the pressures upon all of us.

The second thing I would like to do this morning is to explain to the Senate how I vote on any issue, resolution, bill, act, or what have you. I listen to arguments on both sides, I talk to my constituents, I read my mail, I do as much research as I think is necessary, depending upon the importance of the substantive matters that are in the bill, and then I make a decision of what I think is going to be best for the people of my district and the people of my state because, in a larger sense, every vote we take in here affects all the people of Maine.

I have voted on issues before when I knew that a majority of my constituents that sent me down here held an opposite view from mine, but when election day comes I feel that if I am successful that they have given me, in effect, a power of attorney for two years,

and that they sent me down here to exercise my best judgment in their behalf as to whether to vote yes or to vote no on any given issue. And if I am out of step too many times with my constituency, you face your party primary in June and you face the general electorate in November, and they take care of you very nicely if you are out of step that much. But I think it is most important for all of us to vote the way we think is right after hearing all the arguments, and not what any group, association, groups of associations, or individuals think is right or wrong. Vote the way you feel is right, then go back to your constituents, and if they hold an opposite view then you do your explaining. If you are successful you come back; if not, you won't.

I was shocked — not shocked, but I hope it was not true and that it was only said in jest — last Wednesday when the Senator from Cumberland, Senator Conley, said that if we had a power outage and a vote were taken in the dark that there would be 32 "No" votes and only one "Yes" vote, and we would all leave the chamber claiming we were the one who voted "Yes." I know that isn't true, but I know he said it mostly in jest. So I ask you today when the vote is taken to vote how you feel in your heart is the right way to vote, regardless of which way it is.

If the ERA is ratified by a ten-vote margin, and I know that every Senator in here has voted the way he feels he should vote, according to his own conscience and his own mind, and after the studying and the pressures you have been under, you should have enough information on both sides — I am not going to argue the merits of it; the Senator from Androscoggin, Senator Clifford, and the Senator from Kennebec, Senator Speers, last Wednesday gave us what I felt were two of the best speeches I have ever heard in this Senate outlining the principal arguments for, of which there are many good ones, and outlining the principal arguments against, of which there are many good ones — but I hope that you Senators here today will join me in voting the way you feel

is right — not necessarily the way I vote — but the way you feel is right, then we could all walk out of here a proud group of 33 Senators. Thank you for your attention.

Thereupon, the Sergeant - a t Arms escorted President MacLeod to the rostrum where he assumed his duties as President of the Senate, and Senator Tanous of Penobscot was escorted to his seat on the floor of the Senate Chamber.

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

Senator SPEERS: Mr. President and Members of the Senate: I would not like to have this opportunity go by without taking the opportunity to correct part of the statement that I put into the record last Wednesday. I received a telegram to clarify: "Church Women United of Maine did not take any stand on equal rights." Signed: "Rachel H. Whittier, President Church Women United of Maine." Mr. President, the information I had when I read the fact into the record that Church Women United had supported the equal rights amendment was more than likely the fact that the National Organization of Church Women United took such a stand and should in no way be read that Church Women United of Maine had so taken.

Mr. President, I continue to support the amendment known as the Equal Rights Amendment for the very reasons that I explained last Wednesday, the very basic principle which is at the foundation of this great nation, and that is that all individuals, regardless of race, creed, color, national origin, or sex should be treated equally under the law. And I urge all of the Senators here to vote against the acceptance of the acceptance of the Minority Ought Not to be Adopted Report.

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

Senator BRENNAN: Mr. President and Members of the Senate: I spoke last week on this, so I will speak very briefly. I, like most of you, have talked to an awful

lot of people in reference to this amendment.

The feelings I get in reference to a lot of people that are against it, the way I read it, is that I believe that the real basis for their opposition to the equal rights amendment really hasn't been stated on the floor of this Senate during the debate we have had on this constitutional issue. Many, I think, have talked against E R A not because of what it actually does, because who can deny, who can oppose equality under the law for both sexes. I think they are against it because of what it symbolizes, because I think they think that it will result in some radical change in our life style, that the home and the family are clearly becoming less time consuming, and women therefore have unprecedented opportunities to create new roles in the community and in society. It is this breach, as I see it, with the tradition of the house-bound mother and the homemaker stereotype that many have tried to vote against. Perhaps nostalgia, fear of competition, or fear for the traditional fabric of family life are the basis for opposition, but in any event, they do not like this new and fundamental change in our society. But whether we vote for or against this amendment this trend will continue and it will grow. It is inevitable that this social change will reach Maine and the rest of the country. We could do no more to reverse this social change than we can do to stop the tides.

