

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

1st Special Session

OF THE

*One Hundred and Sixth
Legislature*

OF THE

STATE OF MAINE

1974

Kennebec Journal
Augusta, Maine

SENATE

Friday, January 18, 1974

Senate called to order by the President.

Prayer by Rabbi Boruch Garb of Augusta.

Reading of the Journal of yesterday.

Papers from the House Non-concurrent Matter

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

In the Senate January 15, 1974, Passed to be Engrossed in concurrence.

Comes from the House, Passed to be Engrossed as Amended by House Amendment "A" (H-642), in non-concurrence.

Thereupon, the Senate voted to Recede and Concur.

House Papers

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

Bill "An Act to Incorporate the Atlantic Sea Run Salmon Commission into the Department of Inland Fisheries and Game." (H. P. 1868) (L. D. 2367)

Comes from the House referred to the Committee on Fisheries and Wildlife and Ordered Printed.

On motion by Mr. Speers of Kennebec, referred to the Committee on State Government and Ordered Printed in non-concurrence.

Bill, "An Act to Transfer the Pesticides Control Board to the Department of Environmental Protection." (H. P. 1871) (L. D. 2370)

Comes from the House referred to the Committee on Natural Resources and Ordered Printed.

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

Mr. SPEERS: Mr. President, I note in the number of bills that are being introduced and referred to committees today one or two matters that were considered by the Committee on State Government in the regular session. Perhaps because of the consideration given these

bills by that committee and the reports reported out of that committee we can understand the desire perhaps on the part of some of the proponents of these measures to refer them to a different committee. I would urge that these are matters having to do with the structure of state government and I would, therefore, move that this matter be referred to the Committee on State Government in non-concurrence and ordered printed.

The PRESIDENT: The Senator from Kennebec, Senator Speers, moves that Item 1-5, Legislative Document 2370, be referred to the Committee on State Government in non-concurrence, ordered printed, and sent down for concurrence. Is this the pleasure of the Senate?

The motion prevailed.

Sent down for concurrence.

Senate Papers Appropriations and Financial Affairs

Mr. Sewall of Penobscot presented, Bill, "An Act Providing Appropriations and Allocations to Implement Various Recommendations of the Maine Management and Cost Survey Commission Report." (S. P. 835)

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

Sent down for concurrence.

Business Legislation

Mr. Cox of Penobscot presented, Bill, "An Act Relating to Fees for Inspection of Elevators." (S. P. 836)

The same Senator presented, Bill, "An Act to Repeal the Statute Allowing Contractors to Substitute Securities for Cash Retainers." (S. P. 837)

Mr. Marcotte of York presented, Bill, "An Act Relating to the Real Estate Commission." (S. P. 841)

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

Sent down for concurrence.

Labor

Mr. Kelley of Aroostook presented, Bill, "An Act to Eliminate the Position of Assistant Director of the Bureau of Labor and Industry." (S. P. 838)

Which was referred to the Committee on Labor and Ordered Printed.
Sent down for concurrence.

Marine Resources

Mr. Graffam of Cumberland presented, Bill, "An Act Relating to Sale of Crawfish." (S. P. 845)

Which was referred to the Committee on Marine Resources and Ordered Printed.

Sent down for concurrence.

Public Utilities

Mrs. Cummings of Penobscot presented, Bill, "An Act to Eliminate the Position of Assistant Secretary, Public Utilities Commission." (S. P. 842)

Mr. Fortier of Oxford presented, Bill, "An Act Prohibiting Swimming or Bathing in Mt. Zircon Reservoir, Blanchard Reservoir and the Distribution or Pettengill Reservoir, all in Rumford, Oxford County." (S. P. 844)

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

Sent down for concurrence.

State Government

Mr. Clifford of Androscoggin presented, Bill, "An Act to Transfer the Chief Medical Examiner to the Department of Public Safety." (S. P. 839)

Mr. Speers of Kennebec presented, Bill, "An Act Relating to Examining and Certifying Boards." (S. P. 840)

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

Sent down for concurrence.

Transportation

Mr. Shute of Franklin presented, Resolve, to Fund the Work Measurement Study for the Motor Vehicle Division. (S. P. 843)

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

Sent down for concurrence.

Committee Reports

House

Ought to Pass - As Amended

The Committee on Appropriations and Financial Affairs on, Bill, "An Act to Provide Emergency Medical Training for Ambulance and Rescue Personnel." (H. P. 1660) (L. D. 2053)

Reported that the same Ought to Pass as amended by Committee Amendment "A". (H-635)

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.

Divided Report.

The Majority of the Committee on State Government on, Joint Resolution to Ratify the Equal Rights Amendment to the Federal Constitution. (H. P. 1802) (L. D. 2282)

Reported that the same Ought to be Adopted.

Signed:

Senator:

SPEERS of Kennebec

Representatives:

CURTIS of Orono

FARNHAM of Hampden

COONEY of Sabattus

CROMMETT of Millinocket

GAHAGAN of Caribou

GOODWIN of Bath

BUSTIN of Augusta

NAJARIAN of Portland

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

Signed:

Sensors:

WYMAN of Washington

CLIFFORD of Androscoggin

Representatives:

SILVERMAN of Calais

STILLINGS of Berwick

Comes from the House, the Majority Ought to be Adopted Report Read and Accepted and the Joint Resolution Adopted.

Which reports were Read.

The PRESIDENT: Is it the pleasure of the Senate that this Joint Resolution be adopted in concurrence?

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President and Members of the Senate: We are met here this morning for consideration of one of the most important events that can face a state legislature; that is the ratifica-

tion of an amendment to the Constitution of the United States.

In a very real sense, we follow in the footsteps of our forefathers who drafted the Constitution, for we are contributing to the very basic law of the land of this nation. It is one of the strengths of the Constitution that it can be amended from time to time to reflect the ideals of the society as they exist at the present time. The Constitution is a living document and reflects the desires and the mores of the particular time in which we live.

It has been the entire thrust of the Constitution of this nation to expand human liberties, to expand upon the ideal of human rights, to expand upon the most basic of all American principles; that is, that all men and women as individuals must be regarded and treated equally by the laws of our land.

