

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*Ninety-Seventh Legislature*

OF THE

STATE OF MAINE

1955

DAILY KENNEBEC JOURNAL  
Augusta, Maine

**HOUSE**

Wednesday, March 2, 1955

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

Prayer by the Rev. Mr. Curtis Bushy of Second Congregational Church, Warren.

The journal of the previous session was read and approved.

The SPEAKER: Because of the need to accelerate business this morning, under Senate Papers, the reference of bills to committee can be expedited by a motion that they be handled in a block, the House concurring with the action of the Senate in the reference of those bills.

The Chair will put the House at ease momentarily so that the members can examine Items 1 through 14 and see if any members wish any of them handled separately.

The House may be at ease.

**House at Ease**

The House was called to order by the Speaker.

The SPEAKER: The Chair would correct itself and say Items 1 through 26.

**House at Ease**

The House was called to order by the Speaker.

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

Mr. CHILDS: Mr. Speaker, I move that we dispense with the reading of the bills, Items 1 through 26 inclusive, and that we concur with the Senate and that the same be referred to the committees as suggested by the Reference of Bills Committee.

The SPEAKER: The Chair understands that the gentleman from Portland, Mr. Childs, moves that the House dispense with the reading of the titles of Items 1 through 26 and that the references made by the Senate be concurred in by the House. Is this the pleasure of the House?

The motion prevailed.

**Papers from the Senate**

From the Senate:

Bill "An Act Increasing Salaries of Members of Industrial Accident Commission" (S. P. 339) (L. D. 948)

Bill "An Act relating to Compensation for Members of Mediation Panel" (S. P. 340) (L. D. 949)

Came from the Senate referred to the Committee on Appropriations and Financial Affairs.

In the House, referred to the Committee on Appropriations and Financial Affairs in concurrence.

From the Senate:

Bill "An Act relating to Charitable Gifts by Trust Companies" (S. P. 341) (L. D. 950)

Came from the Senate referred to the Committee on Business Legislation.

In the House, referred to the Committee on Business Legislation in concurrence.

From the Senate:

Bill "An Act Changing Name of Madawaska Training School to Fort Kent State Normal School" (S. P. 342) (L. D. 951)

Came from the Senate referred to the Committee on Education.

In the House, referred to the Committee on Education in concurrence.

From the Senate:

Resolve in favor of Town of Caribou (S. P. 343) (L. D. 952)

Came from the Senate referred to the Committee on Highways.

In the House, referred to the Committee on Highways in concurrence.

From the Senate:

Bill "An Act relating to Fishing Licenses for Religious Seminaries" (S. P. 344) (L. D. 953)

Came from the Senate referred to the Committee on Inland Fisheries and Game.

In the House, referred to the Committee on Inland Fisheries and Game in concurrence.

From the Senate:

Bill "An Act relating to Trial Terms in Knox County" (S. P. 345) (L. D. 954)

Bill "An Act relating to Inheritance Tax Bonds" (S. P. 346) (L. D. 955)

Came from the Senate referred to the Committee on Judiciary.

In the House, referred to the Committee on Judiciary in concurrence.

From the Senate:

Bill "An Act Creating the Board of Construction Safety Rules and Regulations" (S. P. 347) (L. D. 956)

Bill "An Act to Clarify the Employment Security Law" (S. P. 348) (L. D. 957)

Came from the Senate referred to the Committee on Labor.

In the House, referred to the Committee on Labor in concurrence.

From the Senate:

Bill "An Act relating to Compensation of Boards of Registration in Cities of 39,000 Inhabitants or More" (S. P. 349) (L. D. 958)

Bill "An Act relating to Board of Registration, Public Library Committee and Town Clerk in Caribou" (S. P. 350) (L. D. 959)

Came from the Senate referred to the Committee on Legal Affairs.

In the House, referred to the Committee on Legal Affairs in concurrence.

From the Senate:

Bill "An Act Providing for Group Life Insurance for State Employees and Teachers" (S. P. 351) (L. D. 960)

Came from the Senate referred to the Committee on Retirements and Pensions.

In the House, referred to the Committee on Retirements and Pensions in concurrence.

From the Senate:

Bill "An Act to Exempt from the Sales and Use Tax Water Sold for Home Consumption" (S. P. 352) (L. D. 961)

Came from the Senate referred to the Committee on Taxation.

In the House, referred to the Committee on Taxation in concurrence.

