

1 as well, of some cases decided by the Court of Appeals
2 holding that the State had the right to detain a dangerous
3 offender for the health and safety of the people, and these
4 cases were not founded on any State constitutional provi-
5 sion.

6 After taking all these precautions, we came to
7 the conclusion that the deletion of the entire section,
8 including the indeterminate sentence part, would not
9 jeopardize Article 31B, that the balance of the provision
10 was no longer a constitutional necessity, so that we
11 recommend that subject matter not be included in the new
12 Constitution.

13 THE CHAIRMAN: Any questions? Mr. Scanlan?

14 MR. SCANLAN: I'm a little confused. I under-
15 stand that as to A and C, the major concern was that the
16 separation of powers doctrine in the old days led a few
17 Courts to say the legislature couldn't do this. When you
18 come to B, the indeterminate sentence, are you saying that
19 there was some concern and might be beyond the legislative
20 power, unless it is specifically mentioned, that that is the
21 better thinking authorities don't think it is necessary?