

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred and Fifth

Legislature

OF THE

STATE OF MAINE

1971

KENNEBEC JOURNAL
AUGUSTA, MAINE

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

Resolution Proposing an Amendment to the Constitution to Reduce the Voting Age to Eighteen Years (H. P. 35) (L. D. 67)

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

The SPEAKER: The Chair recognizes the gentleman from Wayne, Mr. Ault.

Mr. AULT: Mr. Speaker and Ladies and Gentlemen of the House: Because I do not believe the majority of the 18-year olds are ready to assume the right to vote; and because they have not yet begun to earn their own way, to pay their own taxes, or to assume the responsibilities of adult life; and because I do not agree with the Congress of the United States with its granting the 18-year old the right to vote; and because I have yet to see strong support for granting this right from others than the 18-year old, I hereby move that this resolution be indefinitely postponed.

The SPEAKER: The question before the House is the motion of the gentleman from Wayne, Mr. Ault, that Resolution Proposing an Amendment to the Constitution to Reduce the Voting Age to Eighteen Years be indefinitely postponed. The Chair recognizes the gentleman from Orono, Mr. Curtis.

Mr. CURTIS: Mr. Speaker and Ladies and Gentlemen of the House: I rise to oppose the motion, and to support the passage of Legislative Document Number 67, a Resolution proposing an Amendment to the Constitution to reduce the voting age to eighteen years.

I am particularly pleased that my maiden speech in the House concerns a subject of such great importance to the future of our very democratic system.

The Resolution is, I think, the first truly landmark legislation to appear before this House. It is a credit to the diligence and the effectiveness of this body that a measure of such import is before us so soon.

The 104th Legislature proposed a Constitutional Amendment to lower the voting age in Maine to twenty. The people of Maine ratified that Amendment by a vote of 167,000 to 117,000, with almost sixty percent of the voters approving the change. I am confident that the people will also ratify a further extension of the franchise to eighteen and nineteen year olds, and they will have their chance to vote next November if this passes.

But, if this legislation does not pass, then we will have two classes of voters, one for federal and another for State and local elections. That would result in expense to the municipalities and confusion to the people.

It is suggested that the United States Supreme Court has put the states in an untenable position with its ruling. Like many other Representatives, I am not totally pleased with the recent decision of the Court. But the problems of expense to the government and divided decisions of the Supreme Court are subsidiary issues.

The real issue, and the unique opportunity that L.D. 67 presents, is to expand the electorate to give the franchise to those young people who now feel alienated from their government and from the decision-making process.

The age of civic maturity is an arbitrary age. Each member of this House must decide if eighteen is a reasonable age.

My own opinion, based upon experience on campuses and with the military in Vietnam, is that eighteen and nineteen year old men and women are capable, concerned citizens who will exercise the franchise with care. These people take an intensive interest in the activities of their government. The words that we speak today - and our actions - as reported by the press corps, will be read at mail call by thousands of Maine men and women in uniform throughout the world, from the mid-Atlantic to South Vietnam.

I never met a serviceman who did not cherish his vote, or, if he were too young to vote, be bitter that he did not have the right to

cast a ballot and have a voice in stateside policy - making. Now is our chance to rectify this injustice.

The right to vote is the basic civic right and has been of unique importance to free men in the history of democratic institutions. Expansion of the franchise has been achieved in many steps, each of great significance in making the government responsive to the governed.

The last time large numbers of the population were brought into the electorate was with the adoption of the Nineteenth Amendment to the United States Constitution, providing for Woman's Suffrage. The advantages of so broadening the electorate in 1919 have been tremendous and highly beneficial to our State and her people.

Now we again have the opportunity to bring into the electorate a segment of the population that has amply demonstrated its interest in public policies.

Let us respond to the concern of our young people with confidence in their abilities and equal confidence in the future of our State and our country.

Mr. Speaker, I urge my colleagues to vote negative, to defeat the motion that is on the floor.