Even before the Constitution was adopted, the amendment process had begun, and the states of this nation refused to adopt the basic document that was drafted until ten amendments were placed upon that document, which we know as the Bill of Rights, and whose main thrust was to expand upon the liberties and the rights of the individuals of this nation. The Fourteenth Amendment continued in that thrust of the Constitution, the Thirteenth Amendment to abolish slavery, and then the amendment, indeed, which brought about women's suffrage. And it has been the thrust in the 1960's with the Civil Rights Act to again expand upon the basic principles of human dignity and equal justice under the law to all individuals of all races.

An amendment to the Constitution is not the state legislatures telling the people what they may or may not do. It is, by its very essence, we the people of the United States telling our state legislatures and the Congress of the United States what they may and may not do.

The Equal Rights Amendment being proposed for our consideration reads: "Equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex." The second section: "The Congress shall have the power to enforce by appropriate legislation the provisions of

this article." The third section: "This amendment shall take effect two years after the date of ratification."

The amendment does not change the personal relationships between a man and a woman, but it does proscribe discrimination in the laws of the United States and of the various states. It is simply an affirmation of the most basic of all American principles, that the laws of the nation and of the states must apply equally to all individuals and may not discriminate among individuals merely because of a circumstance of birth, whether that circumstance be one of race or one of poverty or, in this case, one of sex.

The Equal Rights Amendment is not a new idea. It is not a brainchild of a radical women's movement. It is not something that has just sprung up in the very recent past. This has been a proposal before the Congress of the United States for 49 years, just as the proposal for women's suffrage was a proposal before the Congress before ratification for 37 years. This amendment passed the Senate of the United States by a vote of 84 to 8, and it passed the House of Representatives of the United States by a vote of 354 to 23. It has now been ratified by 30 of the required 38, or three-fourths, of the state legislatures.

There are many concerns which are raised by the opponents of the amendment which the opponents feel will come about if this amendment is ratified. We heard testimony before my committee that the American family will be torn apart, that it will disintegrate, if this amendment is ratified. Mr. President, I think it very important to understand that that will not be the case. The testimony was that a man, for example, will no longer be required to support his wife and family, but I think it important for this body to realize that at the present time, under Maine law, the duty is on both parents to support their family. I think that the realization that both parties to a marriage have mutual obligations to each other and to the family strengthens a marriage far more than a law which creates a state-imposed duty upon one of the partners to support that family.

The arguments remind me of a letter

which I received last year from an industrial cafeteria worker while we were considering this amendment. She wrote, "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 at the hearing, this nation did not collapse nor did the family." The family did not fall apart because women were given the right to vote, nor will it fall apart because women are given all other rights that men now enjoy under the law.

We heard testimony about protective labor laws and the claim that the protective labor laws for women will be wiped off the books. Well, again, I do not believe that this is necessarily true. What it will do is extend those laws which protect workers to all laborers, to men as well as women.

Section 2 of the Amendment gives great cause for concern among the opponents. It reads: "The Congress shall have the power to enforce by appropriate legislation the provisions of this article." And I would like to point out to the members of this Senate that Amendment Thirteen, Section 2, reads: "Congress shall have power to enforce this article by appropriate legislation." Section 5 of the Fourteenth amendment reads: "The Congress shall have power to enforce this article by appropriate legislation." And similarly, Amendment Nineteen, Twenty-three, Twenty-four, and Twenty-six. Those latter amendments deal primarily with voting rights and the 18-year old vote. I would submit to the members of this Senate that the Congress of the United States has not usurped the powers of the states to promulgate laws relating to our election, and I would submit that simply because of Section 2 in the proposed amendment the Congress would not usurp the powers and the authority of the states over our domestic relations and conditions of working in this state as well.

There are a number of circumstances which give rise to this amendment. I won't go into them all, but suffice it to say that where laws are discriminatory on the basis of sex there have been pro-

blems created for the women of this nation. I think it is wrong, for example, for custody to be awarded to a woman in the case of a divorce automatically simply because she happens to be the mother of her child, regardless of whether or not she is fit to bring up that child. I think it is wrong for a woman to serve a longer prison sentence than a man, even though they both may have committed the same crime and have been found guilty for that crime. Twenty-six states have laws prohibiting employment of adult women in specified occupations or industry.

There may be many questions raised by the Equal Rights Amendment, but I would submit that it would be both impossible and, therefore, most futile to attempt to define all the questions that will be raised by this amendment and to attempt to come up with the answers to those questions. I would submit that all of us know of the vast amount of litigation that comes before the Supreme Court of the United States every year dealing with the Constitution of the United States, the very basic document, as well as all the other amendments to this document, and every time a case is presented it is because there is a question about the Constitution and about what it means. And I would submit that it would be impossible for us at this juncture to predict all of the ramifications and all of the questions that may be raised by this amendment.

If the founders of this nation had been reluctant to promulgate a Constitution because they were unable to predict all of the questions that might arise, I think it is quite obvious that we would not now have a Constitution of the United States and that we would not now have the great government that we do. What we are talking about today is adopting a Constitution which establishes principles, the principle that the states and the federal government may not discriminate solely upon the basis of sex when enacting our laws. The states have already told individuals that they may not discriminate on the basis of sex, for example, in hiring practices, but who is it that tells the states, that tells the federal government, that while promulgating the laws we may not discriminate on the basis of sex? The only way that

the people, the people of the United States, may tell our government that our government may not discriminate when enacting laws is through the Constitution under which we live.

There may well be a period of confusion. It may well present many difficulties. We may well be presented in this body with the task of reforming our laws to conform with this Constitutional principle, but I would submit that the expansion of human liberties and human dignity has never been a simple task. It was not easy for those who fought in the Revolutionary War, it was not easy for those who fought in the Civil War, it was not easy for those who fought for the expansion of human liberties and dignity in the 1960's in the Civil Rights Movement, to go through that kind of turmoil. But if we are to say for that reason that we should not undertake this task, then I would say that we have indeed become bankrupt in supporting the principles of this nation.