From the Senate:

Bill "An Act Increasing Salaries of Certain County Offices in Aroostook County" (S. P. 353) (L. D. 962)

Bill "An Act relating to Fees of Town Clerks in Recording Copies of Instruments" (S. P. 354) (L. D. 963)

Bill "An Act Increasing the Salary of the Judge of the Gardiner Municipal Court" (S. P. 355) (L. D. 964)

Bill "An Act Increasing the Salary of the Recorder of the Gardiner Municipal Court" (S. P. 356) (L. D. 965)

Bill "An Act Increasing Salary of the Recorder of the South Portland Municipal Court" (S. P. 357) (L. D. 966)

Bill "An Act Increasing Salary of the Recorder of the Westbrook Municipal Court" (S. P. 358) (L. D. 967)

Bill "An Act Increasing Salary of the Judge of the Newport Municipal Court" (S. P. 359) (L. D. 968)

Bill "An Act Increasing Salaries of the Judge and Recorder of the Town of Lincoln Municipal Court" (S. P. 360) (L. D. 969)

Bill "An Act Increasing the Salary of the Judge of the Dexter Municipal Court" (S. P. 361) (L. D. 970)

Bill "An Act Increasing Salaries of the Judge and Recorder of the Millinocket Municipal Court" (S. P. 362) (L. D. 971)

Bill "An Act Increasing Salaries of the Judge and Recorder of the Old Town Municipal Court" (S. P. 363) (L. D. 972)

Bill "An Act Increasing Salaries of the Judge and Recorder of the Bangor Municipal Court" (S. P. 364) (L. D. 973)

Came from the Senate referred to the Committee on Towns and Counties.

In the House, referred to the Committee on Towns and Counties in concurrence.

### Senate Reports of Committees Ought Not to Pass

Report of the Committee on Inland Fisheries and Game reporting "Ought not to pass" on Resolve Regulating Fishing in Coffee Pond in Cumberland County (S. P. 153) (L. D. 348) as it is covered by other legislation.

Came from the Senate read and accepted.

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

### Leave to Withdraw

Report of the Committee on Retirements and Pensions on Resolve in favor of a Retirement Allowance for Vera A. Gordon, of West Sullivan (S. P. 135) (L. D. 328) reporting Leave to Withdraw.

Came from the Senate read and accepted.

In the House the Report was read and accepted in concurrence.

### Ought to Pass

Report of the Committee on Appropriations and Financial Affairs reporting "Ought to pass" on Bill "An Act relating to Appropriation for Seed Potato Board" (S. P. 48) (L. D. 45)

Report of the Committee on Education reporting same on Bill "An Act relating to Reimbursement of Towns for Transportation or Board of School Children" (S. P. 152) (L. D. 346)

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

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

The SPEAKER: The Chair is informed that there are in the balcony of the Hall of the House several groups: Nine boys from the Sunday School Class of the Second Congregational Church of the gentleman from Warren, Mr. McCluskey; eighteen pupils from the Problems of Democracy Class of Hollis High School accompanied by their teachers, Mrs. Hodsdon and Mrs. Mosher; the Seventh and Eighth Grades from Chelsea Schools under the direction of their Principal, Mr. Charles O. Newton.

On behalf of the House, the Chair extends to you young folks a hearty and cordial welcome and hopes that your visit with us will be profitable. (Applause)

Report of the Committee on Education reporting "Ought to pass" on Bill "An Act relating to Minimum Salaries of Teachers" (S. P. 178) (L. D. 431)

Report of the Committee on Liquor Control reporting same on Bill "An

Act relating to Suspension of Liquor License; Pending Appeal" (S. P. 207) (L. D. 501)

Report of same Committee reporting same on Bill "An Act relating to Sales of Liquor by the Commission to Government Instrumentalities" (S. P. 208) (L. D. 502)

Report of the Committee on Taxation reporting same on Bill "An Act relating to Definition of Retail Sale Under Sales Tax Law" (S. P. 138) (L. D. 330)

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

In the House, the 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 Legal Affairs on Bill "An Act to Repeal the Act Creating the Bethel Village Corporation" (S. P. 96) (L. D. 227) 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, the 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. 96, L. D. 227, Bill "An Act to Repeal the Act Creating the Bethel Village Corporation."

Amend said Bill by striking out the Emergency Preamble.

Further amend said Bill by striking out all of the 1st paragraph of section 4 and inserting in place thereof the following:

'Sec. 4. Referendum; effective date; certificate to Secretary of State. This act shall take effect 90 days after adjournment of the Legislature, only for the purpose of permitting its submission to the legal voters of the town of Bethel at an annual or special town meeting held within 1 year after the effective date of this act, an appropriate article being inserted in the call for such meeting.'

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

#### Non-Concurrent Matter

Bill "An Act relating to Free Fishing Licenses to Residents 75 Years of Age" (H. P. 101) (L. D. 109) which was passed to be engrossed as amended by Committee Amendment "A" and House Amendment "A" in the House on February 10.

Came from the Senate indefinitely postponed in non-concurrence.

In the House:

The SPEAKER: The Chair recognizes the gentleman from Medway, Mr. Potter.

Mr. POTTER: Mr. Speaker, I make the motion that we recede and concur.

The SPEAKER: The gentleman from Medway, Mr. Potter, moves that the House recede and concur with the action of the Senate in indefinitely postponing this bill.

The Chair recognizes the gentleman from Bucksport, Mr. Pierce.

Mr. PIERCE: Mr. Speaker, would I be in order if I moved that we insist and ask for a committee of conference?

The SPEAKER: The Chair will state that the motion to recede and concur takes precedence over the motion to insist.

The gentleman may make the motion to insist.

Mr. PIERCE: Mr. Speaker, I make the motion to insist and ask for a committee of conference.

The SPEAKER: The question before the House is on the motion of the gentleman from Medway, Mr. Potter, that the House recede and concur with the Senate.