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

Mr. JALBERT: Mr. Speaker and Members of the House: Because the gentleman from Orono, Mr. Curtis, was not a member of this august body, I would like to set the record straight insofar as the last session is concerned.

For the third time I presented at the last session a measure that would urge the Legislature to allow the people to decide whether or not we should have 18 - year - old voting. Like the gentleman from Orono, Mr. Curtis, and others, I feel very strongly in the area that the man of 18 and the woman of 18 today should be given that privilege. And there are several hundreds of words in the record of the Legislature to attest to that fact.

The measure that was finally passed, as opposed by the majority of the majority party at the last session for 18 years, finally came out with an amendment that was proposed by me for 20 - year - old voting. I am happy to see one of the majority of the majority finally agree with me.

When the vote is taken, Mr. Speaker, I move it be taken by the yeas and nays. And I certainly hope the motion of the gentleman from Wayne, Mr. Ault will not prevail.

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

Mr. MILLS: Mr. Speaker and Ladies and Gentlemen of the House: I have been interested in this movement for the last five or six years. I find it very compatible with the progress of Maine. Also we are missing one point here. If we vote to indefinitely postpone this measure, we are denying the voters of the State of Maine the right to vote on this issue, which is very important to their families.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: This measure has been before us on many occasions, and I don't want to discriminate against any age group whether it be 18 or older.

I probably know as many young people as any of you members. I look at that in a somewhat different light. I see it in this manner.

The young people that I represent — and I am well known in my community as having been a legislator for some time. I am well known amongst young people, and none of them have asked me for the passage of this bill. And as a matter of fact, they don't feel that it should pass, those that I have talked with.

However, the ones that seem to want it passed for some reason are the used car dealers, the people in the liquor industry, and these type of people. I think they see a chance where by this they can liberalize such things as drink-

ing establishments, and things of this nature.

I feel that this may be a step in the wrong direction. And I could go on here for some time. I see nothing wrong if you are going to start lowering it, I see some ten-year olds that have a lot of knowledge, probably could put a cross after a ballot, and probably could get it right directly in the square. And I see some of the older people, when they voted in this last election, couldn't even get the cross in the square. So if you are talking in this method of being able to vote, I am quite sure most ten-year olds could put the cross in the square.

But I think there is more involved than just putting this cross within the square. So this should be considered. And there is really more at stake than just voting. And the cry for voting isn't from the young people. And I have been affiliated with all the youth organizations and things in my area. And as a matter of fact, I had it taken up in the district school at Howland two years ago when we voted, and their thinking was quite unanimous that there was no need; that most of them would rather get their education and devote their time to furthering their education, rather than getting involved in the politics at too young an age.

And these are a few of the things that I think that it's probably wrong to lower the voting age. And I don't see any particular age bracket that you could use, or you could say 16 or 17. And I think the House has done a very good job. They lowered it only last year to 20.

And I don't think it is so important when they vote for candidates. I am sure that my opponents would have it rather hard to get more of the young vote than I would in my community. But I don't think this is an issue. The issue is whether they want to vote or not in most cases. I am talking about the vast majority, not just a few rabble rousers. So I certainly would support the motion of the gentleman to indefinitely postpone this measure.

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

Mr. BUSTIN: Mr. Speaker and Members of the House: I rise to oppose the motion to indefinitely postpone this bill. As most Members of the House are aware, that Representative Curtis's bill is identical to the one that was filed by myself, Representative Lucas from Portland, and Representative Smith from Dover - Foxcroft.

I am sure the gentleman from Enfield is aware that this issue has nothing to do with adult rights. The problem that we are considering today is whether the franchise should be extended in state and municipal elections. The Supreme Court has already ruled that 18-year olds may vote for President and Congress. It is inconceivable to me that Maine should have two classes of voters; one that is voting for selectman and representative and state senator, and the other that is voting for Congressman and President of the United States.