We have heard the argument that it is only a vocal minority that wants this amendment. I would like to read from a list entitled "Maine Coalition for the Equal Rights Amendment": The American Association of University Women; American Federation of State, County and Municipal Employees (AFSCME); Common Cause of Maine; Episcopal Church Women; Equal Opportunity for Women Committee; Governor's Advisory Council on the Status of Women; Housewives for E. R. A.; League of Women Voters of Maine; Maine Civil Liberties Union; Maine Conference United Methodist Church; Maine Conference on Human Services; Maine Federation of Business and Professional Women; Maine Federation of Women's Clubs; Maine State Nurses Association; Maine Teachers Association; Maine Women's Political Caucus; National Association for the Advancement of Colored People; National Council of Jewish Women; National Organization for Women; Patawa Club of Bangor; Servants of the Immaculate Heart of Mary, Roy Residence; Soroptimists of Bangor; United Church of Christ; United Low Income; and Unitarian Universalist Ministers. Now, if that sounds like a small vocal minority, I

would say we had a pretty large majority somewhere else in the state.

We have heard arguments that only a radical few are in support of the Equal Rights Amendment, yet before my committee when we heard this bill we had a representative from the United Methodist Church come before us and state that in the state convention of the United Methodist Church there was a full discussion of all of the ramifications of the Equal Rights Amendment. In fact, he testified that every point that was brought out in our hearing, except one, was brought out in that discussion of the United Methodist Church. I don't recall just what that point was that was not brought out, but every other point that we heard was fully discussed in that convention, and after that discussion the Equal Rights Amendment won the support of that convention by a vote of 121 to 8. And that is the United Methodist Church.

I would like to read a letter which I received from Mrs. Sonya Cirks, the President of the Maine Episcopal Churchwomen:

"As President of the Episcopal Churchwomen in the State of Maine, I feel obliged to let you know the results of the two recent votes.

"This fall at the National Episcopal Convention the 34th Biennial passed overwhelmingly its resolution favoring E.R.A., and last spring at our annual State Convention the delegates there also passed a resolution favoring passage of the E.R.A. bill. This was voted on by laymen, women and clergy across the state, representing thousands of voters.

"When the arguments are in, the basic issue is still equality, and in America equality should not have to be an issue."

I would submit that the United Methodist Church and the Episcopal Churchwomen of the State of Maine are not radical groups.

Mr. President, we are here very basically to determine whether the principle of equal treatment under the law is to continue to be expanded upon or whether we have finally met some outside limitation, some qualification, to that principle of equality under the law. I applaud the differences between men

and women, but I do not applaud the differences of treatment which are written into law. I deny the differences that give one individual certain rights and privileges over another merely because of a circumstance of birth, those rights and privileges written into our law. That is not the principle upon which this country was founded, that is not the principle upon which this country progressed, and it should not be the principle upon which we live today. We in this chamber at this hour have the rare opportunity to insure that that will not be the principle under which we live in the future.

Mr. President, there must be no limitation, no exception, and no qualifications placed upon the principle of equality under the law. I would move the acceptance of the Majority Ought to be Adopted Report and request that when the vote is 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, and 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 good Senator from Kennebec, Senator Speers, for his very fine intelligent, persuasive remarks. I will not speak long. The issues here have already received thorough consideration and debate. I will only say that it is unfortunate that this issue is once again before us. It ought to have passed a year ago.

Not one among us wants the State of Maine to tarnish its reputation for leadership on all the civil rights amendments to the United States Constitution. Not one among us wants to deny any citizen equal rights before the law. Not one among us would personally discriminate against any American on grounds unrelated to their qualifications. Not one among us believes that women ought to be second-class citizens. But despite our consensus on those fundamental qualities, we have in the past been somehow unable to transfer or translate our personal beliefs into legal realities.

Women are entitled to equal rights before the law. That is precisely and exclusively what this amendment mandates. Women are entitled to equal rights because they are American citizens, and every American ought to have an unqualified right to equal treatment before the laws of our state and our nation. Once the rhetoric, the stereotypes and the hysteria that have come to surround this simple issue are stripped away, we are left with a choice no more complex and no less important than that. So I urge all to vote your consciences, to vote your ideals, because I am confident that every Senator is committed to protecting and defending the basic ideals of democracy.

Today we have the privilege and opportunity to endorse constitutional equality for all American women. We should all take that opportunity to secure equal protection of the laws for the women of Maine and America once and for all. It is basically, as has been said, a question of simple human dignity. I trust that today this body in its vote will come down on the side of human dignity and against discrimination.

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

Mr. CLIFFORD: Mr. President and Members of the Senate: I have in the past voted against the Equal Rights Amendment for reasons not that had much to do with equal rights but for problems which I considered to be problems with the particular Amendment. I am going to vote in favor of the Amendment, and I wanted to explain the reasons for my change of vote, which I think are based on substantial facts.

First of all, it was one of the contentions of those legal scholars that opposed the Equal Rights Amendment that the fourteenth Amendment, as presently written, was sufficient to guarantee to women equal rights under the law in all aspects. Those legal scholars indicated that sex was or should be a suspect classification under the law and that states could classify according to sex only upon showing a good and reasonable cause. And last year at this time the Court seemed to be moving in that direction in the Reed Case and in other cases. Since that time, however, Mr.

President, the Court has backed off from that position and the United States Supreme Court has said, in effect, that they will not so rule that sex is a suspect classification, and they have said that they are waiting to see what the states do on the Equal Rights Amendment. I think that this is an implied indication that they will take the passage of the Equal Rights Amendment, if it passes, to be an indication that the people want only that kind of interpretation of it.

One of the other reasons why many of the legal scholars opposed the Equal Rights Amendment was the possibility that the courts would have to interpret that amendment in a rigid and inflexible way, not allowing the state to classify in any manner whatsoever. Well, one state court, Mr. President, which has ruled on this specific question has categorically stated, in interpreting a state equal rights amendment which is on the books, that they rejected the interpretation that the equal rights amendment must be interpreted in a rigid and inflexible way, and I think, Mr. President, that I have enough faith in the reasonableness of our judicial system and our legislative process that this will be the interpretation given to that amendment.