It is important that we understand today exactly what we are voting on. We are not voting on an amendment which would destroy the right of privacy. That is in the Constitution. We are not voting on an amendment which would abolish legal classification on sex when circumstances compel such discrimination. We are not voting on an amendment that would dictate against sex discrimination in private matters. Those are not the real issues at all.

What we are voting on is an amendment which would guarantee women the same legal rights that men enjoy today, and we are voting, in effect, to deny the

government any authority to discriminate on the basis of sex.

I believe that whenever we have the opportunity and the privilege to vote to extend the civil rights of any class of people, and make citizens as equal as possible before the law, that we should vote in favor of equality. And I say that that is all that is here today, an opportunity for this Senate to vote for equal rights, whether it is a man or a woman, and that we should not be voting against this for what we think it symbolizes.

I would hope that when you do vote you vote against the acceptance of the Ought Not to be Adopted Minority Report.

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

Senator RICHARDSON: Mr. President and Members of the Senate: As has previously been pointed out, the question of the adoption of this Constitutional Amendment was debated at length in last week's session, and I am certainly not going to repeat any of that.

First of all, Mr. President, I would like to commend what I think is your statement of the basic guidelines that all of us should obey when we attempt to cast a vote in this Senate. I share, Mr. President, your views completely. I believe that we are elected here or sent here by the people to exercise our very best judgment with candor and good faith in order to decide the issues that come before us, and I do not believe in government by computer, or government by poll, that takes a sampling of a majority or minority opinion in the Senate Districts and says that is how you should vote. I don't believe that. I reject it as a test of representative government.

I might also suggest, Mr. President, the pressures that all of us labor under as citizens legislators here in the State of Maine, where we have a great legislative tradition, that those pressures are part of the job that we asked for when we offered ourselves to the people for nomination and election to this body. Those pressures are tough to bear. A phone call at 9:00

o'clock on Sunday night or later, sometimes almost vicious importuning of someone who has a point of view, and refuses to accept the point of view that you hold and you hold validly and in good faith. I know that the Senate today is going to vote on the basis of the merits of this legislation, and on no other basis. On that basis, and on that basis alone, I tell you with all sincerity, in all good faith, that I simply cannot subscribe to the propositions that are being advanced, although in a very scholarly fashion, by the good Senator from Androscoggin, Senator Clifford. We are talking about an amendment to the Constitution of the United States which, if it is adopted, will stand in the same place as every other constitutionally guaranteed right, including the right to privacy. And it is simple sophistry to start talking about or citing law review articles and saying they use the term "absolute," therefore, that is the end of the ball game, and all discretion and all good judgment, and all of the good judgment of the courts of this nation is simply going to be thrown out of the window like a bathtub full of dirty water; it just does not make sense.

This Constitutional Amendment, if it is adopted by the required number of States, will take its place with other constitutionally guaranteed rights to be worked into the general fabric of our law through the decision-making process of the Supreme Courts of our several states and of the United States. Did I have any other concern the other way, I want to assure the good Senator from Androscoggin, Senator Clifford, and you other members of the Senate, as a lawyer, if I had any reservations at all about this, I would vote against the adoption of this Amendment; make no mistake about it.

I hope, Members of the Senate, that you will obey the admonition of the President and cast your vote not on the basis of how many people contacted you, or how many letters you got for or against, but instead on the basic issue, as President Dwight Eisenhower referred to it, of simple justice.

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

Senator CYR: Mr. President and Members of the Senate: There comes a time in every man's life when he has to speak his mind if he wants to live with his conscience. Today is such an occasion for me and I want to explain to you why I voted against the ERA and intend to vote yes on today's motion.

In all my years in the legislature I have never been exposed to so much arm twisting, harassing, and outright threats as I have by some of the proponents of this legislation, and most particularly by proponents outside of my Senate District. I don't know what is going on in Gorham or South Portland, or Brunswick, but apparently the ladies are not satisfied in that area and it seems to be the only area in the State of Maine that they are not satisfied.

I have always taken my legislative work seriously, and before I pronounce myself on important legislation I try to read all I can on both sides. I discuss it with people that I respect their judgment. I solicit the thinking of my constituents. Once I have weighed carefully all this information, the decision is between me and my God. Then it becomes a matter of conscience.

