

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

Senate

Bill, "An Act to Designate an Official Mineral for the State of Maine." (S. P. 98) (L. D. 262)

Which was 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 Filing of Annual Reports by Public Utilities (S. P. 77) (L. D. 172)

An Act Relating to Preservation and Destruction of Campaign Reports. (S. P. 81) (L. D. 175)

An Act Increasing the Number of Superior Court Justices. (S. P. 83) (L. D. 177)

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

An Act Increasing Number of Official Court Reporters. (S. P. 84) (L. D. 178)

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

An Act Relating to Gasoline Road Tax Credits. (S. P. 90) (L. D. 219)

An Act Relating to Voluntary Sales Tax Registrants. (H. P. 162) (L. D. 216)

An Act Relating to Payment of Tax by Use Fuel Dealers. (H. P. 166) (L. D. 222)

An Act Relating to Redemption of Cigarette Tax Stamps. (H. P. 167) (L. D. 223)

An Act Exempting Certain Scientific Laboratories from the Sales and Use Tax. (H. P. 168) (L. D. 224)

An Act Relating to Voter Registration for Certain Members of the Armed Forces. (H. P. 473) (L. D. 514)

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

Orders of the Day

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

RESOLUTION, Proposing a n Amendment to the Constitution to Reduce the Voting Age to Eighteen Years. (H. P. 35) (L. D. 67)

Tabled—February 12, 1971 by Senator Berry of Cumberland.

Pending—Final Passage.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: It is with considerable pride and satisfaction that I move final passage of this resolve.

This is a significant step forward in political freedom for a large segment of our population. With particular pride, I say, because I was intimately associated with the bill which reduced the voting age from twenty-one to twenty, and the Republican Party was instrumental in both the passage of that one and has worked hard for this one. It has been in our platform for some time. I think that the fears of those who believe that this will result in a significant change in the political situation may be allayed when we see the results of this action.

I need only to point to the quieting down of disturbances which have been unfortunately present over the past several years, whereas now we see a measure of reason and calmness restored to our young people in their actions. Our young people in truth are a responsible, informed, and active group in the participation in our government. The recognition of these facts and the extension of the voting age to them at the age of eighteen is just merely that.

I would hope that this will prove a significant day and the people will vindicate, as they have in the past in the reduction of the voting age to twenty, by the approval of this Constitutional Amendment when it is up for popular vote.

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

Mr. ANDERSON of Hancock: Mr. President and Members of the Senate: I was opposed to the twenty-year old vote in the 104th

Legislature, and I am emphatically opposed to the eighteen-year old vote today.

I have nothing against youth. I was young once myself; that was a long time ago. Some eighteen-year olds are without question mentally alert but they haven't had the practical experience to cope with the many complex problems in our society today. If we pass this measure, right around the corner will be a bill allowing eighteen-year old votes to grace these legislative halls as lawmakers. Now, can you imagine kids right out of high school, some of them possibly drop-outs, making laws to govern the people of the State of Maine? I just can't conceive of such an irresponsible act. I would certainly hope that this measure would be soundly defeated.

Mr. President, when the vote is taken, I move that it be taken by the yeas and nays.

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from Kennebec, Senator Levine.

Mr. LEVINE of Kennebec: Mr. President and Members of the Senate: I feel now in 1971 when the law was passed giving the right to 21-year-olds to vote, I don't think that the youngsters at that time had as much education as they do now, they didn't have the knowledge that the young people have now.

I am proud now as a Democrat that all the Democrats voted to reduce the voting age from 21 to 20. I feel that if we give the youngsters a chance to vote, a chance to choose their representatives, that we will have less problems. If we give them the responsibility of voting I don't think they will riot because I don't think they will have a chance to complain about the laws that are being passed, because they will have a hand in it as the people that they helped elect will be making the laws.

I feel that by giving the 18-year olds the right to vote we are working towards a better society,

and I would urge this body to vote for it.

(Off record remarks)

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

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: I hate to see my good friend, Senator Berry, arise and pre-empt all of the credit among the parties for favoring the 18-year old vote here this morning. This is a subject which has generated much debate and certainly over which there are very strong feelings and differences of opinion, and I must say that my standing here today and advocating reducing the age of our people voting in Maine to 18 is a result of a transformation in my own mind over the last several years.