It is a close question, and I would certainly hope that those who favor the Equal Rights Amendment will not condemn those who vote against it because many of those voting against it are not voting against equal rights for women, but they do have serious problems with this specific Amendment. The draft of this Amendment still bothers me somewhat, and I would be very much happier in voting for it if it were in another version: if it had the Hayden Amendment on it which guaranteed that specific rights and exemptions and privileges in the law existing today would not be taken away, or if it was in the language of the Fourteenth Amendment, which was one of the versions offered in the United States Senate and rejected, or if it specifically exempted women from the draft. In any of those cases, I would be much happier in voting for it.

But we have this Amendment before us, which we cannot change, and I think on balance, Mr. President, that the country should move ahead towards equality

under the law and that we should have faith in our people, in our judicial system, and in our legislative process. Therefore, Mr. President, I will vote in favor of the Equal Rights Amendment. Thank you.

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

MR. RICHARDSON: Mr. President and Members of the Senate: The Senator from Androscoggin, Senator Clifford, has this morning, I think, given very eloquent testimony to the privilege and honor it is to serve in the Senate of the State of Maine with someone who has not only commendable but, I mean, an outstanding intellectual honesty and openness. His position which he has explained to you represents a change in view for him which I know he has arrived at only after the most careful, objective and sincere deliberation and thought. I commend him, Mr. President, for the action he has taken.

The right to choose between marriage and career ought to be a constitutionally guaranteed right. It is as simple as that. As Dwight Eisenhower expressed it, it is a matter of simple justice. That is the reason I urge all of you, Mr. President, to join in making Maine the next on the line to come forward and cast its vote for equal rights for all people.

THE PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Joly.

MR. JOLY: Mr. President and Members of the Senate: I commend my good friend from Androscoggin, Senator Clifford, too, but I think he brought up a very important point. He mentioned that he would feel better if some other things were in the bill.

I would remind all of us that one of our principles we have in the law — and please don't be amused when I first start because I think you will see what I am getting at — but that one of our principles is that we don't find anyone guilty of something unless there is no question at all. "Beyond a reasonable doubt" is the term we used. And here we are dealing with a constitutional amendment, of which there have only been a handful or two since the beginning of our country. It is not a statute that we can come back in

two months at the Governor's call and change if we don't like it, but an amendment that will be with us and will take a long time to undo if we find out there is something wrong with it.

Now, I have been accused of being emotional on many occasions when I have spoke. And believe me, I think that the emotion is on the other side. I have heard words today like "most important", "footsteps of forefathers", "basic law of the land", "ideals of the society", "equal human liberties", "American principles", "human dignity", "equal justice", "human dignity and human liberties". But I haven't heard today, and I haven't heard in the five or six debates that I have participated in, any solid reasons why we should pass this except that it would give a psychological uplift to some women. A psychological uplift.

On the other side — and I have tried not to say that certain things will happen if this is passed; I have tried to say certain things might happen. The constitutional lawyers at Yale and at Harvard, among other places, have been arguing this amendment for some time and they are in great disagreement, as we all know. We have all seen some of their publications. But there is a possibility, say many of them, that certain things might happen, and I am not going to review all of them because you know what they are; we have talked about them. But what I do say is that if only some of these that might happen should occur — and on the other side all they are doing is giving a psychological uplift to a few ladies — then I say to you that we are not doing the right thing.

I might also point out that there is another bill floating around which deals with a state E.R.A., what you might call a mini-E.R.A., and attached to this is a referendum, which would mean that if this were passed by our two bodies it would go to the people, and we would have a true chance of finding out what the people feel about this bill in the State of Maine, because I am sure these same arguments would be used in the debate and the speeches around the state on this. It would give some idea as to what is going on, and the next session of the legislature could then vote as to what the

people think. I know what the people think around my area, and I know that you all feel you believe what they think around your area, and that is one of the reasons I feel so strongly about this, and I have for some time.

You know, I envy those on the other side who say that none of the possible problems that some of the opponents of this legislation say might happen, I envy those people who say none of them will happen. It must be wonderful to be so definitive, to know so surely whether something is going to happen or not. If this were true, I don't know why we would have courts and lawyers. I simply say that a lot of these things might happen.

It has been said today that we have said that a radical few are supporting the bill. We don't say that. We do say that some of the most radical organizations in this country are supporting the bill, along with many fine outstanding American women and men, but there are some pretty radical ones supporting this, and they have been in the forefront of a lot of extreme bills in the past.

It has been said that thirty states have endorsed this bill. That is true, but I might point out to you that fifteen of them are reconsidering at this time. We do do things wrong occasionally. We did something last year regarding juveniles in Maine, and I see our superintendent of schools in Waterville in yesterday's Sentinel was saying we are having a problem with truancy in Waterville because of some legislation the state passed last year. So we are not always perfect. We do a lot of things we find out later we are wrong about.

I am not going to speak any more because whatever I say now will be a duplication of what has been said before. I simply want to make this one little point: This is a constitutional amendment we are dealing with; it is not a statute. It cannot be passed and unpassed easily. And if there is any question in your mind that this will not be good, that it might cause some problems, and on the other side that it is not going to do any good, then I hope you would vote against it. Thank you.

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

Mr. HICHENS: Mr. President and Members of the Senate: I am not going to stand up here this morning and repeat the remarks that I made in opposition to this amendment in the regular session, but I would like to relate that I have received a few letters from people all over the state, very few from my own district, in regard to this issue in this special session.

One letter I received was from a lady who was representing a group of women from my district, and she said "We are going to watch your vote very carefully, and if you vote against the amendment this time we are going to do everything in our power to replace you in the next election." Those are the kind of letters that sort of raise the hair on the back of my neck, and I am not so fearful one way or the other. Perhaps they can find, and most possibly they can find someone better to represent them from the First District.

