

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

**OF THE**

***Ninety-Fifth Legislature***

**OF THE**

**STATE OF MAINE**

**1951**

**DAILY KENNEBEC JOURNAL  
AUGUSTA, MAINE**

**HOUSE**

Tuesday, April 10, 1951.

The House met according to adjournment and was called to order by the Speaker.

Prayer by the Rev. Mr. Charles Pendleton of Bethel.

The members stood at attention during the playing of the National Anthem.

The journal of the previous session was read and approved.

**Papers from the Senate**  
**Senate Reports of Committees**  
**Ought Not to Pass**  
**Tabled**

Report of the Committee on Judiciary reporting "Ought not to pass" on Bill "An Act relating to Tax Lien Law" (S. P. 435) (L. D. 998)

Came from the Senate read and accepted.

In the House, the Report was read.

(On motion of Mr. Dickey of Brooks, tabled pending acceptance of the Committee Report in concurrence.)

**Ought to Pass**

Report of the Committee on Agriculture reporting "Ought to pass" on Bill "An Act relating to Membership of the Blueberry Industry Advisory Committee" (S. P. 387) (L. D. 935)

Report of the same Committee reporting same on Bill "An Act relating to the Assets of The Farm Rehabilitation Corporation of Maine" (S. P. 153) (L. D. 327)

Report of the Committee on Natural Resources reporting same on Bill "An Act relating to Boats for Hire on Inland Waters" (S. P. 392) (L. D. 1010)

Report of the Committee on Welfare reporting same on Bill "An Act relating to Vital Statistics" (S. P. 401) (L. D. 949)

Came from the Senate with the Reports read and accepted and the Bills passed to be engrossed.

In the House, Reports were read and accepted in concurrence, the Bills read twice, and tomorrow assigned.

**Ought to Pass**  
**with Committee Amendment**

Report of the Committee on Labor on Bill "An Act to Clarify the Employment Security Law" (S. P. 457) (L. D. 1071) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A."

In the House, Report was read and accepted in concurrence and the Bill read twice.

Committee Amendment "A" was read by the Clerk as follows:

**COMMITTEE AMENDMENT "A"**  
 to S. P. 457, L. D. 1071, Bill "An Act to Clarify the Employment Security Law."

Amend said Bill by adding thereto a new section to be numbered 8-A, to read as follows:

"Sec. 8-A. R. S., c. 24, §3, sub-§XIX, ¶B, amended. Paragraph B of sub-section XIX of section 3 of chapter 24 of the revised statutes, as repealed and replaced by section 1 of chapter 430 of the public laws of 1949, is hereby amended to read as follows:

¶B. The amount of any payment [with respect to services performed after July 26, 1940] made after December 31, 1950 to, or on behalf of, an employee under a plan or system established by an employing unit which makes provision for his employees generally or for a class or classes of his employees, including any amount paid by an employing unit for insurance or annuities, or into a fund, to provide for any such payment, on account of retirement, or sickness or accident disability, or medical and hospitalization expense in connection with sickness or accident disability, or death; [provided the employee has not the option to receive, instead of provisions for such death benefit, any part of such payment or, if such death benefit is insured, any part of the premiums or contributions to premiums paid by his employing unit, and has not the right, under the provisions of the plan or system or policy of insurance providing for such death benefit, to assign such benefit, or to receive a

cash consideration in lieu of such benefit either upon his withdrawal from the plan or system providing for such benefit or upon termination of such plan or system or policy of insurance or of his employment with such employing unit;]'

Further amend said Bill by striking out in the 6th and 7th lines and in the 9th line of section 10 thereof the underlined words "**or foreign government**"

Further amend said Bill by striking out in the 6th and 13th lines of section 12 thereof the underlined words "**or of a foreign government**"

Further amend said Bill by Adding thereto a new section to be numbered 15-A, to read as follows: "Sec. 15-A. R. S., c. 24, §13, sub-§III, amended. The 3rd sentence of subsection III of section 13 of chapter 24 of the revised statutes, as repealed and replaced by section 1 of chapter 430 of the public laws of 1949, is hereby amended to read as follows:

"The individual's weekly earning class shall be determined by the wages earned by him [for employment] during the week for which he claims a partial benefit as shown in column (B).'"

Further amend said Bill by striking out the underlined words in the 6th, 7th and 8th lines of section 21 thereof and inserting in place there the following underlined words: '**or under an employment security law of any other state or of the Federal government,**'

Further amend said Bill by striking out the underlined words in the 11th and 12th lines of section 22 thereof and inserting in place thereof the following underlined words: '**or under an employment security law of any other state or of the Federal government,**'

Further amend said Bill by striking out all of section 23 thereof.

Committee Amendment "A" was adopted in concurrence and tomorrow was assigned for third reading of the Bill.

Report of the Committee on Sea and Shore Fisheries on Bill "An Act relating to Interstate Transportation of Clams" (S. P. 259) (L. D. 558) reporting "Ought to pass" as

amended by Committee Amendment "A" submitted therewith.

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A".

In the House, Report was read and accepted in concurrence and the Bill read twice.

Committee Amendment "A" was read by the Clerk as follows:

**COMMITTEE AMENDMENT "A"**  
to S. P. 259, L. D. 558, Bill "An Act Relating to Interstate Transportation of Clams."

Amend said Bill by inserting before the enacting clause the following emergency preamble:

**Emergency preamble.** Whereas, the digging, processing and merchandising of clams is one of the most important industries of the state and a benefit to the public generally; and

Whereas, it is vitally necessary to furnish employment and enhance the livelihood of the coastal and other people of Maine; and

Whereas, the shipping of clams outside the state of Maine in the shell is resulting in great loss of revenue to the people of the state; and

Whereas, legislation is immediately necessary to retain the revenue from shucking of clams within the state; and

Whereas, in the judgment of the legislature, these facts create an emergency within the meaning of the constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Further amend said Bill by inserting in the 1st paragraph thereof, after the word "The", the word and punctuation '1st,'

Further amend said Bill by inserting, after the 1st paragraph thereof, the following paragraph:

"No person, firm or corporation, as principal or by an agent or servant, shall ship or transport or attempt to ship or transport, in any manner beyond the limits of this state, any soft-shell clams in the shell; **except that holders of licenses under the provisions of this section and sections 110-C, 113 and 114 may ship or transport, by common carrier licensed by the inter-**

state commerce commission, such clams in hermetically sealed cans containing no more than 3 dozen of such clams or in individual lots of not more than ½ bushel of such clams to any 1 customer in any 1 day.'

Further amend said Bill by adding at the end thereof the following:

**Emergency clause.** In view of the emergency cited in the preamble, this act shall take effect when approved.'

Committee Amendment "A" was adopted in concurrence, and tomorrow assigned for third reading of the Bill.

Report of the Committee on Business Legislation on Bill "An Act Concerning Coercion in the Placing of Insurance on Real Estate or Personal Property" (S. P. 428) (L. D. 992) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A".

In the House, Report was read and accepted in concurrence and the Bill read twice.

Committee Amendment "A" was read by the Clerk as follows:

**COMMITTEE AMENDMENT "A"** to S. P. 428, L. D. 992, Bill "An Act Concerning Coercion in the Placing of Insurance on Real Estate or Personal Property."

Amend said Bill by adding at the end thereof, the following underlined sentence:

**'This section shall not prevent the exercise by any such person, firm, corporation, trustee, director, officer, agent or employee of the right to approve or disapprove of the insurance company to underwrite the insurance.'**

Thereupon, Committee Amendment "A" was adopted in concurrence and the Bill was assigned for third reading tomorrow morning.

On motion of Mrs. Hanson of Lebanon, House Rule 25 was suspended for the remainder of today's session, in order to permit smoking.

### House Reports of Committees Leave to Withdraw

Mr. Bearce from the Committee on Inland Fisheries and Game on Bill "An Act Establishing Chapman Bird Sanctuary" (H. P. 1633) (L. D. 1198) reported leave to withdraw.

Mr. Carville from the same Committee reported same on Bill "An Act Relative to Trapping Season on Fur-Bearing Animals" (H. P. 1009) (L. D. 596)

Mr. Watson from the same Committee reported same on Bill "An Act relating to Open Season on Fisher" (H. P. 1408) (L. D. 1016)

Same gentleman from the same Committee reported same on Resolve Regulating Fishing on Sebago Lake in the County of Cumberland (H. P. 735) (L. D. 424)

Same gentleman from the same Committee reported same on Bill "An Act relating to Open Season on Otter" (H. P. 430) (L. D. 251)

Mr. Fuller from the Committee on Judiciary reported same on Bill "An Act relating to Presumption of Death" (H. P. 739) (L. D. 426)

Mr. McGlauffin from the same Committee reported same on Bill "An Act relating to Fees of Registrars of Probate for Filing Wills and Administrations" (H. P. 1391) (L. D. 985)

Mr. Peterson from the Committee on Towns and Counties reported same on Bill "An Act relating to the Salary of the Judge of Probate of Kennebec County" (H. P. 339) (L. D. 197)

Reports were read and accepted and sent up for concurrence.