The Chair recognizes the gentleman from South Portland, Mr. Fuller.

Mr. FULLER: Mr. Speaker, I ask for a division.

The SPEAKER: The gentleman from South Portland, Mr. Fuller, requests a division.

The question before the House is on the motion of the gentleman from Medway, Mr. Potter, that the House recede and concur with the action of the Senate in the indefinite post-

ponement of Bill "An Act relating to Free Fishing Licenses to Residents 75 Years of Age," House Paper 101, Legislative Document 109. When that motion is disposed of, the motion of the gentleman from Bucksport, Mr. Pierce, will be next in order.

Is it the pleasure of the House that the House recede and concur with the Senate in the indefinite postponement of this bill?

The gentleman from South Portland, Mr. Fuller, has requested a division.

As many as are in favor of the motion of the gentleman from Medway, Mr. Potter, that the House recede and concur with the Senate in the indefinite postponement of this bill will kindly rise and remain standing in their places until the monitors have made and returned the count.

A division of the House was had.

Fifty-four having voted in the affirmative and sixty-five having voted in the negative, the motion did not prevail.

Thereupon, on motion of Mr. Pierce of Bucksport, the House voted to insist and ask for a committee of conference.

#### Petitions, Bills and Resolves Requiring Reference

The SPEAKER: In this instance, the Chair again will receive a motion that Items 1 through 52 be referred without reading the titles in accordance with the recommendation of the Reference of Bills Committee and that the printing be done in accordance with their suggestions.

The House may be at ease while the members examine the items involved.

#### House at Ease

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

Mr. CHILDS: Mr. Speaker, I move that we dispense with the reading of the titles of the bills from Item 1 through Item 52, inclusive, and that the same be referred to the committees as suggested by the Reference of Bills Committee.

The SPEAKER: The Chair understands that the gentleman from Portland, Mr. Childs, moves that the House dispense with the reading of the titles of Items 1 through 52 under Reception of Petitions, Bills and Resolves Requiring Reference to any Committee and that the same gentleman further moves that Items 1 through 52 be referred to the committees as recommended by the Committee on Reference of Bills and that the printing be ordered in accordance with the recommendations of that committee and that the same be sent up for concurrence. Is this the pleasure of the House?

The motion prevailed.

The following Bills and Resolves (transmitted by the Director of Legislative Research pursuant to Joint Order S. P. 25) were received and, upon recommendation of the Committee on Reference of Bills, were referred to the following Committees:

#### **Agriculture**

Bill "An Act to Place a Bounty on Porcupines" (H. P. 974) (Presented by Mr. Rich of Charleston)

(Ordered Printed)

Sent up for concurrence.

#### **Appropriations and Financial Affairs**

Bill "An Act relating to Auto Travel for Inland Fish and Game Wardens" (H. P. 975) (Presented by Mr. Pierce of Bucksport)

(Ordered Printed)

Bill "An Act relating to Salary and Travel of Members of the Legislature" (H. P. 976) (Presented by Mr. Stanley of Bangor)

(Ordered Printed)

Sent up for concurrence.

#### **Claims**

Resolve in favor of the Town of Dexter (H. P. 977) (Presented by Mr. Roberts of Dexter)

(Ordered Printed)

Sent up for concurrence.

#### **Education**

Bill "An Act relating to Vocational Rehabilitation" (H. P. 978) (Presented by Miss Cormier of Rumbold)  
(750 copies Ordered Printed)

Bill "An Act relating to Determination of Physical Disability by Department of Education" (H. P. 979) (Presented by Mr. Roundy of Portland)

(Ordered Printed)

Sent up for concurrence.

#### **Highways**

Bill "An Act Permitting Towns to Appropriate Money in Anticipation of State Highway Appropriations" (H. P. 980) (Presented by Mr. Ellwell of Brooks)

(Ordered Printed)

Resolve in favor of Town of Canaan (H. P. 981) (Presented by Mr. Gardner of Hartland)

(Ordered Printed)

Resolve relating to Maintenance of Covered Bridge in Brownfield (H. P. 982) (Presented by Mr. Olpe of Brownfield)

(Ordered Printed)

Resolve in favor of Town of Garland (H. P. 983) (Presented by Mr. Roberts of Dexter)

(Ordered Printed)

Sent up for concurrence.

#### **Inland Fisheries and Game**

Bill "An Act relating to Open Season on Black Bear in Oxford County" (H. P. 984) (Presented by Mr. Ferguson of Hanover)

(Ordered Printed)

Bill "An Act relating to Nonresident Fur Buyers" (H. P. 985) (Presented by Mr. Pike of Waterford by request)

(Ordered Printed)

Bill "An Act relating to Open Season on Fisher" (H. P. 986) (Presented by same gentleman by request)

(Ordered Printed)

Sent up for concurrence.