But I think the attitudes of women all over the State of Maine are best reflected in an incident that took place last Monday on my way here to Augusta. I stopped at the bank where I do business, did the business and then the lady asked me if I was on my way to Augusta. I replied in the affirmative, and then suddenly I said, "What do you think of this ERA that we are going to vote on this week?" She said, "ERA, what's that?" I looked sort of amazed and I said, "You don't know what the ERA is, with all of the hullabaloo that has been in the press and all of the action there has been during the last year?" she says, "No, I don't know anything about it." So one of the other clerks came to my rescue and explained about the ERA would do, and this first clerk turned and said, "Well, I am very well satisfied with things just the way they are." So I asked the other clerk if she would take a poll of the others in the bank that day. So she went around, and in a few minutes came back and she said, "We are all opposed to ERA." On that basis today, Mr. President, feeling that that is the attitude of the majority of the women of the State of Maine, I oppose ERA.

The PRESIDENT: 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 to Ratify the Equal Rights Amendment to the Federal Constitution.

The Chair recognizes the Senator from Oxford, Senator Henley.

Mr. HENLEY: Mr. President and Members of the Senate: I sat here and I could not help but admire the well prepared, well presented documented speech of my very good friend behind me here, the Senator from Kennebec, Senator Speers. I don't know as I could have imagined a better presentation. That, of course, is what I am up against because in my lack of background I cannot prepare a speech of that type.

I have sat and I have studied documents. I have studied the history, as I have seen it, of the ERA movement. I have looked over mounds of letters, letters that I have clipped from papers, letters that I have received, letters that have been mailed to me as documents. I don't feel that there is anyway that I can change my stance over what it was last winter in the House when I tried unsuccessfully to stop this movement which, in my opinion, was, is and will continue to be dangerous movement; not because of the things that we know about the Constitutional Amendment. The wording is possibly, at best, vague and innocuous and, at least, it gives a lot more power to Washington.

I have been a great believer in state's rights. I felt last year, I still feel that inequalities of this type, where they exist, and there are very few that exist any more in most states, should be handled at the state level by statute. I feel that if we continue the policy of amending our national Constitution with a blanket amendment to cover every possible exigency of future policy, we might just as well do away with state legislatures and state rights. I, in my sometime pessimistic feeling on the trend of government and the big father concept at Washington, think that that is probably where we are headed anyway. But as you who know me have realized, I have been fighting against this for years, not just along this line. I think that my friend Senator Joly, put it very aptly when he states it isn't the known things in the bill

that we are concerned with; it is the unknown.

I know we hear a lot about equal rights. It has been stated that all men are created equal. Purposely women were left out of it because they are not the same as men, thank God. If equality in women means for women to dress as men, to talk and swear as men, to be as vulgar as I know a lot of men can be and are, to be as crude and as rough as men, if objecting to that is male chauvinism, than I am a male chauvinist because I object to it.

In all of my years, and I have got more of them than most members of this house, I have always felt that women were not equal, no; they were higher than I, they were better than I, and I would like to continue thinking that, and I don't think that whatever we do here in this body or any other part of the nation is going to change my opinion at my age.

When I was a little fellow I found that it wasn't good policy for me to push my sisters around the same as I could my brothers, and be pushed. I one time asked my father, "Why is it I get whaled if I slap my sister's face but it is alright to cuff my brother's face or hit him with my fist?" "Father gave me quite a lecture. He says, "Son, they are girls." I said, "So what?" he said, "Girls and women are better than us boys and men. They are a balance wheel, they are a step above us. Don't ever forget that." And I in my experiences, even though I have, of course, known of women who were not always a step above men, nevertheless, in general I still hold that belief and I continue to hold it.

They say that these debates have been emotional. Well, of course they are emotional. What under the sun is more emotional than man and woman? I know women want equal opportunity. What more can be done to give them equal opportunity? Haven't we got several glaring experiences and examples of what women can do in this world of ours, not just in this world, but in this country. Our own first lady, you might say, of nationwide publicity and fame, Margaret Chase Smith, because we didn't have ERA it didn't hold her down. And years ago when I was a youngster I heard about Congresswoman Clare Booth

Luce. We have a lot of them, I can't recall them all, but nothing has really stood in their way if they wanted equality. We have women executives all over the country.

Another thing there seems to be a misconception on: I got a very fine letter from a fine young lady at one of our state universities, the University of Maine, at one of our campuses. She wrote an excellent letter, several pages of it. She was very respectful, and she says "Sir, please vote for the ERA." She says, "We women want higher priced jobs", we want this and we want that. "We want just as good jobs as men have, and if you pass ERA we are going to be able to do it." It is regrettable that the proponents of this Amendment have seen fit to publicize the wrong conception of what this is going to do.

I have no doubt really that this will pass, and possibly in the remaining years it may be ratified. How many disappointed young people are there going to be after this ratification when they find that immediately they are not going to be appointed to high positions? How many of them are there going to be who are going to find that they are still not going to qualify when they go after some of these jobs? There are going to be millions, and they are going to say, well, we were told that with the passage of this we were going to have access to these jobs, we were going to be appointed, that there were going to be just as many of us in these high jobs as there were men. I have had it said to me that look what happened down in the legislature, you have one lady Senator, and why is that? You have thirty-three members and you should have at least fifteen or sixteen ladies in there. And the answer is not satisfactory to those questioners when I say that there is nothing barring them now.

There is a point I would like to bring out too on minorities. We are told that the opponents of ERA are not a majority, that the proponents are the majority. I submit to you that I do not believe that. I submit to you that I would almost guarantee that if a week from today we could hold an election throughout the State of Maine, overwhelmingly this would be beaten down. Why? Because

most of the opponents of the ERA are busy being a woman, what God meant them to be. The most of them, I say, are raising families and they are taking care of their job back home. I don't say that there are no places for women in business if they want to get into business. I do say that of the proponents of the ERA the ranks are filled in a lot of cases by business women who have chosen that particular area. They have the time, the facilities and the ability to organize. They are the organizers. That is why a lot of the opponents are not here today.