### Ought Not to Pass

Mr. Dickey from the Committee on Education reported "Ought not to pass" on Bill "An Act relating to Minimum Salaries for Teachers" (H. P. 818) (L. D. 480)

Same gentleman from the same Committee reported same on Bill "An Act relating to Teachers' Tenure" (H. P. 1303) (L. D. 896)

Mr. Frechette from the Committee on Inland Fisheries and Game reported same on Resolve relating to Fishing in Penobscot Lake, County of Somerset (H. P. 1266) (L. D. 835)

Mr. Watson from the same Committee reported same on Resolve Closing All of Moosehead Lake to Ice Fishing" (H. P. 1613) (L. D. 1173)

Reports were read and accepted and sent up for concurrence.

#### Tabled

Mr. Watson from the Committee on Inland Fisheries and Game reported "Ought not to pass" on Bill "An Act relating to Closed Time on Deer in Southern Counties of Maine" (H. P. 1575) (L. D. 1147)

Report was read.

(On motion of Mr. Brown of Wayne, tabled pending acceptance of Committee Report)

Mr. Harding from the Committee on Judiciary reported "Ought not to pass" on Bill "An Act relating to Proceedings in the Probate Court" (H. P. 1317) (L. D. 853)

Mr. Hayes from the same Committee reported same on Bill "An Act relating to Facsimile Signatures Upon Corporate Obligations" (H. P. 1392) (L. D. 986)

Mr. Woodworth from the same Committee reported same on Bill "An Act relating to Fees of Sheriffs" (H. P. 1418) (L. D. 1026)

Mrs. Daggett from the Committee on Public Health reported same on Bill "An Act relating to Analysis of Water" (H. P. 1552) (L. D. 1113)

Mr. Taylor from the Committee on Towns and Counties reported same on Bill "An Act Decreasing Salary of Register of Probate of Sagadahoc County" (H. P. 1441) (L. D. 1052)

Reports were read and accepted and sent up for concurrence.

#### Ought to Pass in New Draft

Mr. Chase from the Committee on Inland Fisheries and Game on Resolve to Make Lawful the Fishing for Cusk in Long Lake and Sebago Lake, Cumberland County (H. P. 632) (L. D. 354) reported same in a new draft (H. P. 1689) (L. D. 1266) under same title and that it "Ought to pass"

Mr. Frechette from the same Committee on Resolve Regulating Fishing in the Fish River Chain of Lakes (H. P. 1480) (L. D. 1087) reported same in a new draft (H.

P. 1690) (L. D. 1267) under same title and that it "Ought to pass"

Reports were read and accepted and the Resolves, having already been printed, were read once under suspension of the rules and tomorrow assigned.

#### Ought to Pass Printed Bills

Mr. Bearce from the Committee on Inland Fisheries and Game reported "Ought to pass" on Resolve Limiting Catch of Pickerel in Brann's Mill Pond, Piscataquis County (H. P. 1636) (L. D. 1201)

Mr. Carville from the same Committee reported same on Bill "An Act relating to Swan Island Game Preserve" (H. P. 1577) (L. D. 1149)

Mr. Chase from the same Committee reported same on Bill "An Act relating to Trappers' Licenses" (H. P. 1343) (L. D. 918)

Mr. Dennison from the same Committee reported same on Bill "An Act relating to Transportation of Fish from Moosehead Lake" (H. P. 1649) (L. D. 1219)

Reports were read and accepted and the Bills and Resolve, having already been printed, the Bills were read twice under suspension of the rules, the Resolve read once and tomorrow assigned.

The SPEAKER: The Chair, at this time, notes the presence in the balcony of the Hall of the House of the George Henley Grammar School of South Portland, three eighth grades, under the charge of Mr. Gilbert Miller, Principal.

In behalf of the House the Chair, at this time, bids you welcome. (Applause)

Mr. Dennison from the Committee on Inland Fisheries and Game reported "Ought to pass" on Bill "An Act relating to Open Season on Otter" (H. P. 729) (L. D. 419)

Same gentleman from the same Committee reported same on Resolve Regulating Fishing in Round Pond and Fry Pan Pond, Somerset County (H. P. 1617) (L. D. 1177)

Mr. Plummer from the same Committee reported same on Resolve Extending Appropriation of Money to Improve the Approach to the Fish Way at Aroostook Falls (H. P. 1634) (L. D. 1199)

Same gentleman from the same Committee reported same on Resolve Closing Brann's Mill Pond, Piscataquis County, to Ice Fishing (H. P. 1637) (L. D. 1202)

Mr. Stewart from the Committee on Legal Affairs reported same on Bill "An Act to Incorporate the Jay School District" (H. P. 1670) (L. D. 1241)

Mr. Ludwig from the Committee on Public Health reported same on Bill "An Act relating to Transfers and Commitments to Pownal State School" (H. P. 436) (L. D. 256)

Mr. DeBeck from the Committee on Towns and Counties reported same on Bill "An Act relating to the Salary of the Deputy Clerk of Courts of Penobscot County" (H. P. 659) (L. D. 375)

Mr. Edwards from the same committee reported same on Bill "An Act Authorizing the Town of Fort Fairfield to Appropriate Money for the Community General Hospital" (H. P. 1136) (L. D. 668)

Same gentleman from the same Committee reported same on Bill "An Act to Increase the Salary of the Judge of the Eastport Municipal Court" (H. P. 1138) (L. D. 670)

Mr. Peterson from the same Committee reported same on Bill "An Act relating to Salary of Register of Probate of York County" (H. P. 1438) (L. D. 1049)

Mr. Taylor from the same Committee reported same on Bill "An Act to Increase the Salary of the Judge and Recorder of the Yorkshire Municipal Court" (H. P. 660) (L. D. 368)

Same gentleman from the same Committee reported same on Bill "An Act Increasing the Salary of the Judge of Probate for Somerset County" (H. P. 1216) (L. D. 773)

Reports were read and accepted and the Bills and Resolves having already been printed, the Bills were read twice under suspension of the rules, the Resolves read once and tomorrow assigned.

The SPEAKER: The Chair, at this time, notes the presence in the balcony of the Hall of the House of the Pine Tree Girl Scout Troop of Fairfield, under the supervision of Mrs. Grow, and the Sixth, Seventh and Eighth Grades of the Solon Grammar School, Social

Study Classes, under the charge of Mrs. Mary Lincoln.

In behalf of the House, the Chair, at this time, bids you a cordial welcome. (Applause)

#### Ought to Pass in New Draft With Committee Amendment

Mr. Crabtree from the Committee on Education on Bill "An Act relating to Teachers' Contracts" (H. P. 269) (L. D. 170) together with New Draft (H. P. 1655) (L. D. 1216) which were recommitted, reported that the same new draft as amended by Committee Amendment "A" submitted therewith "Ought to Pass."

Report was read and accepted, and the Bill, having already been printed, was read twice under suspension of the rules.

Committee Amendment "A" was read by the Clerk as follows:

COMMITTEE AMENDMENT "A" to H. P. 1655, L. D. 1216, Bill "An Act Relating to Teachers' Contracts."

Amend said Bill by striking out the underlined words "nor more than 5" in the 12th line thereof.

Further amend said Bill by striking out in the 14th and 15th lines the underlined words "before April 15th of the year preceding the terminal date of his or her contract," and inserting in place thereof the underlined words "at least 6 months before the terminal date of the contract."

Committee Amendment "A" was adopted, and tomorrow was assigned for third reading of the Bill.

Mrs. Moffatt from the Committee on Public Health on Bill "An Act relating to the Board of Examiners and Funeral Directors and Embalmers" (H. P. 1591) (L. D. 1163) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Bill, having already been printed, was read twice under suspension of the rules.

Committee Amendment "A" was then read by the Clerk as follows:

COMMITTEE AMENDMENT "A" to H. P. 1591, L. D. 1163, Bill "An Act Relating to the Board of Examiners and Funeral Directors and Embalmers."

Amend said Bill by adding at the end of section 1 thereof the following underlined sentence:

**'Such rules and regulations shall not become effective until approved by the department of health and welfare.'**

Thereupon, Committee Amendment "A" was adopted and tomorrow was assigned for third reading of the Bill.

Mr. Senter from the Committee on Public Health on Bill "An Act relating to Appropriations for Aid of Public and Private Hospitals" (H. P. 1592) (L. D. 1164) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted, and the Bill having already been printed, was read twice under suspension of the rules.

Committee Amendment "A" was read by the Clerk as follows:

**COMMITTEE AMENDMENT "A"**  
to H. P. 1592, L. D. 1164, Bill "An Act Relating to Appropriations for Aid of Public and Private Hospitals."

Amend said Bill by striking out the last 3 lines thereof and inserting in place thereof the following underlined sentence:

**'The department is authorized to compensate hospitals located in the state of New Hampshire within 5 miles from the Maine-New Hampshire state line for cases where the hospital care is for persons resident in the state of Maine.'**

Committee Amendment "A" was adopted and tomorrow was assigned for third reading of the Bill.

#### **Divided Report**

##### **Tabled and Assigned**

Report "A" of the Committee on Legal Affairs on Bill "An Act relating to Boilers, Air Tanks and Unfired Pressure Vessels" (H. P. 389) (L. D. 225) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Messrs. HASKELL of Penobscot  
ELA of Somerset  
WEEKS of Cumberland  
—of the Senate.