The gentleman from Eastport, Mr. Mills, has pointed out that what we are proposing in this particular piece of legislation is that the people of Maine decide in a referendum in 1971, in November, as to whether or not the vote should be extended to 18-year olds in state and municipal elections. This would bring 35,000 more young Maine people into the voting booths in 1972.

If we do not pass legislation of this kind, and if the people do turn down in the November referendum, then we are going to be faced with administrative chaos at the local level. We will have to have two separate voting lists, two separate ballots, two separate voting booths.

Mr. Speaker, I would like to close by reading a quote in the Maine Sunday Telegram of January 10, 1971:

"Maine has the undeserved reputation of being an 'old people's state'. This unjustified image harms Maine. For the fact is that, for many years, Maine has had the youngest Governor of any state in the union. Once our youngest governor (John Reed) was Republican; another time (Curtis, in his

first term) was a Democrat. The 105th Maine Legislature, now in session, has three college students among its members. Maine should make more capital about the young people who hold high position in public and private business in our state.

"One way for Maine to give present proof that Maine wants young people to live and work in Maine, and wants young people to help run our state is to give the 18 - year old people of Maine the right to vote in Maine elections."

Thank you, Mr. Speaker.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: Obviously, many people are expressing their views on this issue today because we are concerned with the problems that will face us if we don't do something about it. I suppose I could stand in front of you and argue that the Democratic party has had this in its platform for 20 years. I suppose I could stand in front of you and argue that it could save Maine \$80,000. I suppose I could stand in front of you and argue that certainly the office of selectman is a little less important than the office of President.

But let me make one basic point, and I think it is perhaps the most important one, which has already been made, but ought to be emphasized again. And that is that we are not deciding today as to whether or not to give 18-year olds the right to vote. We are merely deciding as to whether or not we will let the people we represent have the right to determine whether or not we will give 18-year olds the right to vote.

This is the issue today. It is not whether or not today we are giving them the right to vote. And we ought, in my opinion, to let them decide, and to let them speak for themselves in November of this year.

The SPEAKER: The Chair recognizes the gentleman from Old Town, Mr. Binnette.

Mr. BINNETTE: Mr. Speaker and Ladies and Gentlemen of the

House: In the 102nd I proposed a similar measure which didn't get off the ground. It just stayed right there. But now that Congress has seen fit that we should lower the voting age, I must heartily agree with my neighbor, Mr. Curtis, from Orono, that his remarks were well presented. And I really believe that we should stop and think that we are going to let the people make the decision. If we do drop this measure, the people will not have a chance to express themselves in the electorate. So I therefore urge you people to allow this measure to go through.

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

Mr. SMITH: Mr. Speaker and Members of the House: I won't belabor the points that have been made here today before. I would note that it has been stated on many arguments that they are better educated at 18 years of age today than they ever have been before, and all of the other arguments that have been made about the inefficiencies of local government administration, particularly during elections.

I would like to make one point, however. I would agree with Mr. Dudley that this measure, if it were passed in final enactment by referendum in November, would perhaps only affect just a small minority of the people of 18 years of age. I would like to point out, as I pointed out in the committee hearing on this bill earlier, that this is a most important minority of our countrymen. For these are the people that believe in the so-called system, who think it can work, who want to get involved in it, who want to learn about it. For out of this group, this small minority, will come our leaders of tomorrow, the senators and the governors and the presidents.

I think that today, not acting in a final kind of a way, we ought to, in this body, show that we trust them, show that we believe in them, show that we can give them support in their belief in our own democratic processes. And if we don't, when young people come up to me — and there have been some

ask me to sponsor this bill, as I did earlier — when they come up to me and they say, “Why didn’t the House let this go to the people?” I really don’t know what I am going to be able to say. For to them this is going to be the epitome of hypocrisy, I am sure. They are going to say, “Why can’t we vote for governor if we can vote for president? Why can’t we vote for legislator if we can vote for United States senator.” So for those who would question their motivation, for those who would fear the real concern of these young people, for those who would question their trustworthiness, I would say be at ease; for those who will take advantage of it are truly citizens, concerned and able. Thank you very much.