I supported, and my party supported two years ago, reduction of the voting age to 20. And the Democratic Party by its platforms and its actions in the legislature have been in the forefront of recognizing the urgency to allow more of our young people the opportunity to partake in the governmental process and giving them the right to vote.

I have said that my supporting reducing the age to 18 is a transformation in my own thinking, and, today, I don't know, I can't one hundred per cent say that this is exactly the thing that we ought to do, but I am quite certain that it is a step in the right direction. And I have reached that conclusion perhaps by becoming more and more exposed to our young people, 18, 19 and 20, and talking with them. And maybe some of this exposure has come from exposure to my own children as they have grown up in my own home and have reached the age of 18, 19 and 20, and I have had the opportunity to discuss with them and to consider their thinking. And I have come to the conclusion, after making efforts on my own part to expose myself to their thinking, that we of the age of 21 and over certainly cannot claim to having

a corner on all the wisdom that is distributed throughout this state and in this country. In fact, at times we do things that those under the age of 21 can very well justly criticize us for doing.

So I think there is great anxiety, particularly because of the social and all the rest of the turmoil which has been going on in our country today, particularly with regard to the war in Vietnam, I think, which causes great anxiety on the part of many people of what actions of giving the vote to our 18-year olds would translate itself into with regard to our governmental process.

I personally do not believe that allowing our 18-year olds, or 19 or 20-year old, people the right to vote would result in any substantial or any shift in all in the political process of our country. I think it will implant some refreshed thinking in our governmental operations, and I think on the whole it will be beneficial.

Those states who have in fact allowed their 18-year olds to vote have shown, or the results in those states have shown, that these people have responsibly handled their responsibilities as voters. So I hope that this Senate will enact this resolution today to its own credit and the credit of our Maine people.

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

Mr. HICHENS of York: Mr. President and Members of the Senate: Two years ago, as a member of the Legislature, I vigorously opposed the eighteen, nineteen and twenty-year old proposals. Eventually the twenty-year olds were granted the privilege to vote. Unlike the response to wine sales in the stores, registrars have disclosed that there have been few twenty-year olds register to vote. This lack of interest is especially apparent with school budget and town meetings of interest being held throughout Maine. I firmly believe that if the eighteen-year old bill is passed that there will be a similar spirit of apathy among these teenagers and only the

radicals or the small percentage interested in government will bother to vote.

It seems to be the age old story that if you can't do it, you are determined to reach the stage when you can. Longer than I want to recall, during the age of knickers, I remember waiting for the day when I'd be old enough to wear long trousers. When I was fifteen I could hardly wait until I was old enough to get a driver's licence. When I was twenty, I waited impatiently for the day when I'd be old enough to vote. Now, as I look back, time moved very quickly and I lost nothing by waiting. I have had several teenagers and older tell me that twenty-one is soon enough, and we have already given them the extra year. All seven of my own children agree.

We hear that today's youth are so much smarter and better educated than the past generation. I agree that they know more about electronics, science, etc. but conditions prove that they are not making the best use of their knowledge with the increase of drug abuse throughout our nation.

In a report comparing the marks scored half a century apart Prof. Sir Cyril Burt has published tables showing that the young people of 1914 scored significantly higher than the pupils of today in every category of tests.

"They averaged 100.3 in intelligence in 1914 against 99.5 in 1965.

"They rated 101.4 in accuracy in reading against 96.7.

"They scored 100.1 in reading comprehension against 99.4.

"The 1914 students had an even longer lead in spelling: 102.8 against 94.6, and a long lead in arithmetic, 103.2 against 95.5.

"Why, after more than 50 years of alleged progress in educational ideas and techniques and in the psychology of the young, should the pupils of our era fall so far behind children taught by what modern educators often consider the horse-and-buggy methods of the days of the First World War?

"In spite of the vast improvement made in social conditions during the last 50 years and the

alleged improvements in educational methods, there are no signs whatever that the average level of intelligence has been raised."

With these thoughts and report before you, I, therefore, oppose passage of this bill.

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

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: I rise in support of this resolution and I hope that it will be my pleasure to see this enacted by the Senate today. I also am very pleased that the good Senator from Cumberland, Senator Berry, joins so many of us who at the 102nd Legislature and the 103rd Legislature practically unanimously, from the standpoint of the Democratic Part, supported this resolution. Today we welcome you aboard, Senator Berry, and we are glad to see you hope this will pass.