I had these arguments occur during the recent election when I was elected to this body. Near as I could tell, every attempt was made by the proponents of ERA to stop me. I more or less indicated from the first that I would continue to oppose ERA. My opponent, in his ignorance, and it was ignorance because he knew nothing about the issue; he had no experience in working with it, but being out, and me in, had nothing to lose by embracing it, the same as he embraced some of the other policies which he knew nothing about, and which did not help him get elected. So all through the campaign I was in a lot of ways reviled by publicity, and one thing and another, letters, paid ads, radio and some television hints, but nevertheless, in spite of the fact that I did not even answer these accusations, I won by almost two to one. And they knew all over my area of 29,000 people how I stood on it. There was ample time for them to have come out and said well, you are opposed to ERA so we won't elect you. That is all water over the dam; I was elected. But that is one of the reasons why I insist that, as Maine is still basically and preponderantly a rural state, Maine at least would be a majority of people opposed to it.

I would like to close by reading a few paragraphs which I feel just about fit the way I feel on this matter. They have nothing perhaps to do with statistics. They are along an emotional trend, and I feel that that has a very strong place in this dangerous move that we are about to make. "There were and are men, also men whose idea of differentiation of roles is based on the thought that women are superior in all the things that really count. Things like sensitivity, creativity, innate wisdom, unselfishness, kindness,

beauty, understanding, and foibles and faults and the ability to give. The belief in protection comes from the truth that there is so little absolute glory in this world, that women born with the heritage of glory should be helped to retain it, that a blow is dealt to humanity when a woman becomes a strident competitor simply because the luster with which she was born has been dimmed by contact with savagery and sordidness. So believing this, that which I can protect I shall protect, that which I can give I shall give, that which is given I will accept as graciously as I can. If this is chauvinism sobeit, but I do not think it is."

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

MR. ANDERSON: Mr. President and Members of the Senate: We have all heard the admonitions of other states who regret passage of this Equal Rights Amendment, and yet some in this chamber steadfastly refuse to see the dire consequences of this act, refuse to see that a group, way in the minority, are determined to wreck the binding ties of home and sanctity of husband and wife. To make a point, Honorable Terry Coleman, Representative from the State of Georgia, says he has reversed his position on the Equal Rights Amendment, which he once supported, claiming the prerogative of people in the political field to change their minds. Observing that the bill is really too vague, Representative Coleman said, and I quote, "Personally I feel that women are equal but on a higher level than men now, and that ratification of this law would only serve to lower the position of women in our state. My change of position," he said, "came about after consultation with constitutional lawyers, experienced legislators and my wife."

This is only one of many incidents of mind-changing after thoughtful consideration of this destructive act. After defeat in the regular session, this issue should never have been on the agenda in this special session. Certainly it is not an emergency, as the so-called liberationists have five more years to try and thrust this amendment onto the vast ma-

jority of women in these United States that want no part of it. We have too many vital problems that concern the welfare of our people without taking time out to debate this controversial act. Our people are losing their sense of security, getting restless, frightened, and why shouldn't they be? The energy crisis, food getting way beyond their reach, prohibitive gasoline prices, drugs, crime running rampant, burglaries, break-ins, combined with viciousness, ever-increasing taxes, high interest and insurance rates. These are some of the things we should be concerned about; not devoting our time to tearing a leaf from the Constitution.

In my fourteen years as a legislator, I have seen many laws voted into our statutes that should not be there. I am sure many representatives of our people in both branches regret some of the issues they voted for. When I step down from this high office, which will be soon, entrusted to me by citizens of this great State of Maine, I will do so knowing in my own mind that my legislative record will never backfire on my conscience.

Again, Mr. President, and my esteemed colleagues, I implore you to defeat this Amendment which will take away the rights that women already enjoy. All the other arguments you have heard, all the chaos that will erupt in remodeling the Constitution are nothing compared to breaking down the family circle, the family circle that has held America together and made it one of the top powers of the world. Let's have no regrets. Let's defeat this proposed Amendment today, and, if not successful, do all in our power to bring it to the electorate in referendum. Our people should have a say as to whether or not they want this controversial issue forced upon them by an unthinking minority. Thanks for your indulgence.

The PRESIDENT: The pending question before the Senate is the motion of the Senator from Kennebec, Senator Speers, that the Majority Ought to be Adopted Report of the Committee on Joint Resolution to Ratify the Equal Rights Amendment to the Federal Constitution be accepted. A roll call has been requested. In order for the Chair to order a roll call, under the Constitution, 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 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 State Government on Joint Resolution to Ratify the Equal Rights Amendment to the Federal Constitution. A "Yes" vote will be in favor of adoption; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Brennan, Cianchette, Clifford, Conley, Cox, Cummings, Danton, Fortier, Katz, Kelley, Marcotte, Morrell, Richardson, Roberts, Schulten, Sewall, Shute, Speers, Tanous.

NAYS: Senators Anderson, Berry, Cyr, Graffam, Greeley, Henley, Hichens, Huber, Joly, Minkowsky, Olfeine.

ABSENT: Senator Wyman.

Senator MacLeod of Penobscot was granted leave to pair his "Yea" vote with Senator Wyman of Washington who would vote "Nay" if present.

A roll call was had. 19 Senators having voted in the affirmative, and 11 Senators having voted in the negative, the joint resolution was adopted in concurrence.

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

Mr. SPEERS: Mr. President, having voted on the prevailing side, I move that the Senate reconsider its action whereby this report was accepted, and urge the Senate to vote against the motion.

The PRESIDENT: The Senator from Kennebec, Senator Speers, moves that the Senate reconsider its action whereby this Joint Resolution was adopted. As many Senators as are in favor of reconsideration will please say "Yes"; those opposed "No".