#### **Judiciary**

Bill "An Act relating to Evidence of Intoxication" (H. P. 987) (Presented by Mr. Browne of Bangor)

(Ordered Printed)

Bill "An Act relating to Investment of Municipal Trust Funds" (H. P. 983) (Presented by Mr. Hilton of Bremen)

(Ordered Printed)

Resolve Requesting Judicial Council to Study Problem of Common

Law Pleading and Procedure (H. P. 989) (Presented by Mr. Dumais of Lewiston)

(Ordered Printed)

Resolve Proposing an Amendment to the Constitution Providing for Limited Annual Sessions (H. P. 990) (Presented by Mr. Greenleaf of Boothbay Harbor)

(Ordered Printed)

Resolve Proposing an Amendment to the Constitution Providing for Two Senators from Counties with Less Than Sixty Thousand Inhabitants (H. P. 991) (Presented by Mr. Stilphen of Rockland)

(Ordered Printed)

Sent up for concurrence.

### **Labor**

Bill "An Act Amending the Maine Employment Security Law as to Definition of Unemployment Total and Partial" (H.P. 992) (Presented by Mr. Albert of Augusta)

(Ordered Printed)

Bill "An Act Amending the Maine Employment Security Law as to Weekly Benefits for Partial Unemployment" (H. P. 993) (Presented by same gentleman)

(Ordered Printed)

Bill "An Act Amending the Maine Employment Security Law as to Employers Experience Rating Record" (H. P. 994) (Presented by Mr. Caswell of New Sharon)

(Ordered Printed)

Bill "An Act relating to Weekly Benefit for Partial Unemployment under Employment Security Law" (H. P. 995) (Presented by Mr. Ferguson of Hanover)

(Ordered Printed)

Bill "An Act relating to Payments from Benefit Account of Maine Employment Security Commission" (H. P. 996) (Presented by Mr. Jacobs of Auburn)

(Ordered Printed)

Bill "An Act Amending the Maine Employment Security Law as to Reciprocal Benefit Arrangements" (H. P. 997) (Presented by Mr. Albert of Augusta)

(Ordered Printed)

Sent up for concurrence.

### **Legal Affairs**

Bill "An Act relating to the Public Debt Amortization Fund in City of

Waterville" (H. P. 998) (Presented by Mr. Bernier of Waterville)

(Ordered Printed)

Bill "An Act relating to Bonds for Slum Clearance and Redevelopment Authority of Portland" (H. P. 999) (Presented by Mr. Charles of Portland)

(Ordered Printed)

Bill "An Act Creating a Board of Assessment Review for Town of Brunswick" (H. P. 1000) (Presented by Mr. Walsh of Brunswick)

(Ordered Printed)

Bill "An Act Amending the Charter of the City of Ellsworth" (H. P. 1001) (Presented by Mr. Willey of Ellsworth)

(Ordered Printed)

Sent up for concurrence.

### **Liquor Control**

Bill "An Act relating to Salesmen under Liquor Laws" (H. P. 1002) (Presented by Mr. Cote of Lewiston by request)

(Ordered Printed)

Bill "An Act relating to Tables, Booths, etc. on Certain Premises Licensed to Sell Liquor" (H. P. 1003) (Presented by Mr. Wade of Auburn)

(Ordered Printed)

Bill "An Act to Regulate Eligibility of Premises for Which Liquor Licenses May be Granted" (H. P. 1004) (Presented by Mr. Winchenpaw of Friendship)

(Ordered Printed)

Sent up for concurrence.

### **Natural Resources**

Resolve Officially Naming Echo Lake, Penobscot County (H. P. 1005) (Presented by Mr. Roberts of Dexter)

(Ordered Printed)

Resolve Authorizing Forest Commissioner to Sell Island in Parker Pond, Kennebec County (H. P. 1006) (Presented by Mr. Wadleigh of Mount Vernon)

(Ordered Printed)

Sent up for concurrence.

### **Public Utilities**

Bill "An Act relating to the Appointment of Trustees for the Kennebec Water District" (H. P. 1007)



(Presented by Mr. Bernier of Waterville)

(Ordered Printed)

Sent up for concurrence.

### Retirements and Pensions

Resolve providing for State Pension for Ruth A. Henderson of Madison (H. P. 1008) (Presented by Mr. Cote of Madison)

Resolve providing for State Pension for Marie L. Lachance of Lewiston (H. P. 1009) (Presented by Mr. Dumais of Lewiston)

Resolve in favor of Nettie Johnson of Brownfield (H. P. 1010) (Presented by Mr. Olpe of Brownfield)

Resolve providing for an Increase in State Pension for Joseph William True of Garland (H. P. 1011) (Presented by Mr. Roberts of Dexter)

Resolve providing for an Increase in State Pension for Maggie Caird of Dexter (H. P. 1012) (Presented by same gentleman)

Resolve providing for an Increase in State Pension for Geneva Morton of Garland (H. P. 1013) (Presented by same gentleman)

Sent up for concurrence.

### Sea and Shore Fisheries

Bill "An Act Prohibiting the Taking and Use of Herring Under Four Inches in Length" (H. P. 1014) (Presented by Mr. Denbow of Lubec)

(750 copies Ordered Printed)

Sent up for concurrence.

### Taxation

Bill "An Act Increasing and Amending the Sales and Use Tax" (H. P. 1025) (Presented by Mr. Walsh of Brunswick)

(2,000 copies Ordered Printed)

Sent up for concurrence.