Coming from an ethnic group that has felt the sting of discrimination, I should be sensitive to this Amendment, but I sincerely believe that the Civil Rights Laws of 1964, the Fair Labor Standards Act of 1963, and the Equal Opportunity Act of 1972 will protect all my constitutional rights and those of my fellow Americans. Now it is up to the individuals to make it work. Discrimination is a state of mind and cannot be cured by legislation alone, nor can it be cured overnight. It is a human trait and as long as you have humans we will have some discrimination.

This legislation is far from a one-sided affair. The proponents certainly have not proven a clear-cut case. They certainly have not the backing of the rank and file of

women, at least those that I have spoken to. And I will tell you exactly what happened to me over this weekend. After many telephone calls, I finally received one from a national figure in Washington. It kind of disturbed me a little bit. I thought to myself maybe I am a male chauvinist. I am known, as you know, to be tenacious in my convictions. Mr. President, I said "tenacious"; I didn't say stubborn, because tenacious is the virtue of tenacity, while stubbornness is a flaw in your character. I thought probably I am not in tune with the rank and file, so why don't I get out and do like Senator Joly did last week and poll some of these rank and file women in the area. So I went to the shopping center, asking the clerks, the secretaries, the waitresses in restaurants, how they felt about this Equal Rights Amendment. The answers that I got were varied. Some said, golly we don't know too much about it but we don't believe that we are in favor of it. Others said it is just plain baloney. Others said if you want to do anything for us why don't you raise the minimum wage; that would help us a lot more. In all of my interviews I found one lady that gave me arguments in favor of the ERA, and after I questioned her a little bit I found out that she was a student of the University of Maine at the Gorham campus, where all of these dissatisfied women in Maine come from, I think; according to the petitions, the letters, and the cards that I received anyway. So as a result of that, I figured that 95 percent of the ladies do not know what they are talking about. So I figured that it is up to me to try to get the arguments and make up my mind.

So I came back to these chambers here and I picked up all the information that I had for ERA and against ERA. I went through all of it. I spent my weekend reading this and studying it, and after I read on one side of the opponents the arguments that they present, then I read on the proponents side, not so, not so; it won't do this. So as a

conclusion of that you are more confused than you were when you first started. It is only the interpretations of both sides, and that is such that this is going to end up in court and will be resolved by the courts. So I say as a result of that this will create more problems than it will solve.

This morning I received from the State of Washington a letter from a State Senator and the State of Washington passed this ERA last November. Since then they have had to repeal and change 200 of their laws, and also this letter here reveals to me that the Amendment that we are talking is not the same Amendment that was passed in Congress. The Amendment that we are talking about now has been amended; so there again, more confusion. I will read a few of the excerpts from it and his recommendation. It says: "I believe we all support the objectives of the legitimate ERA supporters", and that is true. "I believe in their objectives but I don't think that this Amendment will do it, but the amendment as was written runs counter to the direction most state legislatures feel we should take. Now what passed Congress was this: The Congress shall have the power to enforce by appropriate legislation the provisions of this article and it was changed to read like this: 'The Congress and the several states shall have the power within their respective jurisdictions' " No, this was 1970: the other one was the amended one. In 1970 what passed Congress was: "The Congress and the several states shall have the power within their respective jurisdictions to enforce this article by appropriate legislation", and it has been changed to read: "The Congress shall have the power to enforce by appropriate legislation the provisions of this article." In other words, the state doesn't have any more say in this; it is entirely in Washington. Is this what you want?

The argument in favor of this that impressed me the most is that this Amendment would reinforce the Civil Rights Law by giving it constitutional prestige. If this is so, why single out only sex? Why not

include the other civil rights such as race, color, creed, religion, minorities, and so forth, places of origin? By excluding these are you not defeating the very purpose of this amendment?

I appreciate and respect the sincerity of most of the proponents that have approached me, but why are they denying the opponents their freedom of choice because they refuse to submit themselves to their will? If the merit of their cause was so obvious, why not discuss it on a factual basis instead of demanding their way or else? It is this "or else" that I object to.

I have never submitted myself to pressure groups, and I am not about to do so now. I do not believe that the role of the legislator has been reduced to a mechanical one of counting how many pieces of mail and telephone calls you have received either favoring or denouncing certain legislation without injecting into it your own thinking and your own convictions. To do so is just like submitting yourself to the rule of mobs. This could have serious ramifications on the legislative process, especially when it deals with a matter as serious as a constitutional amendment. Once it is on the books you have to live with it. I say let's give the Civil Rights Laws that we now have placed on the books a chance to work and prove themselves. If they fall short then let's take a second look at this Amendment.