The SPEAKER: The Chair recognizes the gentleman from Lincoln, Mr. Porter.

Mr. PORTER: Mr. Speaker and Ladies and Gentlemen of the House: Last summer when the Republican platform was presented to the convention, you will remember it urged the 20 - year - old vote. However, since that time the 18 - year - old vote has been decided by the Supreme Court of the United States. And I would remind my Republican colleagues that the Republican State Committee favors giving the vote to the 18-year olds.

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

Mr. DONAGHY: Mr. Speaker and Ladies and Gentlemen of the House: I do not wish to belabor this point any further. However, I would remind this House that not only the Republican State Committee is fully behind this move, but this is the unanimous vote of your State Government Committee. Thank you.

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

Mr. HENLEY: Mr. Speaker and Ladies and Gentlemen of the House: I know all of you that have been here for two or three terms would be disappointed if I didn’t get up and talk on this, at least briefly.

I have consistently opposed the lowering of the voting age. I shall continue to until the last gun is fired. I can’t change my ideas just because it so happens that, I believe, political motivations in Congress decided that they wanted more people in their electorate.

I cannot change my mind because it so happened that in the interpretation of the United States Constitution, Justice Black, in his statement, stated that the manner and time and place of voting shall be decided by the states, but can be changed by the Federal government. Their interpretation was that word “time”. They interpreted it that it meant the age. Possibly it does. Nevertheless, four out of the nine justices did not agree, and had one other justice decided that that interpretation was not so, you would not have had your present finding of the Supreme Court.

Now I am in no position to say that our august bodies in Washington, or the Supreme Court, are wrong in their judgment. Certainly I don’t claim to have all kinds of knowledge. But it still does not change my basic belief regarding the responsibilities of youth.

I have no quarrel with youth. I have listened this morning to some eloquent, emotional oratory, very fine oratory. The reasons given in some cases, I feel, are very fair. In other cases, I think that they are falling back on two subterfuges.

One, we are passing the buck because the Congress and the Supreme Court have decided which will be the law, that 18-year olds can vote in Federal elections, then of course we should go along and because of that capitulate, and all of us vote for the 18 - year old to vote in State elections. That I say is one of the subterfuges.

Another one is something that I have listened to many times, I have argued against, and that is, we should let this go to the people. How many times I have sat here and listened to debaters saying that all we ask is let it go to the people, let the people make the decision.

What are we elected for but to make decisions here? As to the

making of decisions, and sending out things to referendum, I don't know as there is any one thing that I or this body has been criticized more for in sending voluminous referenda to the people. I ask them about things. They say, "We elect you to make our decisions. We want you, you are down there, you know what is going on, we consider that you have mature judgment." I think that I have. "We want you to make our decisions, and we will either agree with you or we will not. If we do not, you won't go back to, the Legislature." That is what they tell me.

Now I would like to commend Mr. Ault. He is a young man. He has taken a stand, and I certainly back him to the hilt. He has given good argument. I feel that both he and I and my friend, Mr. Dudley from Enfield, are fighting a lost cause in the same way that I have fought a losing battle through two sessions here, and probably will in in this one, to stave off the trend towards complete socialism in this country, and in this state as well as in the country. That is another matter. But I feel I am not a defeatist exactly. If I was, I wouldn't even have gotten up. I certainly support Mr. Ault's motion to indefinitely postpone.

One other point, the point that I think Mr. Dudley mentioned it, is the age. People say, "What is so magic about 21?" We argue, what is so magic about 20? Now what is so magic about 18?

Last September I was asked to explain state government to a group of children in grade school. One of their teachers up our way is very interested in the running of state government. And by the way, I think that class — I will tell you presently what the class was — is getting more instruction in state government than any other school in the State of Maine.