### Taxation

Bill "An Act Creating a State School Building Fund and Providing Moneys Therefor" (H. P. 1015) (Presented by Mr. Elwell of Brooks)

(750 copies Ordered Printed)

Bill "An Act Exempting Malt Beverages from the Sales and Use Tax Law" (H. P. 1016) (Presented by Mr. Cote of Lewiston by request)

(Ordered Printed)

Bill "An Act Exempting Insecticides, Fungicides, Etc. from Sales and Use Tax" (H. P. 1017) (Presented by Mr. Dicker of Lakeville Plantation)

(Ordered Printed)

Bill "An Act Exempting Non-Profit and Charitable Institutions from Sales and Use Tax Law" (H. P. 1018) (Presented by Mr. Fuller of China by request)

(Ordered Printed)

Bill "An Act Providing for a Tax on Quahogs" (H. P. 1019) (Presented by Mr. McCluskey of Warren)

Bill "An Act providing for Excise Tax on House Trailers" (H. P. 1020) (Presented by Mr. Potter of Medway)

(Ordered Printed)

Sent up for concurrence.

### Towns and Counties

Bill "An Act Increasing Salary of Sheriff of Somerset County" (H. P. 1021) (Presented by Mr. Cote of Madison)

(Ordered Printed)

Bill "An Act relating to Salary of the Recorder and Clerk Hire of the Lewiston Municipal Court" (H. P. 1022) (Presented by Mr. Dumais of Lewiston)

(Ordered Printed)

Bill "An Act relating to Salary of Judge of the Lewiston Municipal Court" (H. P. 1026) (Presented by same gentleman)

(Ordered Printed)

Sent up for concurrence.

### Transportation

Bill "An Act relating to Lights on Rear of Trucks" (H. P. 1023) (Presented by Mr. Totman of Bangor)

(Ordered Printed)

Sent up for concurrence.

### House Reports of Committees Ought Not to Pass

Mr. Ferguson from the Committee on Highways reported "Ought not to pass" on Bill "An Act relating to Membership and Administration of State Highway Commission" (H. P. 352) (L. D. 390)

Mr. Totman from the Committee on Transportation reported same on Bill "An Act relating to Speed of

Commercial Vehicles" (H. P. 132) (L. D. 133) which was recommitted.

Reports were read and accepted and sent up for concurrence.

#### **Referred to Committee on Claims**

Mr. Jacobs from the Committee on Appropriations and Financial Affairs on Resolve in favor of the Town of Milo (H. P. 32) (L. D. 49) reported that it be referred to Committee on Claims.

Report was read and accepted, the Resolve referred to Committee on Claims, and sent up for concurrence.

#### **Ought to Pass in New Draft**

Mr. Bean from the Committee on Appropriations and Financial Affairs on Bill "An Act relating to Aid to Public and Private Hospitals" (H. P. 175) (L. D. 182) reported same in a new draft (H. P. 1024) (L. D. 1100) under same title and that it "Ought to pass"

Report was read and accepted, the Bill read twice and tomorrow assigned.

#### **Ought to Pass Passed to Be Engrossed**

Mr. Childs from the Committee on Legal Affairs reported "Ought to pass" on Bill "An Act Increasing Amount of Bonds of Town of Litchfield School District" (H. P. 621) (L. D. 664)

Report was read and accepted and the Bill read twice.

The SPEAKER: The Chair recognizes the gentleman from Winthrop, Mr. Maxwell.

Mr. MAXWELL: Mr. Speaker and Members of the House: Because the annual town meeting in which this measure is going to be considered will be held on Saturday, March 5th, I move that under suspension of the rules the bill now be given its third reading, be passed to be engrossed and be sent forthwith to the Senate.

The SPEAKER: The gentleman from Winthrop, Mr. Maxwell, moves that under suspension of the rules, the bill be given its third reading at this time. Is this the pleasure of the House?

The motion prevailed and, under suspension of the rules, the Bill was

given its third reading, passed to be engrossed and sent to the Senate.

Thereupon, on further motion of the same gentleman, by unanimous consent, the Bill was ordered sent forthwith to the Senate.

#### **House at Ease**

The House was called to order by the Speaker.

Mr. Wade from the Committee on Business Legislation reported "Ought to pass" on Bill "An Act relating to Expenses of Examination of Industrial Banks" (H. P. 89) (L. D. 100)

Report was read and accepted, the Bill read twice and tomorrow assigned.

Mr. Browne from the Committee on Judiciary reported "Ought to pass" on Bill "An Act relating to the Appointment of a Nominee by Banking Institutions Acting in a Fiduciary Capacity" (H. P. 431) (L. D. 475)

Report was read and accepted and the Bill read once.

On motion of the gentlewoman from Portland, Mrs. Files, House Rule 25 was suspended for the remainder of today's session in order to permit smoking.

Thereupon, House Paper 431, Legislative Document 475, was given its second reading and tomorrow assigned.