In a more serious vein, however, I do want to say that I believe there is no generation in the history of this country that has been so unjustly maligned as is the generation which represents the generation of my own children. There is probably no generation in the history of this country that has been subjected to so many temptations, as many abuses, which have been created not by their generation but by the older generation. I think that in spite of the difficulties which they have faced, the fact that they have been asked to fight in a war which almost all of us agree was unwise and which we should not be involved in, in spite of the fact that they are subjected to the drug abuse, which it is our generation which created that, in spite of all of these things, I think they have rallied very well. There is only a very, very few, a very minute number of this generation which you could call radicals and call irresponsible. And because this generation has been so maligned, and so unjustly I think it is very appropriate that we of the older generation express our confidence in the younger generation, and welcome them aboard and ask them to help solve

the many problems which this nation faces.

I notice the Senator from Hancock, Senator Anderson, was worried about 18-year olds being elected to this body. I have no fear of that particular eventuality because for them to be elected senator they would have to campaign, would they not, and this would be the decision of the electorate. And if that were the pleasure of the electorate that an 18-year old could serve, and were the best judge, I would have no reservation about it because it would be the decision of the people in that regard.

So I hope that this particular resolution, which my party has championed for so many years, will be finally passed by this body today. Thank you.

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

Mr. MINKOWSKY of Androscoggin: Mr. President and Members of the Senate: Today I stand before you as a proponent of this measure. To those of you that I have served with in the past, my feelings were similar to those expressed by Senator Anderson of Hancock.

During the interim period of time I have had the opportunity to talk to many 18-year olds, to talk to many of our servicemen. And one significant passage that I found in a book, which I would like to read to the Senate this morning, came from a lecture by James Freeman Clark in 1882, and which I believe has a very significant meaning insofar as the 18-year old vote is concerned in our nation and state today. The paragraph is as follows:

"We usually think it a hard thing to die, requiring the preparation of a life, but how easily our young soldiers died in the Civil War, how peacefully, tranquilly and submissively. It is because they usually went to the war with a generous and conscientious motive. They went as a duty, giving themselves to their country. The great crises and peril of the nation aroused everything noble in their hearts, and they experienced a development of courage and self-

devotion far above what would come in common times." The most important part of this passage is: "Thus they learned fast in those great hours the true lesson of life. They learned that true life is not in length of days, but in quality of being, and that we may easily live long in a few years. They learned that our highest joy does not come from luxury, ease, success in this world, but from generous renunciation, self-forgetting devotion, surrender of all we have, and are to the cause of virtue, liberty, justice and humanity."

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

Mr. LEVINE of Kennebec: Mr. President and Members of the Senate: I thought somebody might bring it out, but I guess nobody did so I want to mention it: We all know that the 18-year olds can vote now for Congress and for our President. How would you feel if you had been 18 years old and were going to vote and you could vote for President and the members of Congress and United States Senators, and then they wouldn't allow you to vote for Governor or the members of the Legislature? I think a Congressman or United States Senator is just as important as a Legislator.

Now, the Court has ruled that it isn't up to the states to decide who can vote in the national election, so I feel it will be unjust to the young people to allow them to vote in one election and not to vote in any other election. If they are smart enough and and morally capable to vote in the national election then definitely they should be allowed to vote in state elections.

The PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Johnson.

Mr. JOHNSON of Somerset: Mr. President and Members of the Senate: I first voted for this bill in 1961 and, in spite of the fact that the Democrats want to take the credit, I was probably ten years ahead of my time.

I think today we talk a great deal about second-class citizens,

and I think everyone here will agree that the average young man or young woman today at 18 is probably as knowledgeable, as aware of the problems, and is one that is more interested than any of us were at the age of 21. And I think that in fairness to these people, we are passing many bills here that have bond issues to them, and very few of us are really going to pay them out in their entirety, and maybe only make a start on these bond issues, but these young people are going to pay for this and they are going to pay for it for a long time.

There are many other areas that I can go into, but I think you all basically know that the problem here is to give this group of people the right to vote, which they should have had a long time ago. Those are my remarks, ladies and gentlemen, and I hope the resolution receives passage.