I am very disturbed by the attitude of pressure groups and their effect on legislation. It seems to be a way of life today. I have been told for instance that I have offended many students on the University of Maine campus at Fort Kent, and that if I persisted in my attitude and my vote against the ERA that they will get me in the next election. I have news for them: I am going to need as much arm twisting to run again as to what I have for this Amendment.

This only goes to prove how short memories can be. I fought for the very survival of that institution in 1957 as Chairman of the Board of the Town of Madawaska. In 1961

on this very floor I was one of the prime factors in making it a four-year college. In caucus when the Republican leadership announced the demise of the Democratic sponsored bill to create a four-year college, led the fight to restore the funds and allow this institution to have a four-year curriculum and to confer degrees. I am proud of that role that I played, and my seatmate here, Senator Wyman, can vouch for what I am telling you, particularly what transpired in the caucus. If not, you can ask my wife; she still has an editorial that was written about the role that I played in this. Now, those same students that are critical of my conduct today would not be enjoying those educational opportunities today if we had not succeeded then.

Every constituent has the right to express his views to his legislator, but he has no right to demand that his views are obeyed, because to do so the legislator may be violating the constitutional rights of other constituents who may hold a different viewpoint. So it boils down to the fact that a conscientious legislator will take into consideration the sentiment of his constituents. He will weigh the pros and the cons, and then carefully decide accordingly. This I have done. A legislator who buckles down under pressure groups abdicates his responsibility and tarnishes his own integrity. This I do not want to do.

History will record whether or not it was wrong to oppose the adoption of this Amendment to the Constitution. If wrong, I will still fight to my dying breath my right to be wrong. Thank you, Mr. President.

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

Mr. HICHENS: Mr. President and Members of the Senate: Anything that is said from now on is going to be antilimactic to the speech that has just been given to us. But I could not help but think as the Senator from north Aroostook was speaking that he represents the people in the very far northern part of the state, and I, the man following him, represent

the people in the most southern part of the state. This Senator from north Aroostook and I agree on how we are going to vote on this issue. Somewhere between the north and south there seems to be an awful lot of confusion.

I feel quite slighted this morning as I stand up here to think that all of the rest of the Senators, from the way they talk, were deluged with calls and letters over the weekend. I arrived home about seven o'clock Thursday evening. At 7:10 I had a telephone call from a lady in my own town asking me why I had voted the way I did, and expressing her opinion on ERA. I figured that was the beginning. It was the beginning and it was also the end. I did not receive another telephone call up until the time I left yesterday morning for Augusta. Yesterday morning on my desk were several letters. Only three of them were from the first district in Maine: two were against ERA, one was for it. All day Saturday I spent helping my son in his grocery store in South Berwick and had probably two or three hundred people come in. I didn't ask them how they felt, but they in turn never expressed any opinion as to what was going on in the ERA Ratification here in Augusta. So, I took the attitude, as I have taken the attitude right along, that the people in my area are depending upon me to use my own judgment. That stand has been well publicized in the papers throughout the state, especially in our weekly papers, so people know how I have felt on the issue and they have not bothered to get in touch with me.

I would say again this morning, as I have stated many times, that I firmly believe by ratification of the ERA that women will be brought down from the pedestal that most men place them on at the present time.

I have been brought up to live according to the Bible, and people have expressed that opinion in the legislature as I have been here many, many times to that effect. So I feel this morning impelled to read passages from the Bible which would show very clearly the

stand which I have taken. In the very first book of the Holy Bible we read in Genesis, the second chapter, verses 21 through 24, and again verse 16 of the third chapter, the following words: "And the Lord God caused a deep sleep to fall upon Adam, and he slept: and he took one of his ribs, and closed up the flesh instead thereof; And the rib, which the Lord God had taken from man, made he a woman, and brought her unto the man. And Adam said, This is now bone of my bones, and flesh of my flesh; she shall be called Woman, because she was taken out of Man. Therefore shall a man leave his father and his mother, and shall cleave unto his wife: and they shall be one flesh."

And in the sixteenth verse, third chapter, it says; "Unto the woman he said, thy desire shall be to thy husband, and he shall rule over thee."