STEWART of Paris  
BURKETT of Portland  
—of the House.

Report "B" of same Committee reporting "Ought not to pass" on same Bill.

Report was signed by the following members:

Messrs. HAND of New Limerick  
WOODCOCK of Bangor  
MARTIN of Augusta  
HAWKES of Saco  
THOMAS of Waterville  
—of the House.

Report was read.

(On motion of Mr. Travis of Westbrook, the two Reports, with accompanying papers, were tabled pending acceptance of either Report, and specially assigned for Wednesday, April 18th)

On motion of Mr. Jalbert of Lewiston, out of order and under suspension of the rules, it was

ORDERED, that Rev. Fr. Francois M. Drouin, Pastor of St. Peter-St. Paul Church of Lewiston, be invited to officiate as Chaplain of the House on Wednesday, April 11, 1951.

#### **Passed to be Engrossed**

Bill "An Act relating to Trustee of Wages" (S. P. 163) (L. D. 339)

Bill "An Act relating to the Taking of Certain Property by the Town of Naples by Right of Eminent Domain" (S. P. 345) (L. D. 810)

Bill "An Act relating to Overloaded Trucks" (S. P. 400) (L. D. 947)

Bill "An Act relating to the Digging of Shellfish and Marine Worms in the Town of Freeport" (H. P. 652) (L. D. 371)

Bill "An Act relating to Joint Operation of Schools" (H. P. 883) (L. D. 525)

Bill "An Act Permitting Closing of Banks on Saturday" (H. P. 1255) (L. D. 829)

Bill "An Act Enlarging the Powers of Wiscasset Academy" (H. P. 1324) (L. D. 887)

Bill "An Act relating to Payment to Androscoggin County Law Library" (H. P. 1417) (L. D. 1025)

Bill "An Act relating to Crop Dusting by Aeroplanes" (H. P. 1466) (L. D. 1082)



Bill "An Act relating to Showing of Cattle at Fairs" (H. P. 1507) (L. D. 1102)

Bill "An Act relating to Supervision and Control of Certain State Lands" (H. P. 1551) (L. D. 1111)

Bill "An Act to Create Town of Owl's Head School District" (H. P. 1652) (L. D. 1222)

Bill "An Act relating to a Ferry Between Beals and Jonesport" (H. P. 1658) (L. D. 1230)

Bill "An Act relating to Domestic Mutual Insurance Companies" (H. P. 1687) (L. D. 1262)

Bill "An Act relating to Boards of Registration in Towns Under Three Thousand Five Hundred Inhabitants" (H. P. 1688) (L. D. 1263)

Resolve relating to the Protection of Clams Within the Town of Freeport (H. P. 655) (L. D. 373)

Resolve Authorizing the Forest Commissioner to Convey Certain Interest of the State in the Island in Cumberland County to H. Norman Cole, of Gray (H. P. 1589) (L. D. 1161)

Resolve Authorizing the Maine Public Utilities Commission to Set Out and Maintain Buoys on Sebago Lake (H. P. 1590) (L. D. 1162)

Resolve Authorizing the State Forest Commissioner to Convey Certain Interest of the State in Property Formerly Owned by Anna Gray (H. P. 1644) (L. D. 1207)

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

#### Amended Bills

Bill "An Act relating to Sea and Shore Fisheries Laws" (S. P. 174) (L. D. 346)

Bill "An Act to Authorize the Building of a Road Across Massacre Pond, in Scarborough" (H. P. 61) (L. D. 27)

Bill "An Act to Incorporate the George H. Robertson School District in Belfast" (H. P. 200) (L. D. 122)

Bill "An Act Creating the Maine Frozen Dairy Products Law" (H. P. 254) (L. D. 190)

Bill "An Act relating to Transportation of Poultry" (H. P. 1399) (L. D. 1012)

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

#### Orders of the Day

The SPEAKER: The Chair lays before the House the first item of Unfinished Business on today's calendar, House Report "Ought not to pass" of the Committee on Appropriations and Financial Affairs on Resolve Proposing an Amendment to the Constitution to Change the Term of Office of Treasurer of the State (H. P. 1073) (L. D. 686) tabled on March 21 by the gentleman from Baileyville, Mr. Brown, pending acceptance of report; and the Chair recognizes that gentleman.

Mr. BROWN: Mr. Speaker and Members of the House: I introduced this bill into the Legislature because I believed that in our Constitution there is certain wording pertaining to the office of Treasurer which I do not believe works for the best interests of the State. No other office in our State government places a limitation on the terms that an officer can run. I believe, if we are going to have an efficient government, and I believe that in order to attract efficient people to hold those offices, there should not be a limitation on the length of time they can hold that office.

In making this change in our Constitution it does not in any way remove from our Legislature the power to terminate the services of an officer, of this officer in particular. Each session of the Legislature, when they convene, will have the duty to elect their Treasurer. I think it would be rather folly if our banks or any other of our financial institutions throughout the country placed a limitation on the length of service of any of their financial officers. I think this applies to any branch of industry or to any other phase of our activities, if we placed a limitation on the length of service of those who served well and served efficiently.

With that thought in mind this morning I am going to move that the Resolve Proposing an Amendment to the Constitution to Change the Term of Office of Treasurer of

State be substituted for the Committee's "Ought not to pass" report. At this time I so move.

The SPEAKER: The gentleman from Baileyville, Mr. Brown, moves that the Resolve be substituted for the Committee Report.

The Chair recognizes the gentleman from Portland, Mr. McGlauffin.

Mr. McGLAUFFIN: Mr. Speaker, the founders of our Constitution were wise men. This provision was put into the Constitution so that the Treasurer could not build up the finances in such a way as to rob the State of a few million dollars perhaps.

How the thing works was demonstrated later when the Controller was given more power than he should have, and the first thing we knew a certain man named Runnells was stealing money from the State.

This was a wise move. It does not prevent a man from being Treasurer many times. It simply says that he can hold office continuously for only six years, then somebody else comes in and looks over the affairs of the office.

I do not believe in changing the Constitution of the State of Maine every time somebody has a bright idea. I am therefore opposed to the motion.

The SPEAKER: The Chair recognizes the gentleman from Baileyville, Mr. Brown.

Mr. BROWN: Mr. Speaker and Ladies and Gentlemen of the House: I can agree with my good friend, the gentleman from Portland, Mr. McGlauffin, in some of his thoughts, but I think if we go back to the time when the people, our forefathers of this State, drew up our Constitution, they had different conditions to contend with at that time. The Treasurer of our State at that time was practically the only finance officer that the State had. He was responsible at that time practically for the financial picture of our State. Since that time the thing has changed. I believe it was when the Code Law was accepted and adopted in the State of Maine they set up further checks on our State finances. They set up the Budget and the Finance Officers to have a complete check on our State finances, so I think we can discount that argument today.

Now they say that it does not hinder a man from running for this office at any time he may choose, but he cannot run successively. I believe one of the requirements, in taking the office of Treasurer, is that he must divest himself of all outside interests, or, in other words, no man who controls any business can assume the office of Treasurer; he must divest himself of all of that. But I wonder how many people who have got a business or other interests want to divest themselves of that just to hold down the job as Treasurer, with the salary that they are getting at the present time, knowing that after six years they must go out and re-establish themselves in business again.

So I think that the argument that our forefathers who founded the Constitution had at that time does not hold water. We have changed our Constitution a great many times, and I think our forefathers recognized the fact that they, back in those early days, could not write a document that would go down through the ages and carry the weight that they would be compelled to carry as time went on and as things progressed in this country.

Now I think we have got to recognize those facts, and when we find a condition in our Constitution that does not hold weight at this time, I think it is up to us, as legislators, to rectify that condition, and I think right here we have got a situation where it needs rectification, and I trust that the House here this morning will sustain me in my move to substitute the resolve for the "Ought not to pass" report of the Appropriations Committee.

The SPEAKER: The Chair recognizes the gentleman from Berwick, Mr. Gowell.

Mr. GOWELL: Mr. Speaker and Members of the House: It is one of the prerogatives of the State Legislature to elect a State Treasurer, together with other State officials. I fail to see any logical reason why the State Treasurer should be limited as to the tenure of his office. This office has been filled since the State of Maine has become a state by well-known and respected citizens from different parts of the

State, and with one exception, to the best of my knowledge and belief, never has an incumbent of this office been questioned, and at that time that official was exonerated in the conduct of his office.

I believe that it should remain in the Legislature to elect or fail to elect any official who holds this office. I have heard, during the last week, the expression that this is a "political plum." I do not know what they mean by that exactly but if it is a "political plum," I think that we should keep it in the Legislature because we need something to offset some of the things we have to endure.

Mr. Speaker and Members, I heartily endorse the sentiments and the motion made by the gentleman from Baileyville, Mr. Brown, and I hope that his motion to substitute the resolve for the report will prevail.

The SPEAKER: The Chair recognizes the gentleman from Waterboro, Mr. Bradeen.