I inquired of high schoolers about their knowledge in state government at various Kiwanis meetings when we had Key Clubbers there. I said, "Do you have a course anywhere in high school on state government?" They said no. I said,

"What do you get about government?" They said, "In history we get a little about national government, and that is all." Now the college students, the higher education, do get political science if they go after it. If they do not go after it, I wonder how much they get on government.

Now that, ladies and gentlemen, is the background and the foundation. Now to return to my talk before this group. It was a large class, and I put in all the forenoon explaining state government, its procedures, its authority, the governor, the legislature, and the judiciary. This group were fourth graders.

Now out of that we finally arrived, through the process of elimination, about 22 children out of nearly a hundred that were really interested. That is a minority. And that is the minority that Mr. Dudley speaks about.

We have a small minority of 18, 19 and 20 - year olds in my area that are definitely interested. The vast majority are not. So I have more or less stated my stand. And I certainly support and will vote for indefinite postponement of this bill.

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

Mr. KELLEHER: Mr. Speaker and Ladies and Gentlemen of the House: In the 104th, when the 20 - year-old vote came in here, I voted with it with some reluctance. And this morning, as far as the 18 - year - old vote is concerned, I am going to support the gentleman, Mr. Ault's motion. I do feel that I don't think that they are at an age where they can go and vote for such an important issue, without giving them the adult rights.

I am never usually disappointed when I read the papers on measures that come out of Washington. It seems as though every month they are always passing something that disturbs me. And I don't always think that the great minds down there, as Mr. Henley from Norway has stated, it seems that it is like a political football.

For years and years the majority party in this House has always been opposed to 18 - year olds, and now all of a sudden it seems to be the proper thing to be a supporter. Well, I know it is in my party's platform, and there are a number of things in it that I can't always agree with. And certainly I am not going to agree with some of the things that are going to be presented as far as my party is concerned.

I know that they are in favor of this just like the opposition party is. Well, that is all right. I don't know about you people, but I have talked to a number of people back home concerning this. And I have yet to hear any of them say they are in favor of it. So if this indefinite postponement motion doesn't succeed, I feel quite sure that when the voters get it, they are going to turn it down.

So as far as saving some money, I think we ought to take the man's suggestion right here, and indefinitely postpone it this morning.

The SPEAKER: The Chair recognizes the gentleman from Brewer, Mr. Norris.

Mr. NORRIS: Mr. Speaker and Ladies and Gentlemen of the House: I reside just across the river from my dear friend Mr. Kelleher, and apparently the citizens, or my constituents, are exactly opposite to his. Because they are practically 100 percent in favor of the 18-year olds getting the vote. And I would ask two questions, if he would care to answer, from Mr. Henley. Did I understand him to say that he was talking to a group of fourth grade students? And the other one would be, that in order to change the Constitution, I understand we do have to go to the people in referendum.

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

Mr. WHITSON: Mr. Speaker and Members of the House: I rise in opposition to the indefinite postponement of this bill. I believe the people of this state should have the right to decide when it is provided on a question of this importance.

It is my feeling that the youth of our nation are asked, and serve willingly. But they serve without a voice. In many ways this is a form of taxation without representation.

Many of our young recognize this, and some of them are becoming alienated from the system. My personal feeling is that the voting age should be lowered. But it must go before the people of this state, and I request my fellow legislators to vote accordingly. Thank you.

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

Mr. HENLEY: Mr. Speaker and Ladies and Gentlemen of the House: I won't take much time. I just wanted to answer my friend Mr. Norris from Brewer. Probably what I failed to state regarding the fourth graders is, I was trying to show that if we are interested in giving minority groups who are interested in government the vote, to be a bit facetious, why do we say 18? Why not anyone who can talk and write? They were fourth graders, and they were more interested and had more knowledge of state government than these 18 and 19 - year - old Kiwanis boys that I talked to in Kiwanis. That was my point there.