The SPEAKER: The Chair is informed that there are still further visitors this morning in the balcony of the Hall of the House, namely, forty-four pupils of the Wiscasset Seventh and Eight Grades accompanied by their teachers, Mr. Tolman and Mrs. Leadbetter.

To you also, the Chair extends on behalf of the House a hearty and cordial welcome. (Applause)

Mr. Earles from the Committee on Judiciary reported "Ought to pass" on Bill "An Act relating to Payment to Oxford County Law Library" (H. P. 298) (L. D. 309)

Mr. Hancock from same Committee reported same on Bill "An Act

relating to Payments to Androscoggin Law Library" (H. P. 61) (L. D. 66)

Mr. McGlaufflin from same Committee reported same on Bill "An Act to Enlarge the Powers and Purposes of Congregational-Christian Conference of Maine" (H. P. 430) (L. D. 477)

Mr. Needham from same Committee reported same on Bill "An Act relating to Personal Recognizances" (H. P. 429) (L. D. 474)

Mr. Greene from the Committee on Transportation reported same on Bill "An Act relating to Stations for Weighing Vehicles" (H. P. 237) (L. D. 216)

Mr. Jacques from same Committee reported same on Bill "An Act relating to Operation of Motor Vehicles to Inspection Stations for Inspection" (H. P. 129) (L. D. 132)

Mr. Babineau from the Committee on Welfare reported same on Bill "An Act relating to Medical Care for Public Assistance Recipients" (H. P. 510) (L. D. 547)

Mr. Storm from same Committee reported same on Bill "An Act relating to Certain Plantations Maintaining Paupers" (H. P. 570) (L. D. 618)

Reports were read and accepted, the Bills read twice and tomorrow assigned.

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

Mr. Blanchard from the Committee on Business Legislation on Bill "An Act relating to Fees Paid to Register of Deeds by the State" (H. P. 177) (L. D. 184) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Bill read twice.

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

COMMITTEE AMENDMENT "A" to H. P. 177, L. D. 184, Bill "An Act relating to Fees Paid to Register of Deeds by the State."

Amend said Bill by striking out all the words after the underlined word "monthly" and inserting in place thereof the following underlined words, 'by the department or agencies requesting the recording, upon rendition of bills by the register of

deeds. Said bills shall be paid within 10 days of receipt of same by the department or agency.'

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

#### **Tabled and Assigned**

Mr. Fay from the Committee on Business Legislation on Bill "An Act Prohibiting Gifts, Etc. to Bank Officials for Procuring Loans" (H. P. 90) (L. D. 101) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted.

The SPEAKER: The Chair recognizes the gentleman from Bowdoinham, Mr. Curtis.

Mr. CURTIS: Mr. Speaker, I move that this bill be tabled—there is further information I wish on it—until Tuesday of next week pending first reading.

The SPEAKER: The gentleman from Bowdoinham, Mr. Curtis, moves that the Bill with accompanying papers lie on the table pending first reading and be specially assigned for Tuesday next, March 8. Is this the pleasure of the House?

The motion prevailed and the Bill was so tabled and assigned.

Mr. Madore from the Committee on Transportation on Bill "An Act relating to Definition of School Buses and Overtaking and Passing School Buses" (H. P. 127) (L. D. 130) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Bill read twice.

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

COMMITTEE AMENDMENT "A" to H. P. 127, L. D. 130, Bill "An Act relating to Definition of School Buses and Overtaking and Passing School Buses."

Amend said Bill by inserting after the underlined word "activities" in the 4th line thereof the following underlined words 'at a school regularly attended by such children'

Further amend said Bill by inserting after the underlined word "activities" in the 6th line thereof the following underlined words 'at a

school regularly attended by such children.'

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

### Divided Report

Majority Report of the Committee on Judiciary reporting "Ought not to pass" on Resolve Proposing an Amendment to the Constitution Changing the Date of the General Election (H. P. 362) (L. D. 400)

Report was signed by the following members:

Messrs. REID of Kennebec  
SILSBY of Hancock  
WEEKS of Cumberland  
— of the Senate.

Messrs. McGLAUFILIN of Portland  
NEEDHAM of Orono  
EARLES of South Portland  
BROWNE of Bangor  
DAVIS of Calais  
HANCOCK of York  
— of the House.

Minority Report of same Committee reporting "Ought to pass" on same Resolve.

Report was signed by the following member:

Mr. MacDONALD of Rumford  
— of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Rumford, Mr. MacDonald.

Mr. MacDONALD: Mr. Speaker, I move that the report lie on the table until Tuesday of next week.

The SPEAKER: The gentleman from Rumford, Mr. MacDonald, moves that the reports lie on the table pending acceptance of either report and be specially assigned for Tuesday next, March 8.

Mr. CHILDS (of Portland): Mr. Speaker —

The SPEAKER: For what purpose does the gentleman rise?

Mr. CHILDS: Mr. Speaker, I rise for the purpose of requesting a division on the vote.

The SPEAKER: The gentleman from Portland, Mr. Childs, has requested a division.

The Chair recognizes the gentleman from Rumford, Mr. MacDonald.

Mr. MacDONALD: Mr. Speaker, are we entitled to a roll call on this vote? If we are, I request it.