Mr. BRADEEN: Mr. Speaker and Members of the House: When this particular measure was tabled some few days ago I did not have in mind saying anything about it but as I have thought the matter over, it occurs to me that in the light of present day conditions, to keep this restrictive measure in our Constitution would be a mistake. My reasoning runs along this line: Our Secretary of State, likewise our Attorney General, and I think our Commissioner of Agriculture, serve two-year terms, at the end of which time they are eligible for re-election. I believe the State Auditor serves a four-year term, at the termination of which he too is eligible for re-election. It does not seem to me to be sound, logical reasoning to say the State Treasurer, who presumably has served faithfully for three terms, particularly in view of the fact that he has been elected once, and he is a reasonably sound and decent individual or he wouldn't have been re-elected to the same office twice—to say to that man at the end of six years, "You are through"—I don't think that is a square deal.

The large corporations of this country, those concerns who depend upon their livelihood and their maintenance in business life upon a sound financial set-up based upon well recognized accounting principles of checks and balances, do not change their treasurer every four, five or six years. Consequently, I think that in this particular case the law should be changed, and I will go along with my friend, the gentleman from Baileyville, Mr. Brown.

The SPEAKER: The question before the House is on the motion of the gentleman from Baileyville, Mr. Brown, that the Resolve be substituted for the "Ought not to pass" report.

The Chair recognizes the gentleman from Greenville, Mr. Rollins.

Mr. ROLLINS: Mr. Speaker and Members of the House: There isn't much that I can add that these gentlemen have not already said, but I believe that there is no object in penalizing one office in the State of Maine. This must go to the people for ratification, and I believe that we, in this House, should show our opinion and approval of letting the people say whether they should hold that one office restricted. The office is elected by the Legislature, and as the gentleman before me has said, if the Treasurer were not capable and efficient, he would not be re-elected, and it puts a burden upon the man who takes the office; he has to deprive himself of all outside business, and when we have an efficient man who is doing a good job, and is available, I believe that we should be empowered in this Legislature to re-employ him the same as all of the other officers.

The conditions here are so different than they were when our forefathers founded it—we have a business here of a hundred million dollars handling the finances of the State of Maine, and I don't think there is another corporation in the State of Maine that figures on changing their fiscal head every six years. It is impossible to conceive of the man who knows the workings of an organization of that size being dropped out and a new man being put in his place.

Therefore, Mr. Speaker and Members of the House, I want to go along with the motion of the gentleman from Baileyville, Mr. Brown, and I hope that the resolve will be substituted for the report.

The SPEAKER: The Chair recognizes the gentleman from Blaine, Mr. Bubar.

Mr. BUBAR: Mr. Speaker and Members of the House: I am a firm believer in the Constitution, and in the Constitution there is the right of referendum. We have that right in sending to the people any measure which we please, to be enacted or repealed, for their opinion, and I can trust the people. People know what they want. That is the reason why, in presenting an income tax, I attached a referendum, because I believe these matters should go to the people.

Now here is a question, and we are asking that it go to the people and allowing the voters of the State of Maine to pass on it. That is their constitutional right. It is ours, and therefore I must support the motion of the gentleman from Baileyville, Mr. Brown.

The SPEAKER: Is the House ready for the question?

The question before the House is on the motion of the gentleman from Baileyville, Mr. Brown, that the Resolve Proposing an Amendment to the Constitution to Change the Term of Office of Treasurer of State be substituted for the "Ought not to pass" report of the committee. All those in favor of substituting the resolve for the committee report will say aye; those opposed no.

A viva voce vote being taken, the motion prevailed, and the resolve was substituted for the report of the committee.

Thereupon, the resolve, having already been printed, was read once under suspension of the rules and assigned for second reading tomorrow morning.

The SPEAKER: The Chair now lays before the House the second item of Unfinished Business on today's calendar, An Act relating to Automobile Travel by State Fire Inspectors (H. P. 1194) (L. D. 759) tabled on March 29 by the gentleman from Falmouth, Mr. Dow, pending passage to be enacted; and

the Chair recognizes that gentleman.

Mr. DOW: Mr. Speaker and Members of the House: On page 9, the seventeenth item of unfinished business refers to the same chapter and section as this one, and should L. D. 471 be enacted with the Committee Amendment already attached and two other amendments proposed, it would virtually make inoperative L. D. 759, so, Mr. Speaker, I now move that this item be tabled until such time as L. D. 471 is acted on.

The SPEAKER: The gentleman from Falmouth, Mr. Dow, moves that the second item of Unfinished Business on today's calendar, An Act relating to Automobile Travel by State Fire Inspectors be retabled and unassigned. Is this the pleasure of the House?

The motion prevailed, and the matter was so tabled.

The SPEAKER: The Chair now lays before the House the third item of Unfinished Business on today's calendar, First Special Report of the Committee on Apportionment reporting two plans of allocation of Representatives (H. P. 1673) (L. D. 1244) tabled on March 28 by the gentleman from Dover-Foxcroft, Mr. Hayes, pending consideration; and the Chair recognizes that gentleman.

Mr. HAYES: Mr. Speaker and Members of the House: I move you, that the Representatives be allocated among the several counties in accordance with Plan "B".

The SPEAKER: The Chair would inform the gentleman that the House must accept the report first. Does the gentleman so move?

Mr. HAYES: Yes, Mr. Speaker.

The SPEAKER: The gentleman from Dover-Foxcroft, Mr. Hayes, moves that the House accept the report of the Committee on Apportionment and adopt Plan "B". The Chair would inquire from the gentleman if that is correct?

Mr. HAYES: It seems to me, Mr. Speaker, that we ought to accept the report first, perhaps.

The SPEAKER: The gentleman from Dover-Foxcroft, Mr. Hayes, moves that the House accept the report of the Committee on Apportionment. Is this the pleasure of the House?

The motion prevailed.

The SPEAKER: The Chair recognizes the same gentleman.

Mr. HAYES: Mr. Speaker, I now move that the Representatives be allocated among the several counties in accordance with Plan "B."

May I say at the outset: it appears to me, and I think to most of the members of the committee, that it is important that this matter be disposed of as speedily as possible after full discussion and debate, because, in any event, there remains another duty of the committee and of this House, to re-allocate the Representatives among the several counties, and that is going to be quite a job.

It seems proper at this time for me to explain why, as a member of the committee, I signed Plan "B." In the first place, the provisions of the Constitution, the applicable parts of which have been distributed and are on the desks of each member this morning, seem reasonably plain. Apparently the first duty of the Legislature is to cause the number of the inhabitants of the State to be ascertained and also cause the number of people in the several counties and class districts to be ascertained. Now obviously the committee and the Legislature is not in a position to grab and count the people in the State, and it seemed the logical approach that we take the preliminary report of the 1950 census as a starting point. That preliminary report has been reproduced and is, I think, at hand for each member of the House. You must recognize that the thing was inaccurate, that the thing was perhaps incomplete, but it is a starting point and it is the same starting point which was used, as I understand it, in every reallocation of Representatives with the possible exception of the year 1941.

According to the preliminary census, the provisions of the Constitution were applied, from which emerged Plan "B." Now the committee, in the first instance, having before it that preliminary census, asked for any corrections or inaccuracies that appeared in the preliminary census to be aired and brought forward. While a lot of people, myself included, looked at the thing and said, "I don't think

this is so," opportunity was given for each member of the committee and any member of the Legislature to point out any inaccuracies which had foundation in fact and which could be proved. The thing laid quiescent for that purpose in the committee for a month. Meanwhile at least one error was discovered. The error was found to be an error in fact and was proved to the satisfaction of the committee. So far as I know, no other error was pointed out to the committee, and the preliminary census as thus corrected was accepted as a starting point by the committee.

From then on, it seemed to me that the question became a pure question of mathematics; and, having applied the provisions of the Constitution to the results of the census as found and as tentatively determined by those of the committee who signed Plan "B," it resulted in the Plan "B" which all of you have before you.

The SPEAKER: The gentleman from Dover-Foxcroft, Mr. Hayes, moves that Plan "B" be accepted.

The Chair recognizes the gentleman from Lebanon, Mrs. Hanson.

Mrs. HANSON: Mr. Speaker and Members of the House: You will find on your desks copies of Section 2 and part of Section 3, Article IV, Part I of the Constitution of our State. When you vote upon this reapportionment bill I am sure that you will remember what these sections say and vote to support the Constitution of the State of Maine. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Addison, Mr. Lackee.

Mr. LACKEE: Mr. Speaker and Members of the House: Representing in part at least the county which will probably be most affected regardless of the final analysis of this issue, it is a bit difficult for me to talk upon this subject.

This is a very vital and troublesome issue in Washington County. The delegation has met with the county officers and talked with those in the county whose recommendations and advice should be considered, and no one has been able to come forth with a plan, to suggest a plan whereby an equal,

competent, fair reapportionment can be made. However, if it is the determination of this Legislature that we lose representation, we will accept it graciously, without prejudice, and do the very best we can.

You have heard the Constitution mentioned regarding this subject. Not being a lawyer and not feeling competent to discuss the legal profession, I feel that it is not my province to here argue the Constitution. I therefore invite your consideration to other facts concerned in this issue.