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

Mr. MOORE of Cumberland: Mr. President and Members of the Senate: I have been very interested in all of the debate going on here this morning. The only thing is that I question the sincerity of a lot of it.

I have spoken to a lot of the legislators who are going to vote and have voted on this, and they have voted for it because they didn't dare to do otherwise, but they said that the people would turn it down, and they said "I will vote against it also when I get in the voting booth." It really amuses me to think of the lack of intestinal fortitude that some of us have.

I am also very much interested about when we have this bill come before us giving them full adult rights. I wonder how they are going to feel then. They are so responsible today that how can you refuse them complete adult rights the same as you have the 20-year olds. I would be very interested to know what stand you will take on that one.

I am opposed to this. I haven't been approached by any teenager to support this. I have certainly

been approached by plenty of older people saying that they will never support letting teenagers vote. That we will find out next November. But the one reason I am opposed to it — they are brilliant, there is no question about it — but they are still under the influence of their teachers, and I figure that every high school teacher and college professor will have control of 20 to 25 votes, and anyone who says that they won't get out and vote will be flunked in their class if they don't, I am sure of that. I want to wait until they have met their responsibilities so they don't think that all the money in the world comes from dad's pocketbook, until they have gone out and earned some on their own and have had a chance to pay some taxes so they will know what they are voting on. So I shall vote against this measure.

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

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: I hadn't intended to speak on this matter this morning, but something happened in my home last week that I thought might be of some interest to you. As I sat here and listened to the debate this morning of the pros and cons on this very, very important landmark in our state and country I only wished that I could be as certain as the proponents and as certain as the opponents when they vote on this question. It is certainly, as I have mentioned, a very serious question that has been presented to us, and it is an age-old problem that has come before many legislators.

At one time I was convinced — and I am not saying that I am going to vote against this bill — I was convinced that the right of the 18-year old to vote should be passed. And when I started, I mentioned that something happened in my home last week, and this is what brings this about. I have a daughter in junior high school who has always been in favor of the right of the 18-year olds to vote. Last week they had a debate at Shenck High School,

and unfortunately she was chosen as an opponent to something that she felt should be passed. She came home very disappointed because she was opposed or had to be in opposition to a bill which she was in favor of. So I sat down with her and attempted to give her some arguments that she could present in her debate in school. Well, I came to Augusta last week, and when I returned home I asked her how the debate went. She said, "You know, daddy, I won." And here is a girl who was in favor of the right of the 18-year olds to vote and yet she took a stand against it in debate in her school and won. Then I asked her, "Well, have you changed your mind as to whether an 18-year old should have the right to vote or not?" And she honestly answered, she said, "Daddy, I don't know." You know, right now as I speak to you, I don't know either. Thank you.

The PRESIDENT: Is the Senate ready for the question? A roll call has been requested. In order for the Chair to order a roll call, it requires the affirmative vote of one-fifth of those Senators present and voting. Will all those Senators in favor of ordering a roll call please rise and remain standing until counted. Obviously more than one-fifth having arisen, a roll call is ordered.

The pending question before the Senate is the passage of Resolution Proposing an Amendment to the Constitution to Reduce the Voting Age to Eighteen Years, House Paper 35, Legislative Document 67. A "Yes" vote will be in favor of passing this resolution; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

Yeas: Senators Bernard, Berry, Carswell, Chick, Clifford, Conley, Danton, Fortier, Graham, Greeley, Harding, Hoffses, Johnson, Katz, Kellam, Levine, Marcotte, Martin, Minkowsky, Peabody, Quinn, Schulten, Shute, Tanous and Violette.

Nays: Senators Anderson, Dunn, Hichens, Moore, Sewall, and President MacLeod.

Absent: Senator Wyman.

Thereupon, this being a Constitutional Amendment and having received the affirmative votes of 25 members of the Senate with six Senators voting in the negative, and one Senator absent, was Finally Passed and having been signed by the President, was by the Secretary presented to the Secretary of State.

Mr. Conley of Cumberland then moved that the Senate reconsider its action whereby the Resolution was Finally Passed.

The PRESIDENT: The Chair

recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President, I would urge everyone to vote against this motion.

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

(Off Record Remarks)

On motion by Mr. Hoffses of Knox,

Adjourned until 9:30 o'clock tomorrow morning.