My other point in going before the people. Sure, if we vote it has got to go before the people to be ratified. But unless there is an overwhelming bunch of signatures, as I understand it, it does not have to go before the people if it is killed here.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I have found myself in accord with the very sincere and good legislator from Norway, Mr. Henley. In this particular instance here, it must be remembered that the Constitution of this state was drafted in 1820, and somewhere along the line between 1820 and 1971 we have had a few changes.

And the only way we can allow people to have a voice — and I assure you one thing that the gentleman from Norway, Mr. Hen-

ley, unlike me, is very fortunate. Because believe me, I am given no blank check, and I don't assume that I am given a blank check by my people when they send me here. The only way this measure can finally — and since 1948 I have tried to get this measure — off and on — to go before the people. And the only way that it can ever get to the people is by passage here.

And I certainly hope that finally we can decide one thing. If we are going to talk about economy, let's go at it in this direction here. Just imagine the amount of money that has been spent by having a bill printed time and again — hearings, which cost money, time of debate, which costs money, as compared to letting this go to the people once and for all and have them decide whether they want to make the change.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Wayne, Mr. Ault, that House Paper 35, L. D. 67, Resolution Proposing an Amendment to the Constitution to Reduce the Voting Age to Eighteen Years be indefinitely postponed. If you are in favor of indefinite postponement you will vote yes; if you are opposed to indefinite postponement you will vote no.

ROLL CALL

YEA—Ault, Baker, Barnes, Birt, Cottrell, Dudley, Henley, Kelleher, Kelley, K. F.; Lincoln, Lizotte, Mosher, Page, Rocheleau, Trask.

NAY — Albert, Bailey, Bartlett, Bedard, Bernier, Berry, G. W.; Berube, Binnette, Bither, Boudreau, Bourgoin, Bragdon, Brawn, Brown, Bunker, Bustin, Call, Carey, Carrier, Carter, Churchill, Clark, Clemente, Collins, Conley,

Cooney, Cote, Crosby, Cummings, Curran, Curtis, A. P.; Curtis, T. S., Jr.; Cyr, Donaghy, Dow, Doyle, Drigotas, Dyar, Emery, D. F.; Evans, Farrington, Fecteau, Fine-more, Fraser, Gagnon, Gauthier, Genest, Gill, Good, Goodwin, Hall, Hancock, Hardy, Haskell, Hawkins, Hayes, Herrick, Hewes, Hodgdon, Immonen, Jalbert, Jutras, Kelley, P. S.; Kelley, R. P.; Keyte, Kilroy, Lawry, Lebel, Lee, Lessard, Lewin, Lewis, Littlefield, Lucas, Lund, Lynch, MacLeod, Maddox, Mahany, Manchester, Marsh, Marsteller, Martin, McCloskey, McCormick, McKinnon, McNally, McTeague, Millett, Mills, Morrell, Murray, Norris, O'Brien, Orestis, Parks, Payson, Porter, Pratt, Rand, Rollins, Ross, Santoro, Scott, Shaw, Sheltra, Shute, Silverman, Simpson, L. E.; Simpson, T. R.; Slane, Smith, D. M.; Smith, E. H.; Starbird, Stillings, Theriault, Tyndale, Vincent, Webber, Wheeler, White, Whitson, Wight, Williams, Wood, M. W.; Wood, M. E.; Woodbury.

ABSENT — Berry, P. P.; Dam, Emery, E. M.; Faucher, Hanson, Pontbriand, Susi, Tanguay.

Yes, 15; No, 127; Absent, 8.

The SPEAKER: 15 having voted in the affirmative and 127 having voted in the negative, the motion does not prevail.

Thereupon, the Resolution was passed to be engrossed and sent to the Senate.

Passed to Be Enacted Emergency Measure

Resolve Providing Funds for Conservation Education (S. P. 64) (L. D. 129)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken, 131 voted in favor of same and 3 against, and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

An Act relating to Use of Money Received by the Penobscot Bay