In the fifth chapter of Ephesians in the New Testament, St. Paul says; "Submitting yourselves one to another in the fear of God. Wives, submit yourselves unto your own husbands, as unto the Lord. For the husband is the head of the wife, even as Christ is the head of the church: and he is the saviour of the body. Therefore as the church is subject unto Christ, so let the wife be subject to their own husband in everything. Husbands love your wives, even as Christ also loved the church, and gave himself for it; That he might sanctify and cleanse it with the washing of water by the word, That he might present it to himself a glorious church, not having spot, or wrinkle, or any such thing; but that it should be holy and without blemish. So ought men to love their wives as their own bodies. He that loveth his wife loveth himself. For no man ever yet hated his own flesh; but nourisheth and cherisheth it, even as the Lord the church: For we are members of his body, of his flesh, and of his bones. For this cause shall a man leave his father and mother, and shall be joined unto his wife, and they two shall be one flesh. This is a great mystery: but I speak concerning Christ and the church.

Nevertheless let every one of you in particular so love his wife even as himself; and the wife see that she reverence her husband."

This morning I urge you to vote for the Minority Report and look up to God's most beautiful creation, women.

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

Mr. ANDERSON: Mr. President and Members of the Senate: In this Chamber last Wednesday I made a lengthy dissertation on this issue. I am not going to belabor this question today which, if it should come to pass, would in my opinion be a catastrophic calamity affecting the lives of every woman in America.

This Amendment will add nothing for women that is not already on the statutes. The Civil Rights Act and the Equal Opportunity Act guarantees equality for women. So why should we disrupt the Constitution as written, throw these United States into an era of needless, unnecessary chaos? The vast majority of women are opposed to ERA. They enjoy being women and enjoy living and being loved in a man's world.

Aside from losing many rights and privileges, they will also lose the ties that bind them to a family circle. But what disturbs me most of all is the indisputable fact that children will suffer. How else can you view it with a house divided?

If this Amendment were passed, where there is a physical difference between men and women, it would, any way you put it, be discrimination. It is an indisputable fact that treating women differently because they are different is not discrimination. So, to sum it all up, why should the overwhelming majority of women be forced to give up their status in life for groups away in the minority who want to be treated like men?

The good Senator from Kennebec, Senator Speers, in his speech on this Amendment last Wednesday stated that the American Legion, the V.F.W. and other Veterans' organizations are for this Amendment. The good Senator should



have been more specific. I have found that these Veterans' organizations in Maine are not all for this Amendment. He also mentioned many religious denominations that are for this Amendment. I have found that a majority of denominations in Maine are against ratification of this Amendment.

I was disturbed that the Senator from Kennebec would cloud the picture. We are voting strictly on a Maine issue. We have no concern as to how other states vote; our concern is the State of Maine. The distinguished Senator also said that the President and Vice President of these United States are for this Amendment. I would remind Senator Speers that we here in this Chamber are endowed with the same faculties as these distinguished gentlemen in Washington. We think, make up our minds, and vote according to the dictates of our conscience. I don't think that just because these gentlemen holding the highest offices in our land are for this Amendment would sway a single vote in this Chamber.

Over the weekend I had many calls regarding this issue. I am happy to say most of them urged me to vote against the Amendment. In answer to those who asked me to change my vote from No to Yes, I was adamant, simply stating I couldn't go along with their wishes because I thought it would take away rather than add to the rights of women. Then from several callers followed abuse and threats. I noted to my consternation that a few of the belligerent ones had been in trouble with the law for demonstrations against society. It makes me wonder if there is something sinister behind this insistence of a small minority group for passage of this ratification Amendment.

I was very much disturbed to learn that certain members of this august body have been coerced by the front office into changing their stand on their vote of last Wednesday. This to me is an infringement on the rights of an individual. Certainly we all lobby on issues for and against, but we do not use any authority we may have to force our wishes on our fellow colleagues. I think I can

safely say we do not have the inclination to threaten reprisals as do the upper echelon. We all have the highest respect for our colleagues who are not persuaded to betray their conscience.

Mr. President and Members of the Senate: I believe we will be doing a grave injustice to all the women in this great country of ours if we vote in the ratification of this Amendment. Please vote "No", and remember women is the crown of all creation. Let's never remove that crown. Mr. President and Members of the Senate, again, thanks for your kind indulgence.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Penobscot, Senator Tanous.

Mr. TANOUS: Mr. President and Members of the Senate: I am just going to take a moment of your time because I have heard several remarks made here this morning relative to procedure legality of the Equal Rights Amendment.

First of all, I would like to mention to you that over the weekend I was home and I met a few old-timers, perhaps some of the ages of some of our members here, and they wanted to know if ERA was another one of Roosevelt's programs that was still floating around. And my eight year old son wanted to know how come we had to vote on an earned-run average here in the Senate. But after we discussed these things a little bit they understood the real issue here today.