While I believe that population should receive due consideration, I do not feel that it should be the deciding factor. I believe that geographical location, conditions, areas, should be seriously considered as contributing factors in this reapportionment or in any reapportionment issue. I think that must have been the case in the beginning. If it were not so, the districts would have been divided more equally as to population. The representative districts now consist of from three to ten thousand or more population. It is perfectly obvious that it is much easier and much more convenient to serve ten thousand people located over a congested area amounting to ten or twelve traveling miles than it is to represent ten thousand people scattered over an area of forty or fifty traveling miles.

A vivid illustration of that is the case of the gentleman from Baileyville, Mr. Brown. He represents eighteen or nineteen towns and townships. Among them is the town of Danforth. That is a sizeable town in that locality. It is forty-six miles from Danforth to Woodland, the village in which he lives. This is comparatively true in Vanceboro, Forest City, Grand Lake Stream, and many others of those townships.

Now it is a fact that in some of those townships there are only twenty or thirty people; but those people consider themselves just as important as anyone else. Their vote counts just as much at the polls as yours and mine, and it is therefore entirely necessary that a representative visit them once in a while. Now you can readily appreciate the inconvenience and the

expense during a campaign of representing a district of this kind. I hope in your final decision that you will seriously consider area, geographical location and conditions.

There is one other matter that I hesitate to bring up but I would like to speak of at this time. While it is very vital to the rest of the state it is more of a local condition and may not be considered germane to this issue. This is said in all due respect to my friends from Cumberland County, and I hope and I think they are many. But this is the set-up: according to a constitutional amendment passed by a previous Legislature, the City of Portland is limited to seven representatives, but the surplus population may affect the determination of the outside representation. It seems rather unfair, because if you take the population of Cumberland County and subtract from that the population of Portland and divide that by the common denominator used over the State, which in this case is 6030, you will find, according to these figures, that the outside districts have now more representatives than they would be entitled to, but by reason of that surplus population outside of Portland they are entitled to more. Now that seems to me to be rather unfair and rather inconsistent. That surplus population has no voice whatever in selecting or electing those outside representatives, neither can those outside representatives represent that surplus. Now either give Portland the number of representatives that she is rightfully entitled to or let those several representatives represent Portland — period. I hope you will give that some consideration in your final decision.

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

Mr. DELAHANTY: Mr. Speaker and Members of the House: Much has been said and much will be said on this bill, I am sure. I have come to regard it highly because it is a bill of a delicate nature. It is bound to be of a delicate nature when it has anything to do with the distribution of the political powers of the State among the several counties. It is a constitutional question, and, for that reason, I feel that there are few more questions.

if any, that should be settled on a fair, just and impartial basis than this one. This will determine the number of voices for the next ten years to come that each of our counties will have, and then broken down into its political subdivision.

I know that when I speak here in favor of Plan "B" that there are several members whom we can probably point to and say that if it becomes effective they may not be with the ninety-sixth session of the Legislature. That is the part of this plan that I do not favor personally. But, when we look at the Constitution, we have to overlook personalities for the good of the whole. This constitutional provision was, in my opinion, promulgated with the sincerest effort to distribute the political power among the several counties as equitably as possible.

It seems to be admitted that there are inequalities now existing. The argument, however, that seems to be most manifest in opposition to accepting Plan "B" would be that these inequalities would become non-existing and then we would have equality. I think under the Constitution that is what we must have. That is what the people of this State are entitled to. It appears to me most desirable to reconcile ourselves at this time to the Constitution and to its provisions. I want to say here and now that this proposition to me is over and above any party issue; that it is the issue of the people and their representative power. The rule, I believe, permits of a fair and equitable distribution of that power which the people must have. I do not admit that there is sufficient reason for rejecting this proposed method of apportionment because an inequitable load has prevailed up until, now. It is obvious that these inequalities now existing will become ever so much greater with each succeeding census. Unless the constitutional provision is followed, we are bound to increase of our own volition these inequalities, and with that I want to feel I have no part. We realize that what was objectionable yesterday though tolerable may well become intolerable tomorrow and with each succeeding census.

The Constitutional provision, I am convinced, must be followed, otherwise we will be denying to the people of this State and to this body its own birthright, that of proper representation. I feel that I want to support the motion made by my good friend from Dover-Foxcroft, Mr. Hayes, and follow the adoption of Plan "B".

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

Mr. McGLAUFFLIN: Mr. Speaker, I was much interested in the talk of my friend, Mr. Lackee, the gentleman from Washington County, and when he stated that Washington County would abide by the decision of this Legislature I heartily agreed with that, because while I was born in Aroostook County my people came from Washington County, and I have gone to school in that county and I belong to the Washington County Club in Portland. I want to say that the people of Aroostook County and the people of Washington County want nothing but what is fair and right.

Now the gentleman from Addison, Mr. Lackee, outlines what he thinks we should consider in order to meet his idea of justice, but that question is not before us: it is a question of carrying out the provisions of the Constitution of Maine.

Ten years ago we had an Apportionment Committee whose duty it was to do what this committee is trying to do now. It seemed to me at the time and I still think they shook the responsibility and kept the thing just as it was simply, as I think, because they were too lazy to work out the plan according to the Constitution. At any rate that is what they did.

Now under Plan "B", as I understand it, we are trying to carry out the provisions of the Constitution. It gives to some counties additional members to the Legislature; other counties lose. All I can say in conclusion is that I think the members of this Legislature should learn the Lawyer's Prayer:

"Oh Lord, help me to win, help me to win; but, if I may not win, help me to be a good loser."

The SPEAKER: The Chair recognizes the gentleman from Woolwich, Mr. Bailey.

Mr. BAILEY: Mr. Speaker and Ladies and Gentlemen of the House; As it became my lot to be on the Committee on Apportionment, I cannot say that it is wholly a pleasant position to be in, because, coming from a small county, which I did, and also feeling that the small counties, some of them in the east, have got to suffer a loss of one, two or three representatives which may be accredited to the larger counties, if I could have my personal wishes I certainly would give them the advantage. But coming here as I did, and taking the oath to support the Constitution of the State, when that matter comes up there is only one thing that I can do and that is to disregard personal feeling and continue in support of the Constitution.

Now in figuring it up it has been the custom for many years in the past to depend on the census of the previous year in the allocation of the representatives. When that matter came before the committee, as has already been said, there were several counties that wanted an opportunity to check the census because they felt there were irregularities. One county especially did check with the census in Washington, and they found there had been irregularities and that they should have the benefit of more citizens in their town and county than was given, and it was proven so, therefore they were accredited with a representative that otherwise they would have lost.

We have been at it since the first week of the Legislature. So far as I know there has been nothing to come in to enlighten us as members of the committee whereby we could do anything than to present the bill, and I for one signed it under the "B" plan which will change the allocation of certain representatives from some counties to another. Therefore I will have to approve the "B" plan.

The SPEAKER: The Chair recognizes the gentleman from Baileyville, Mr. Brown.

Mr. BROWN: Mr. Speaker and Members of the House: I think the Members of this House are all aware of what has been taking place in this world over the past

ten, twelve or fourteen years. The world is unsettled, populations are migrating from here to there; from there to somewhere else, not only in the lands across the sea but right in our own State of Maine and what brought it about? The unsettled conditions of this world. What has brought about the change in population in the State of Maine? And what brought the population of the State of Maine into certain areas of this State? Nothing but the unsettled conditions and the world war that we went through some time ago. Why did the people leave Washington County and why are they leaving Washington County at the present time? To go out and seek employment somewhere else where they can earn a livelihood. May I say that many who left my own town to go into these areas where there was defense work, our town is helping to support them today so they are really no benefit to the sections where they have migrated. We are still facing an unsettled condition in this world. And let me say this, right at the present time, that should certain conditions happen, you are going to see a vast migration of people from these large centers back into the areas like I represent and why? Because they are going to get into an area that isn't very thickly populated, because no nation is going to fly over this country and drop an atomic bomb or waste an atomic bomb anywhere in Washington County. (Laughter)

If that is the case, our people are going to migrate if we get into anything more serious than we are in at the present time. Already we know this: that there are plenty of inquiries into available property that is for sale in Washington County and why? Because they are fully aware that there may be something serious happen. If we go to work and make a change in this apportionment at this time it is only going to be a matter of a very few years when we have got to face the same situation again and do the job over again. And why don't we recognize that situation right at the present time? Go along with Plan A; leave things as they are, recognizing that it



has been the condition throughout the world that has made this change in population and recognizing that in a very short time the trend may be reversed. I think you can recognize that in Aroostook County right at the present time, for with the vast development which is taking place up there and with more development coming, surely there is going to be a rush of population to that area and if what we hope will take place in Washington County there is certainly going to be a vast migration to Washington County.

Now, I was brought into this discussion this morning. It is absolutely true that there is an area down there that has not had the proper representation in the Legislature because of the large area and I think anyone who goes through that area will recognize that fact because our roads are inadequate, our schools are inadequate and everything pertaining to that area falls far below the standards which should exist in a state which we recognize as progressive as the State of Maine.

So, I trust that the motion of the gentleman from Dover-Foxcroft, Mr. Hayes, will not prevail.

The SPEAKER: The Chair recognizes the gentleman from Auburn, Mr. Jacobs.