The SPEAKER: The gentleman from Rumford, Mr. MacDonald, has requested that when the vote is taken, it be taken by the yeas and nays. In order for the vote to be taken by the yeas and nays it requires the consent of one-fifth of the members present. The question before the House is on the motion of the gentleman from Rumford, Mr. MacDonald, that the two Reports with accompanying papers lie on the table pending acceptance of either report and be specially assigned for Tuesday next, March 8.

All those in favor of having the vote taken by the yeas and nays will kindly rise.

An insufficient number arose.

The SPEAKER: Obviously less than one-fifth of those—

The Chair recognizes the gentleman from Rumford, Mr. MacDonald.

Mr. MacDONALD: Mr. Speaker, I think a number misunderstood the Chair.

The SPEAKER: The Chair will restate the motion.

For the information of the Members of the House, the Constitution provides that a roll call of the vote of each member of the House will be recorded in the journal if it is desired by one-fifth of the membership present in the House. The gentleman from Rumford, Mr. MacDonald, has requested that the yeas and nays be taken and that it be recorded in the journal of the House.

As many as are in favor of the yeas and nays being taken, will kindly rise and remain standing until the monitors have made and returned the count.

Thirty members arose.

The SPEAKER: Thirty members have expressed their desire for a roll call. It is obvious from the vacant seats that there are not one hundred and fifty-one present, so the yeas and nays are ordered.

The question before the House is on the motion of the gentleman from Rumford, Mr. MacDonald, that the two Reports, with accompanying papers, lie on the table pending acceptance of either report and be spe-

cially assigned for Tuesday next, March 8.

The Chair recognizes the gentleman from Augusta, Mr. Albert.

Mr. ALBERT: Mr. Speaker, I request that the tally sheets be distributed to the members.

The SPEAKER: The gentleman from Augusta, Mr. Albert, requests that tally sheets be distributed to the members. The House may be at ease pending the procurement of same.

### House at Ease

The House was called to order by the Speaker.

The SPEAKER: The question before the House is on the motion of the gentleman from Rumford, Mr. MacDonald, that the two Reports, Majority Report "Ought not to pass" and Minority Report "Ought to pass" on Resolve Proposing an Amendment to the Constitution Changing the Date of the General Election, House Paper 362, Legislative Document 400, with accompanying papers lie on the table pending acceptance of either report and be specially assigned for Tuesday next, March 8.

As many as are in favor of the tabling will say aye when the Clerk calls the roll; those who are opposed to the tabling will say no. The Clerk will call the roll.

The Chair is informed that we have in the balcony of the Hall of the House the Government Class of Bingham High School under the supervision of Mr. and Mrs. Adrian Belanger.

On behalf of the House, the Chair extends to you a hearty and cordial welcome. (Applause)

### ROLL CALL

YEA — Albert, Babineau, Beal, Bragdon, Christie, Cianchette, Cormier, Cote, Lewiston; Cote, Madison; Courtois, Couture, Lewiston; Coyne, Cyr, Davis, Westbrook; Denbow, Dostie, Dudley, Dumais, Duquette, Edwards, Elwell, Jacques, Kinch, Lamb, Latno, Letourneau, MacDonald, Madore, Nadeau, Palmeter, Porrell, Sansoucy, Vallery, Wadleigh, Walls, Walsh.

NAY — Allen, Anthoine, Baird, Bean, Bibber, Blanchard, Bowie,

Brewster, Briggs, Brockway, Brown, Baileyville; Browne, Bangor; Butler, Call, Carter, Etna; Carter, Newport; Caswell, Cates, Charles, Childs, Cole, Cook; Couture, Bath; Crockett, Curtis, Davis, Calais; Dicker, Dunn, Earles, Edgar, Evans, Fay, Ferguson, Files, Finemore, Flynn, Foss, Foster, Fuller, China; Fuller, So. Portland; Gardner, Getchell, Gilmartin, Greene, Greenleaf, Hancock, Hanson, Gardiner; Harnden, Haughn, Henry, Hilton, Howard, Jack, Jacobs, Jennings, Jones, Kimball, Knight, Libby, Lindsay, Lord, Mann, Martin, W. Gardiner; Maxwell, McCluskey, McGlaufflin, Michaud, Needham, Olpe, Osborne, Pierce, Pike, Potter, Pullen, Quinn, Reed, Reynolds, Rich, Roberts, Brooklin; Rogerson, Ross, Bath; Ross, Brownville; Roundy, Sanborn, Sanford, Seaward, Shaw, Skolfield, Stanley, Bangor; Stanley, Hampden; Stanwood, Staples, Stilphen, Storm, Thomas, Totman, Wade, Walter, Whiting, Willey, Williams, Winchenpaw, Woodworth.

ABSENT — Alden, Anderson, Bernier, Hanson, Machiasport; Hatfield, Higgins, Lawry, Malenfant, Martin, Eagle Lake; Roberts, Dexter; Soule.

Yea 36, Nay 103, Absent 11.

The SPEAKER: Thirty-six having voted in the affirmative and one hundred and three having voted in the negative eleven being absent, the motion to table and assign does not prevail.