We have heard some wonderful speeches since last Wednesday and today on how perhaps we should vote on this, especially in the light of all of the criticism that we have received perhaps and the pressures from our homes, the ladies, and various organizations. There is one thing I think should be foremost in our minds when we vote on this particular issue here today, and the sole issue, Madam and Gentlemen of the Senate, is really equality for all. This is the real issue.

My father came to this country from Lebanon to escape the discrimination of that country. Many of our fathers came here for that reason. And I am sure that when this great country of

ours was founded that the foremost thing in the minds of our founding fathers was equality and justice for all; not discrimination on account of race, color, religion or sex, but equality for all, and this is the issue here today.

Of all the articles I have read which Senator Clifford has referred to from Androscoggin, I found all of these opponents to the Equal Rights Amendment feel that we should have equal rights, that we should pass legislation in this area, but they differ in the manner in which we should accomplish this. This is the issue of the proponents and opponents, or at least the main issue, that they differ in the manner in which we should do it. Most of the opponents of this particular question feel that we should do it on the state level through legislation, through enactment of various statutes, but they all believe in equal rights for all. The proponents feel that we should do it in this manner with an amendment to our U.S. Constitution, so it is a question really that all people want equal rights, but it is the manner in which we are going to accomplish it. Unfortunately, for 196 years our state legislatures have failed to pass equal rights amendments for all; they have failed to do this.

Do you know that in Florida that it wasn't until last year that women were permitted to sit on juries? One would think in this day and age that certainly no one would discriminate against a woman on sitting on a jury. After all, she is one of our peers, especially under our Constitution, to determine the innocence or guilt of an individual. So apparently the states have failed to bring forth legislation to guarantee equality for all of us, regardless of sex. And for this reason I support the movement of the Equal Rights Amendment to our Constitution.

Now, I realize that many of you oppose this. You have your inner feeling that you feel it is wrong to do this. Believe me, I don't think that any one of us has slept well since this question has been given to us. But I strongly urge all of you to reconsider your thoughts in this last moment before we vote.

Let us, in the spirit of the State of Maine, as we have for the last 200 years, forge ahead as a leader in this great country of ours to grant all people equal rights. Thank you.

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

Mrs. CUMMINGS: Mr. President and Members of the Senate: I am not equal; I am not equal in any way. In fact, I would not presume to be equal, but I am an individual and I want to be treated as an individual, particularly before the law. To me, this is the basic fundamental question right now. It is not a question of manners, it is not a question of homes, it is not a question of right and wrong, male and female, or gentlemen and gentlewomen; it is a question of individuality. I am an individual, and I certainly would like to think that in any court of law I would be treated in only the respect that the case was being heard in the court, as an individual facing his peers or her peers. Thank you.

The PRESIDENT: The pending question before the Senate is whether the Senate should accept the Minority Ought Not to be Adopted Report of the Committee on State Government on Ratification Resolution for 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 pending question before the Senate is whether the Senate should adopt the Minority Ought Not to be Adopted Report of the Committee on Ratification Resolution for Equal Rights Amendment. A "Yes" vote will be in favor of accepting the Minority Ought Not to be Adopted Report; a "No" vote will be opposed.

The Secretary will call the roll.

#### ROLL CALL

YEAS: Senators Anderson, Berry, Clifford, Cyr, Danton, Graffam,

Greeley, Hichens, Huber, Joly, Minkowsky, Olfene, P e a b o d y, Roberts, Shute, Wyman, and President MacLeod.

NAYS: Senators Aldrich, Brennan, Cianchette, Conley, C o x, Cummings, Fortier, Katz, Kelley, Marcotte, M o r r e l l, Richardson, Schulten, Sewall, Speers, a n d Tanous.

A roll call was had. Seventeen Senators having voted in the affirmative, and sixteen Senators having voted in the negative, the Minority Ought Not to be Adopted Report of the Committee was Accepted in non-concurrence.

Sent down for concurrence.

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

Mr. BERRY: Mr. President, I move reconsideration and hope the Senators vote against my motion.

The PRESIDENT: The Senator from Cumberland, Senator Berry, moves that the Senate reconsider its action whereby it accepted the Minority Ought Not to be Adopted Report of the Committee. As many Senators as are in favor of reconsideration will please say "Yes"; those opposed "No".

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

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On motion by Mr. Sewall of Penobscot,

Adjourned until ten o'clock tomorrow morning.