Mr. JACOBS: Mr. Speaker and Members of the House: I signed the "A" Report, believing in fair play. We had this same discussion ten years ago when I was in the House at that time and on this same committee, the Apportionment Committee. We decided then to let matters remain as they were, believing that it was fair apportionment. The law says, "as near as may be," and I can tell the gentleman from Portland, Mr. McGlaflin, that the words "may be" have a large area to cover. The population of Maine has not increased materially in the past ten years and I dislike very much to have a county like Washington, the area which has been discussed here today, lose two Representatives. I think it is not fair to them. I think we are not making any mistake to go along with the Plan A because I believe that the County

of Knox loses one member, Cumberland would gain two and York one. But that doesn't amount to very much in a large centralized population like Cumberland. It does mean a lot to Washington County and Knox County and I hope that the motion of the gentleman from Dover-Foxcroft, Mr. Hayes, will not prevail.

The SPEAKER: The Chair recognizes the gentleman from Cape Elizabeth, Mr. Chase.

Mr. CHASE: Mr. Speaker, I speak of course today in my individual capacity as Cumberland County member on the Committee on Apportionment and for the Constitutional rights of the people of my community.

Ever since the amendment of 1842 there have been 151 members in this House. I have run back on every reapportionment to 1861, which was the first year when the present counties were as now constituted. The reapportionment in each ten years was made in accordance with the federal census. The federal census, while it does not appear in the section relating to apportionment of representatives, is expressly recognized in the Maine Constitution in the determination of numbers of Senators from each county.

Up to 1941, when the Legislature failed to reapportion, which failure is the reason that the difficulty is accentuated at this time, up to 1941, those census figures were followed and counties which deserved increases received them. Aroostook County is a notable instance. Aroostook County has gained three representatives twice and two representatives twice. Cumberland County lost three representatives to Aroostook in 1852. Cumberland County has gained two only once. Cumberland County now has twenty-four representatives as compared to twenty-one one hundred years ago, whereas Aroostook has gone from three to sixteen. When they deserved the increases, they received them. Two years ago, recognizing the need for certain revision in the Constitution, reapportionment was considered. The gentleman who just spoke mentioned the words "as near as may be" in the Constitution. The Supreme Court, rendering an opinion

only a few years after the original Constitutional Convention, relates those words "as near as may be" to the other words "closely following" having regard to the relative increase of population. The Court said that regard to the relative increase in population indicated that the fractions with which you arrive in determining proportionate representation should be given to those counties which have gained in population and were likely to increase in size during the next ten years.

Two years ago, we definitely changed that to give the smaller counties all of the advantage of the fraction, whether they were gaining or not. By reason of that allocation of fractions to the smaller counties, under Plan B, ten counties are stepped up to the next unit figure. As the Constitution had been before: had they been losing in population they might have gone down to the next lower figure.

This amendment was fully explained, it was unanimously recommended by two committees, the chairman of one of which was the Senator from Aroostook County and who said in debate on this particular amendment: "The only question before this Senate is whether this resolve should be passed, which in the future would be the guide to committees that reapportion members to the Legislature, and it would always be in exact proportion to the population." "It is a sound measure," he said, "and I hope it will receive a passage."

The amendment passed the House by a vote of 95 to 0. It passed the Senate by a vote of 23 to 27. It was submitted to the people and it was approved by the people last year by a vote of 109,000 to 43,000, carrying a majority in every county of the State.

If the Constitution is unfair, which some here contend, it seems to me it is their privilege, and has been, to suggest how the Constitution should be amended but as the Constitution now stands, the language is plain, the declaration is simple and the computation is a matter of simple arithmetic, which justifies Plan B which is based on the federal census and

which has been accepted as the basis of reapportionment in this State for about one hundred years.

The SPEAKER: The Chair recognizes the gentleman from Friendship, Mr. Winchenpaw.

Mr. WINCHENPAW: Mr. Speaker and Members of the House: Of course, you all know that I come from Knox County and I am very much interested in this thing. I have a few facts and figures here that I would like to give. The gentleman from Cape Elizabeth, Mr. Chase, was right when he quoted Cumberland County has twenty-four now and Cumberland County outside of Portland, has seventeen representatives. The population of Cumberland County outside of Portland is 91,082 and each representative from Cumberland County, disregarding Portland, represents 5,357 persons. That is the average under the old system.

As you have already found out, Aroostook would lose one, Aroostook has sixteen and if they lose one they would have fifteen; Knox has six, if they lose one they would have five; Washington County has eight, if they lose two they would have six. Three of those would go to Cumberland and one to York. Now, in Washington County, each representative represents 4,386 people right now spread over a much larger area and I am told that the gentleman from Hodgdon, Mr. Williams, and the gentleman from Baileyville, Mr. Brown, represent a stretch of territory stretching from the Calais town border to the Houlton town line, a distance of about ninety miles, with just two representatives.

And one more interesting fact, which I figure out is that York County already has one more representative than Knox, Lincoln and Waldo added together. Knox, Lincoln and Waldo added together have fourteen, I think, and York County has fifteen and I hate very much to see Knox or Aroostook or Washington lose any of their members. Under the new plan each of these counties that are going to lose each representative would add on a great number of representatives. In Aroostook, each man would represent 6,340 under Plan B whereas under Plan A they rep-

resent 5,944, which, if you figure out those averages, it would be pretty nearly even all over the other sixteen counties.

The **SPEAKER**: The Chair recognizes the gentleman from Brooks, Mr. Dickey.

Mr. **DICKEY**: We have heard quite a lot about the Constitution, Mr. Speaker and Members of the House. It so happens that I signed Plan A. When I took the oath I raised my hand in the air and I can raise it just as high today; I am still standing for the Constitution. So that means that people who are talking about the Constitution, myself, less nine other members, we certainly weren't disregarding the Constitution. If you will look at the reprint of the Constitution, on page 8, as the gentleman from Cape Elizabeth, Mr. Chase, states, it states there that the basis for representation be according to federal census. Page 6, as reproduced by the gentlewoman from Lebanon, Mrs. Hanson, says that the Legislature shall within the period of every ten years, and at least five, cause the number of inhabitants in the State to be ascertained. Now how did we ascertain them? We ascertained them by a federal census which was proved every time we met in committee to be wrong.

The gentleman from Piscataquis, on the first trial, showed he was going to lose one member. He brought in a lot of facts and figures stating that the federal census was wrong so we granted him one. The reason I voted to grant him that one was because I didn't want that county to lose one. Neither do I want the County of Aroostook to lose one; neither do I want the County of Washington to lose two; neither do I want the County of Knox to lose one. Therefore, I believe that myself and the other nine men were correct in upholding the Constitution showing that the figures we had were wrong and I realize that in ten years we have to ascertain. Therefore, the State of Maine would have to have its own census. I believe that we should go along as we did ten years ago. I think the gentleman from Cumberland and the lady from Cumberland will represent their group. I believe that the gentle-

men from York will represent their group and I tell you, members, if you vote for Plan B you are robbing Aroostook of one; you are robbing Washington of two and you are robbing Knox of one. Therefore, I hope the gentleman's motion will not prevail.

The **SPEAKER**: The Chair recognizes the gentleman from Blaine, Mr. Bubar.

Mr. **BUBAR**: Mr. Speaker and Members of the House: Aroostook County will lose one representative and the reason for that is that they migrated, went down into the larger centers and had their children, like the birds of the south come north and hatch their young, and go back again. The reason they migrate is because a few years ago the Government allowed them to pile their potatoes up mountain-high and then sent men from the southern states up to take pictures of those great piles of potatoes and so they discussed that all over the Nation and the south kept them discussing it, laughing and poking fun at those piles of potatoes and while we were discussing the potatoes they slipped in their support price on fruit and everything else and this is the result of it. That is the injustice of the thing, members, and so our people, some of them migrated and they had their children down here in the large centers and they are coming back again and the children should have been listed in Aroostook County where they rightfully belong. Very soon they are coming back, and, members, I believe it is doing an injustice to Washington County and Aroostook County and I am standing for the Constitution and I don't want any man to deny me that right. I believe that the motion of the gentleman from Dover-Foxcroft (Mr. Hayes) should not prevail.

The **SPEAKER**: The Chair recognizes the gentleman from New Sharon, Mr. Caswell.

Mr. **CASWELL**: Mr. Speaker and Members: As a member of that much-maligned committee, I would like to try to state my position. It is my understanding that the committee might have agreed on some sort of compromise which, perhaps, would have been more satisfactory than Plan B. However, the commit-

tee wasn't able to agree on any compromise and the two plans were reported out and I signed Plan B. Now, in my profound ignorance of legislative procedure which is partly caused by inexperience and partly by something that is too late to qualify now, much too late, I assumed that if this came before the House that perhaps there would be an opportunity for a compromise in the Legislature, which might be more nearly satisfactory. My sympathy, naturally, is with the sparsely-settled counties but, as I understood it, ten years ago the matter was left as the gentleman from Portland, Mr. McGlaulin said, partly because they didn't have the feeling of going at something that was unpopular and the Constitution was overridden. I felt that if it continued another ten years that the thing would be still further out of line and that even if a compromise couldn't be reached perhaps Plan B would more nearly represent the thought of the Constitution and I, therefore, signed that Plan B.

The SPEAKER: The Chair recognizes the gentleman from Saco, Mr. Hawkes.