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

Senate

Leave to Withdraw

Mr. Wyman for the Committee on Taxation on, Bill, "An Act to Exempt

Cigarettes Under Unfair Sales Act." (S. P. 811) (L. D. 2301)

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:

House

Bill, "An Act to Amend the Law Relating to Attempted Escapes From The Maine State Prison." (H. P. 1750) (L. D. 2209)

Bill, "An Act Relating to Place of Examination Under Unfair Trade Practices Act." (H. P. 1698) (L. D. 2091)

Bill, "An Act Requiring a Lighted Headlamp on Motorcycles Using The Highway." (H. P. 1721) (L. D. 2114)

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

Senate

Bill, "An Act Providing Emergency Funds for Staffing a Fuel Allocation Office Within the Bureau of Civil Defense for the Fiscal Year Ending June 30, 1974." (S. P. 834) (L. D. 2366)

Bill, "An Act Relating to Liability of Natural Gas Distributors." (S. P. 710) (L. D. 2122)

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

Sent down for concurrence.

Enactors

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

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

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

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

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

An Act to Permit Hours of Sale of Liquor in Take-out Stores to Correspond with On-premises Establishments. (S. P. 762) (L. D. 2193)

Mr. Hichens of York then moved that under suspension of the rules, the Senate reconsider its prior action whereby the Bill was Passed to be engrossed.

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

Mr. OLFENE: Mr. President and Members of the Senate: I rise in objection to reconsidering our action on this bill. As you can readily see, this bill has been through the process and has had plenty of opportunity to be discussed. There was no discussion on this bill in any previous time in this Senate. I suspect that there is a possibility that they want to amend this to make this a completely different bill from what it is. Therefore, I will oppose the motion to reconsider and hope that you would vote in opposition to the reconsidering motion.

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

Mr. CONLEY: Mr. President, I would inquire of the good Senator from York for what purpose does he want to reconsider?

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

Mr. HICHENS: Mr. President, this L. D. was to extend the hours of take-out stores to conform with the other establishments selling liquors in the State of Maine. This amendment would bring them all into line and have a closing time of midnight rather than one o'clock. So that all of the establishments throughout the state would be in conformity in that way.

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

Mr. CONLEY: Mr. President and Members of the Senate: I would join with the Senator from Androscoggin, Senator Olfene, and oppose the motion to reconsider.

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

Mr. RICHARDSON: Mr. President and Members of the Senate: I don't wish my joining with my friend from York, Senator Hichens, to be construed as necessarily approval of the amendment which he intends to offer but, as I understand the unwritten rules in the Senate, we have been very generous in extending the courtesy of reconsideration for the purpose of an amendment to a member of the Senate, so that he can offer the amendment in a printed form and it can be fully and fairly discussed and debated. For that reason, I would urge you members of the Senate to extend that courtesy to Senator Hichens, as we have routinely extended it to each other in the time that I have been in this body.

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

Mr. BERRY: Mr. President and Members of the Senate: I think that we have here a mechanical situation, and I appreciate the good thoughts of Senator Richardson from Cumberland. I would suggest that there be a full disclosure of what is intended to be done with the issue to be voted on the matter reconsideration, which needs a two-thirds vote. I am sure neither Senator Hichens nor the people who oppose his views are trying to hide anything. I think in the interest of moving legislation along, the matter should be discussed right now and voted on.

The PRESIDENT: As many Senators as are in favor that the rules be suspended will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

A division was had. 11 Senators having voted in the affirmative, and 11 Senators having voted in the negative, and 11 being less than two-thirds of those Senators present and voting, the rules were not suspended.

Mr. Hichens of York then moved that the Bill be Indefinitely Postponed.

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

Mr. DANTON: Mr. President and Members of the Senate: I oppose that motion. This bill received a nine to three ought to pass report from committee.

This bill was heard along with three other bills that day, and it is the only one that was fully endorsed by the Liquor Enforcement Division. It was submitted because Liquor Enforcement wanted this bill in to have uniformity in their hours. Out of 2,000 licensees, and that is the beer take-out stores, it is estimated that less than ten percent will take full advantage of this, except the ones that are perhaps located near factories where people working on the night shift can pick up their beer and take it home rather than being compelled to go to a cocktail lounge or a tavern or what have you.

I don't see anything wrong with this bill. It had a good hearing. There was some opposition to it, but it is the same opposition you get to any liquor bill. The beer barons really and truly didn't know that this bill was in. I didn't put it in for any self-interest because I am not a licensee. It was put in because Liquor Enforcement wanted it in, and I wish you would vote against the motion to indefinitely postpone. Thank you.

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

Mr. HICHENS: Mr. President and Members of the Senate: I am reluctant to prolong the session this morning because we have had a lengthy debate on the other issue, but I moved indefinite postponement of L. D. 2193 not on the premise of my convictions as a so-called dry, but in the interest of the energy crisis, which is the most important issue before the state and the nation at the present time.

Members of the Senate, faced with this energy crisis, churches are curtailing their activities or rescheduling meetings to afternoon or morning services. Several churches are holding Sunday services in smaller rooms rather than in the large auditoriums to conserve heat. Some churches are uniting for winter services so that buildings will not have to be heated or lighted. Many Catholic churches throughout the state are holding masses and meetings in the parish schools in order to save fuel by not heating the church building. Many Protestant churches are conducting weekday services and meetings in homes. Schools

are curtailing evening activities and children are going to school in the morning darkness to conserve energy. Some schools are having longer winter vacations to conserve fuel, and colleges have extended their winter vacations for the same reason. I could go on and on as to the other groups who are trying to help in this crisis. Even our stores are curtailing their times of sale. I noticed up at the Zayre store in the shopping center the other night, instead of closing at ten o'clock, now they are closing at nine, and I read in the paper they are considering closing at seven.

Yet today we have before us a bill not to curtail hours of sale, but rather to extend selling hours in retail stores on the premise of discrimination. To curb this discrimination, I hope to present an amendment to bring the other distribution outlets into line with the stores.

The excuse is given that workers getting out of work at midnight cannot buy beer and wine on their way home because of the present law. I have inquired around the state, and the great percentage of afternoon shifts are three to eleven shifts rather than four to twelve, giving them time to stop and then go on to their homes. It is referred that this bill had gone right on through without any opposition. I would bring to your attention that the other body a few days ago turned down the bill. Yesterday there was a desperate effort by the lobbyists of the beer and wine wholesalers, up here at eight o'clock in the morning doing heavy lobbying, and reversed that action in the House so it was sent to us today.