Mr. HAWKES: Mr. Speaker, I do not believe that there is another Representative in the House who represents probably, outside of Portland, as many people as I do. The City of Saco has over 10,000 people and there is only one representative. It is certainly true enough that we have sympathy for the people in Washington County, we have sympathy for the people in Aroostook, Piscataquis and the other counties of the State. However, in a few days, the House of Representatives is going to perform its duly constitutional authority of introducing a tax measure into this House. It seems to me that each individual person in Saco pays just as much in taxes as the persons in Washington County. It seems to me, as far as I can see in this particular Legislature that it merely means; Are we going to have taxation without representation?

The SPEAKER: The Chair recognizes the gentleman from Paris, Mr. Stewart.

Mr. STEWART: Mr. Speaker and Members of the House: Although I may agree with much that has been said by those in opposition

to the motion of the gentleman from Dover-Foxcroft, Mr. Hayes, the issue before us is not whether or not Section 2 of Article 4 is a good provision. It seems to me that the issue is: Are we or are we not going to do the best job that we can do in reapportionment from the information that is available here. If we do nothing, which is Plan A, the counties of Washington, Aroostook and Knox will reflect a population of 158,000. It has thirty seats in this Legislature. The County of Cumberland with 168,000 would have twenty-four. I do not mean to be stuffy about it but I cannot conscientiously defy the Constitution and, therefore, I support the motion of the gentleman from Dover-Foxcroft, Mr. Hayes.

The SPEAKER: The Chair recognizes the gentleman from Waterboro, Mr. Bradeen.

Mr. BRADEEN: Mr. Speaker and Members of the House: Some fifteen years ago, there was a certain distinguished American author who brought forth another book. However, it wasn't simply another book; it constituted a real contribution to the literature of our day. It is a living biography of the Constitution of the United States and traces the history of that document from the days of James Madison over one hundred fifty years to the early days of the New Deal. That is Mr. Hendrick. The title of his book is "The Bulwark of the Republic", the title which he had given to the Constitution of the United States.

Now, that particular document has brought forth many stalwart offspring. I certainly don't propose to qualify as a constitutional lawyer, I am not a lawyer anyway, but this certainly is a sound instrument upon which the people of the State of Maine base their judgment. You have, in this excerpt, which the Representative from Lebanon (Mrs. Hanson) has distributed to your desks, a reprint of Section 2 and a portion of Section 3, Article IV, Part 4. I call your attention in particular to section 3, that part of it which there appears: "Each county shall be entitled to that number of representatives which is in the same proportion." Now, strictly speaking, if you want to get down to a fine mathematical expression, I imagine that you might use the word "ratio"

because a proportion is an expression of equality between two equal ratios. However, that is the thought it intends to convey, I am certain. "The same proportion to the total number as the number of inhabitants of a county bears to the number of inhabitants of the State." We will skip the rest of it because the smaller counties get the benefit of that anyway. Now, what must we do in order to determine the answer to that proposition? It is extremely simple. You don't have to dig out any rules on equations; you don't have to look over a schedule, a logarithmic table, or use a slide rule. All you have to do is use a very elementary mathematical principle, that is ratio and proportion, in which the product of extremes equals the product of the means and if you are missing one quantity you can very easily determine the accuracy of it. This proposition may be demonstrated to the satisfaction of each and every one of you in the matter of a few minutes with a pencil and paper right on your own desks. Let the word "X" appear as the first quantity and you say that "X" bears the same relation to the 151 as the number of people in your county bears to nine hundred ten thousand and some hundred, representing the number of people in the State of Maine. You have the answer. You know right then and right there how many representatives you are entitled to. We have already figured it out and we find that under this reapportionment which we would like to make in accordance with the provisions of the Constitution, which in some way or other apparently was sidetracked, you might say ten years ago; Cumberland County stands to gain three; York, one; Washington loses two; by the same token Aroostook one and Knox one. But as my friend from Saco (Mr. Hawkes) has very ably said and he certainly is right, I believe that you all agree that we should not have taxation without representation and vice versa.

I am not going into debate; figures are boresome but I do want to leave this thought with you. Many years ago the accredited spokesman for a great people made this remark in speaking for his government. He

said: "My people have no eternal friends; we have no eternal enemies; we have only eternal interests." And I say to every Representative in this Hall today that the people of the State of Maine have the eternal interest in preserving the safeguards which appear in this document and that every Legislature that comes to this Hall is charged with the solemn duty and the solemn responsibility of maintaining the integrity of the Constitution of the State of Maine. This, remember when you vote. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Rockland, Mr. Harding.

Mr. HARDING: Mr. Speaker and Members of the House: I stand here in the position of one who has had most of his thunder stolen from him. I will say to you that the real question in issue here, today, is a question of fairness and it is a question of fairness under the Constitution. I will say further that in regard to the question of fairness, the immediate question before the House being the adoption of plan B, that with particular respect to Piscataquis County, that Plan B is not fair, but one of the representatives from Piscataquis County dug up an error in the census figures which was verified amounting to some 750 people. That increase in the population in Piscataquis County would entitle them to three representatives with a fraction of 482 over that three representatives but that number of 482 compares with the next lowest number of 1940 so that under Plan B Piscataquis County, even though it appears at the present time to favor Plan B, is not entitled to what Plan B calls for. That matter was explained to you by the gentleman from Brooks, Mr. Dickey, that we would feel that the representation should remain as it is. We are willing that Piscataquis County should remain as it now is but if we are going to have reapportionment and if we are going to do it on the basis of the federal census, which is not the proper way to do it, then let's treat Piscataquis County the way the rest of the counties are treated.

Now, I believe that it is a question of fairness under the Constitution and you all have a copy of the Constitution and you all have

a reproduction of the Constitution which has been distributed to you. What is not reproduced from the Constitution is the section from Article 4 in regard to apportionment of the Senate and, in that part of the Constitution, it provides that the members shall be apportioned according to the federal census. That is what the Constitution says in regard to the Senators and the Constitution saying that, there are no two ways about it; that is what it means and that is what it means as to the Senate and only as to the Senate. Undoubtedly that was the reason that the federal census was adopted as a means of apportionment in the House but it certainly is not correct.

Those who favor adoption of Plan A are using as their battle cry "Follow the Constitution" and I am the whole of the Constitution; I am heartily in favor of following the Constitution but I want to follow the whole of the Constitution; I don't want to follow a part of it and I very much object to having them break up fragments and use them as a weapon to stab and slash and beat me over the head.

The Constitution provides that the legislature shall, within every period of at most ten years and at least five cause the number of inhabitants of the State to be ascertained. That is what the Constitution means, no more and no less, and it says there just as it says in regard to the Senate that the federal census shall be used. We have absolutely no right, whatsoever, to use the federal census as a basis of apportionment in the House and the Legislature has not, up to the present moment, done what is required of it by the Constitution and caused the inhabitants of the State to be ascertained.

And, reading along further, "that representatives are to be fixed and apportioned among the several counties as near as may be." The gentleman from Auburn, Mr. Jacobs, has spoken to you about that and told you what the situation is in regard to that, that that language is there and I might liken that to an escape hatch on a submarine or a safety valve on a steamboat. There it is and that means what it says that they shall be apportioned as nearly as may

be. And I will say to you that in all fairness and following the whole of the Constitution, not any part of it, not any fragment of it, but following the whole of the Constitution and doing that as nearly as we may, at the present time that Plan A is the only fair, equitable and just plan that you can adopt. I hope that the motion of the gentleman from Dover-Foxcroft (Mr. Hayes) fails.

The SPEAKER: The Chair recognizes the gentleman from Blaine, Mr. Bubar.

Mr. BUBAR: Mr. Speaker, circumstances and conditions always have changed decisions and always will. I trust that they will today. The conditions are: A few people migrated from Aroostook and Washington Counties temporarily and, within only a few years, perhaps two years, they will migrate back to Washington and Aroostook Counties. For I tell you members just as the gentleman from Baileyville, Mr. Brown, stated, conditions are unsettled today more than any other time in the history of the State of Maine or the world. You know it. All you have to do is look at your headlines and the bombs are going to fall. You may laugh or do what you want to but they are going to fall and when they do the people in the cities are going to migrate back to Aroostook County and Washington County, and you had better get your bomb-proof cellars ready.

Now, members, unless you want to do this thing over again in a few years, you had better leave it just as it is. Thank you.

The SPEAKER: Is the House ready for the question?

The Chair recognizes the gentleman from Brooks, Mr. Dickey.

Mr. DICKEY: Mr. Speaker, we are still talking about the Constitution and as I was one who signed Plan A, I still believe I was right in doing what I did. It seems that those who are talking about the Constitution are those who will gain representatives and they are not using the Constitution for what it is; they are using it for a play on words.

I must remind the members that in this House there was a bill that came up for reapportionment, it

was read in the House, it was laid on the table, we had plenty of time to talk about it, and it passed this House unanimously, it passed the Senate and it is now signed by the Governor. It was on the same matter—reapportionment. So if your faces are going to be red when you talk about the Constitution, think over your past vote.

The SPEAKER: The Chair recognizes the gentleman from Bridgton, Mr. March.