Members of the Senate, if you care about the energy crisis, this is one small way in which you can show your people in the State of Maine that you really do care.

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

Mr. KATZ: Mr. President and Members of the Senate: I will ignore the energy crisis, and direct myself to the basic reason I shall vote for indefinite postponement of this little gem. I can see no logical reason in the world why a state monopoly liquor business should be open until one a.m. The proximate cause of the passage of this will be the sale of li-

quor to people — whereupon I see some arms being waved over there and I will defer for a better explanation.

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

Mr. OLFENE: Mr. President and Members of the Senate: Let me clarify that — I am sorry Senator Katz — and also a remark by Senator Hichens. Number one, I am just as much concerned with the energy crisis as anyone can be here. But just please understand what we have here, what this is doing. This is not extending store hours. This is only extending in the retail off-premises store. In other words, the grocery store, the corner store, whoever happens to have a malt liquor license. It extends his privilege to sell off-premises one additional hour, which would bring it then in line with all of the other types of licenses that are issued by the Liquor Commission.

We are just bringing the retail off-premises outlet into the same time category as are the hotel, the restaurant, and other type of licenses. So that we are not giving people the privilege to stay open an extra hour. They can do that now and sell anything they want. It is just saying that if they are open, or wish to be open, they could continue that one additional hour for the retail sale of off-premises malt liquor and wine. So, again I see this as not being an energy issue at all, and I would again hope that you would not vote to indefinitely postpone this bill.

The PRESIDENT: The pending motion before the Senate is the motion of the Senator from York, Senator Hichens, that Bill, An Act to Permit Hours of Sale of Liquor in Take-out Stores to Correspond with On-premises Establishments, be indefinitely postponed. The Chair will order a division. As many Senators as are in favor of the motion to indefinitely postpone will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

A division was had. 10 Senators having voted in the affirmative, and 16 Senators having voted in the negative, the motion did not prevail.

Thereupon, the Bill was Passed to be

Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

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

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

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

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

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

Emergency

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

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

Emergency

An Act Increasing Mileage Allowance for State Employees on State Business. (H. P. 1683) (L. D. 2076)

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

Orders of the Day

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

Bill, "An Act to Clarify the Exemption Date in the Minimum Lot Size Law." (H. P. 1731) (L. D. 2175)

Tabled — January 17, 1974 by Senator Berry of Cumberland.

Pending — Passage to be Engrossed.

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

Mr. ROBERTS: Mr. President and Members of the Senate: I understand there is some confusion among some of the members of the body as to what we are trying to do here, and I am going to try in my humble way to see if I can ex-

plain what has occurred and what we are attempting to change here.

Mr. President and Members of the Senate: At our last regular session we passed what is now Chapter 411 of the Public Laws of the 106th Legislature, which dealt with the subject of minimum lot size. At that particular time we had on the books, as a result of the last time the minimum lot size was increased, namely, when it was increased from 15,000 to 20,000 square feet, it was grandfathered at that time for the protection of the people who had bought either prior to the time when the lot was changed from ten to fifteen thousand, had bought lots then, or had bought lots subsequent when the law was fifteen thousand, to protect those people so they could go ahead and build on their lots and sell their lots, and whatever they wished to do with them.

This law primarily changed those dates and added one additional thing, namely, that if a person had built a house on their lot, and this house was built prior to January 1, 1972, then that lot with the house on it was grandfathered. Everything else was repealed by this law, all the previous grandfathering was repealed.

The person who sponsored this bill, Representative Huber, is also sponsoring an amendment to change the date of the building of houses from January 1, 1972, which I understand from DEP and everybody else was in error, to bring that to the date that the law became effective, last October 3, 1973. However, nothing has been done or nothing has been thought of for the benefit of the people who in good faith and legally bought legally sized lots back prior to 1970, or September 23, 1969 to be exact, the date when the state increased the minimum lot size to 20,000, so there are lots of people who have lots that were bought which are legal lots, and the only way they can build on them today is to go to the DEP and try to get an individual waiver on those lots.

The DEP, as we all know, is pretty well bogged down with all sorts of work, much of which is more important than a single lot, but maybe not more important to that particular owner. This would allow those people who had bought lots or who had an enforceable written con-

tract—now, that doesn't mean that you just say I agreed to sell you a lot six years ago and — if he has a legally enforceable written contract, or he already has the deed to this lot, or it is a lot which is on a plan which was approved and recorded prior to 1970, then he will have a right to go ahead and build on this lot provided—and this I think is the important thing — provided that he can get the approval of the plumbing inspector for a septic system. At the present time, we have done quite a bit in the last session to increase and put some teeth into the plumbing laws, and today it is very difficult to put any sort of plumbing system in. In fact, it is impossible and it is well enforced, I believe, all over the state, unless we can satisfy not only that the soil samples are proper, but that the whole drainage and the whole system is satisfactory before we can put in sewerage. This won't change that one iota, but it will permit the person having had his deed some years back, or having agreed some years back to buy a lot and had been paying on it over the years, it permits that person to go ahead, provided his lot will satisfy the plumbing inspector and will be satisfactory for waste. It permits him to build on it, even though the lot is less than the current 20,000 square feet.

The PRESIDENT: Is it now the pleasure of the Senate that this bill be passed to be engrossed?

Thereupon, the Bill was Passed to be Engrossed, as Amended, in concurrence.

Sent down for concurrence.

Papers from the House

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

Enactors

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

Emergency

An Act Making Appropriations for the Supplemental Security Income Program. (S. P. 823) (L. D. 2335)

This being an emergency measure and having received the affirmative votes of 25 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. Berry of Cumberland, the Senate voted to take from the table the following tabled and unassigned matter:

Bill, "An Act Relating to the Borrowing Capacity of School Administrative District No. 24." (H. P. 1662) (L. D. 2055)

Tabled—January 10, 1974 by Senator Berry of Cumberland.

Pending-Passage to Engrossed.

Mr. Katz of Kennebec, then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-317, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Sewall of Penobscot, Adjourned until January 21, 1974, at 4 o'clock in the afternoon.