Mr. MARCH: Mr. Speaker and Members of the House: I can't give you an oration as some of my brothers did here in the House but to me, a new member here, it seems that the issue is crystal clear. We have a Constitution. I never saw a section better written to be understood. It is a matter of whether we are law breakers or law makers. If we are law makers and come in here for that purpose, we should abide by the Constitution. If it works for inequality in some instances at the proper time the proper method should be taken to amend it. We have it now and I don't see how you can work it around to look any different than Plan B.

The SPEAKER: The Chair recognizes the gentleman from Machiasport, Mr. Hanson.

Mr. HANSON: Mr. Speaker and Members of the House: I arise in opposition to the motion before the House. I am going to say but a few words. I don't feel like it. I am from Washington County. I realize my political life hangs by a single thread. If Plan B should be accepted, I am a dead caterpillar. (Laughter). However, I see very little justice in Plan B and it seems to me, realizing as I do the sincerity and honesty of the Members of this House, I do not feel that they are going to vote to take from the weak and give to the strong. I don't believe that they are going to cast their vote to make any one county a guardian for the rest of the State.

I simply say to you, ladies and gentlemen, don't put too many eggs in one basket.

The SPEAKER: The Chair recognizes the gentleman from Whitefield, Mr. Chase.

Mr. CHASE: Mr. Speaker and Members of the House: As a mem-

ber of the Apportionment Committee from Lincoln County, I would like to tell you why I signed Plan A.

I, too, feel that there has been a definite trend in the past few years for the people to leave the farms and the rural areas and move into the cities. In view of that fact, and the way conditions are today, I feel that there is already a trend the other way. The people are moving back. Another reason why, ten years ago the Apportionment Committee in the House here had a similar plan, I believe, and left the thing as it was. If we broke the Constitution now, would the State of Maine suffer from it? Would we suffer ten years hence? I feel that those who vote for Plan B today who are going to benefit from the game will be sorry ten years from now because they may lose what they have gained and they may lose twice as much as they have gained. I therefore speak for Plan A.

The SPEAKER: The Chair recognizes the gentleman from Gorham, Mr. Sanborn.

Mr. SANBORN: Mr. Speaker, when the vote is taken I ask that it be taken by the yeas and nays.

The SPEAKER: The Chair recognizes the gentleman from Fort Fairfield, Mr. Dorsey.

Mr. DORSEY: Mr. Speaker and Members of the House: I too was a member of the Reapportionment Committee in 1941. I sat on that committee with Hon. Mr. Jacobs, the Hon. Ralph Leavitt, who now is in the upper house, and the same thing prevailed at that time.

I want to give you a little biographical sketch of a man from Aroostook County, now deceased, the Hon. Nathaniel Tompkins. He was a graduate from Ricker, Colby College, went to Harvard University, graduated with honors. He came back here to the State of Maine and was recognized as one of the greatest lawyers we had in the State. He was recognized all over the State for his knowledge of parliamentary law, and he was elected Speaker of the House and President of the Senate. I had the honor of rooming with him and the Hon. Franz U. Burkett in 1939 when Mr. Burkett was Attorney General. I afterwards, in 1941, had

the honor of rooming with him when he was President of the Senate, and the same thing came up. Aroostook County was to gain one and Cumberland County was to gain two. We talked this thing over, he and I, pro and con. He said, "Do you want to deliberately take away from Washington County one representative because of the fact that fifty people moved out of there?" I said, "No, I don't. I do not want to penalize any county at all."

We went into executive session. The Hon. Robert Dow was then Chairman; the Hon. Judge Sanborn spoke; the Hon. Ralph Leavitt spoke, and we took a vote. And the vote was what? It was twenty-one to two to leave it as is. Thank you.

The SPEAKER: The Chair recognizes the gentleman from East Machias, Mr. Dennison.

Mr. DENNISON: Mr. Speaker and Members of the House: I have listened to all these debates and all these figures, and, like most of you, have forgotten most of them. Now there is one very important organization in this State that has not been brought to our mind, and that is the Humane Society. Now you see what Cumberland County intends to do with us. They intend to pick up "Bill" and Mr. Crabtree up there and myself and cart us down into Cumberland County. Now we are used to living in a county where we like our surroundings, the free air and everything, and we do not like the smoke of Portland and all that congested area. Now it would be just a matter of cruelty to animals to ship three of us down there to Cumberland County. (Laughter)

The SPEAKER: The Chair recognizes the gentleman from Eustis, Mr. Carville.

Mr. CARVILLE: Mr. Speaker and Members of the House: I am only interested in the fairness of this proposition. While I do not know too much about the Constitution, I have seen the Constitution twisted here many times and it is probably being twisted now. But I think I can express my thought in a very few words. I go home and tell them that I got a little fly-fishing bill through but I swapped an eight million dollar bridge. I don't like it.

The SPEAKER: The Chair recognizes the gentleman from Berwick, Mr. Gowell.

Mr. GOWELL: Mr. Speaker and Members of the House: Some of the members have stated during this debate that they do not feel qualified to discuss the question of the Constitution because they are not lawyers. As I see it, this provision is so plain that it is not necessary to be an attorney to read it right. It is so plain that he who runs may read.

Now I respect highly the attitude of our friends from Washington, Aroostook and Knox and I respect them for standing up for those rural communities. I always took that position when I could. But I think this must resolve itself to just one question of what we might call give and take or what we might term as good fortune and ill fortune. If one community has gained during a certain interval and another has lost, that is their good fortune or their poor fortune. With all due respect to our friends from those communities, I would ask them perhaps: If the boot was on the other foot, if they had gained enough to have an additional representative, would they want to submit it to any other community whether large or small?

I remember a few years ago Androscoggin County gained a Senator that was taken from rural communities. I didn't hear any of those gentlemen from Androscoggin County desist from taking that member. I think it is just a matter of human nature, and it may be in order for us in York and Cumberland County to stand up for our rights just as earnestly and just as zealously as the gentlemen from counties which would lose a member. Thank you.

The SPEAKER: Is the House ready for the question? The question before the House is on the motion of the gentleman from Dover-Forcroft, Mr. Hayes, that the House adopt Plan "B" of the report of the Apportionment Committee. The gentleman from Gorham, Mr. Sanborn, has requested a roll call.

All those who desire that the yeas and nays be taken will rise and stand in their places until



counted and the monitors have made and returned the count.

A division of the House was had.

The SPEAKER: Obviously more than one-fifth of the members present having arisen, the yeas and nays are in order.

All those in favor of the motion of the gentleman from Dover-Foxcroft, Mr. Hayes, that the House adopt Plan "B" will say yes when their names are called, and all those opposed to the adoption of Plan "B" will say no.

The Clerk will call the roll.

#### ROLL CALL

YEA—Albee, Archer, Bailey, Bates; Bearce, Hebron; Berry, Boothby, Bradeen; Brown, Wayne; Burkett, Carter, Caswell; Center, Standish; Chase, Cape Elizabeth; Davis, Delahanty; Dow, Elliot; Dow, Falmouth; Duquette, Edwards, Fay, Fenn, Finnegan, Frechette; Fuller, Bangor; Fuller, So. Portland; Gerrish, Gilman, Howell, Hancock; Hanson, Lebanon; Hawkes, Hayes, Jones, Kelly, Knapp, Lacharite, Larrabee, Latno, Leavitt, Letourneau, Littlefield, Lord, Macomber, March, McGlauffin, Moulton, Patterson, Roundy, Sanborn; Senter, Brunswick; Sinclair, Spear, Stewart; Taylor, Lyman; Taylor, Norridgewock; Travis, Wallace, Woodworth.

NAY—Albert, Barton; Bearce, Caribou; Brown, Baileyville; Brown, Rob-

binston; Bubar, Bucknam, Burgess, Campbell, Carville, Castonguay, Chaples; Chase, Belgrade; Chase, Whitefield; Clapp, Clements, Cobb, Cole, Cote, Couture, Crabtree, Daggett, DeBeck, Dennison, Dickey, Dorsey, Dunham, Emerson, Farley, Gay, Gosline, Hall, Hamilton, Hand; Hanson, Machiasport; Harding, House, Ingraham, Jacobs, Jacoby, Jalbert, Jamieson, Jennings, Keene, Lackee, Lessard, Lovely, Low, Ludwig, Madore, Maguire; Martin, Augusta; Martin, Eagle Lake; Martin, Frenchville; Moffatt, Morneau, Nowell, O'Dell, Parent, Peterson, Philbrook, Phillips, Pierce, Plummer, Potter, Ricker, Robbins, Roberts, Rollins, Stevens, St. Pierre, Story; Thomas, Jr.; Totman, Turner, Vaughan, Walls, Watson, West, Williams, Winchenpaw, Wood, Woodcock.

ABSENT — Dostie, Fogg, Hussey, Maxwell, Nadeau, Parker, Perry.

Yes 59, No 83, Absent 7.

The SPEAKER: Fifty-nine having voted in the affirmative and eighty-three having voted in the negative, seven being absent, the motion to adopt Plan "B" does not prevail.

Thereupon, Plan "A" was adopted and sent up for concurrence.

On motion of Mr. Chase of Cape Elizabeth,

Adjourned until 10:00 o'clock tomorrow morning.