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

Mr. CHILDS: Mr. Speaker, I now move that we accept the majority report of the committee "Ought not to pass" and I request that the vote be taken by division.

The SPEAKER: The gentleman from Portland, Mr. Childs, moves that the Majority Report "Ought not to pass" be accepted and requests that the vote be by division.

The Chair recognizes the gentleman from Rumford, Mr. MacDonald, who wishes to speak on the motion before the House that the Majority Report "Ought not to pass" be accepted.

Mr. MacDonald: Mr. Speaker and Ladies and Gentlemen of the House: If my memory serves me correctly, on the first day of this

term the gentleman from Portland, my good friend, Mr. McGlaufflin, asked and received unanimous consent to address the House and he did so. He spoke primarily to the freshmen of this House, of which I am one, and he told us then—I do not undertake to quote him verbatim but I think I can give you the gist of what was said and you will remember that he said that when a matter comes before the House to be voted on when the interest of the State, when the interest of the people of the State of Maine, when the interest of the citizens of the State of Maine was involved for us to give it due consideration and if, in our opinion, after doing that, any matter that we considered right for the betterment of the State, right for the betterment of the people of the State of Maine, for us to vote that way and not be dissuaded by pressure of any kind.

I say to you, Mr. Speaker and Ladies and Gentlemen, that was good advice, almighty good advice, not only for the freshmen but for the sophomores, the juniors and the seniors.

Now, with that in mind, let us look at the question. This is not a bill in the sense that we here by our vote can enact it into law. It is a resolve, a resolve to change the date of our election which means changing, of course, the Constitution and that has got to be done by the people, by the vote of the people, and we are simply voting this resolve. This resolve simply asks us to give the people, the people who voted for you and me, the right to decide whether or not they want to change the date of the election. We here can not change it. Now, is it beneficial to the State of Maine that this be changed and that we hold our elections the same as all the other forty-seven states?

Now, our situation just now, reminds me of a song that became popular shortly after World War I, where a young lady was standing on the sidewalk and her boy friend was marching by in the army with his regiment and he could not make his feet behave in conjunction with the others. She said: "They are all out of step but Jim." So we are acting the part of the boy friend, or the

girl friend, in saying "they are all out of step but Maine."

Now, what is its cost? Nobody can tell exactly what the cost has been to the cities, the towns, the plantations and the State of Maine to have those extra elections but it is estimated to be over a million dollars, since the first effort was made, and you all know that it has been previously made to change this. This costs over a million dollars. Well, a million dollars to me is a lot of money just for the purpose of keeping out of step.

Now, who are we afraid of or what are we afraid of? Who are we afraid of? Are we afraid of the people who elected us? Are we afraid of the very people who voted for us, the very people that we canvassed for our votes? Just because we here got a majority vote that did not ipso facto endow us with an abundance of brains nor did it make the people who voted for us non compos. They are still the same people but by refusing, to give those people the right to vote on this question, we are saying to them in effect: "True you voted for us, you were brilliant, and you were intelligent then but now you do not know anything. I can not trust you. I can not trust you to vote on a matter which you are vitally interested in. Is that fair? Is that fair to your people? Is that fair to the people of the State of Maine? There may be some hidden reason back of it by some party or some person. They do not want to give the very people that they canvassed for their vote, the very people whose vote they accepted and, like myself, were glad to get. Yet now they say to them: "You are not qualified to do your own business by a vote on a secret ballot." That is my reason, Mr. Speaker and Ladies and Gentlemen, when I say that this "Ought not to pass" recommendation or report should be voted down. Thank you.

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

Mr. Childs: Mr. Speaker and Members of the House: I am not going to take up a lot of your time discussing this matter. The only thing that is hidden behind the matter is purely and strictly a party issue. It

is a measure that the Democrats have been trying to put into the State of Maine now for fifty years. He talks about economy. First of all, what is the question of economy? I think he attempted to confuse you when he spoke of a million dollars. They say the approximate cost of this election, every two years, is about \$40,000 and I am certainly of the opinion that the publicity which we receive by the September election by far surpasses any \$40,000 it costs the State of Maine.

That is about all I have to say on it. I think we all realize what the issue is here. We realize that it is an issue presented by the Democrats and I say that it is good for the State of Maine to have separate issues, to have state issues in September and national issues in November. You have the opportunity to discuss all the issues and not confuse any issues together and I certainly hope that my motion prevails.

The SPEAKER: The Chair recognizes the gentlewoman from Presque Isle, Mrs. Christie.

Mrs. CHRISTIE: Mr. Speaker, no doubt when I go out of this House I will be greeted by some of my Republican friends saying: "Why did you vote with the Democrats?" My attitude is that any man should have a right to table a measure if he wishes to do so and that is why I voted as I did. I would like to say one thing in favor of the September election. In the northern-most county of our State, we could have a transportation tie-up because of weather in November; in September we are not in danger of any such tie-up. So from my standpoint, the September election should stand.

The SPEAKER: The Chair recognizes the gentleman from Raymond, Mr. Edwards.

Mr. EDWARDS: Mr. Speaker and Members of the House: I am not going to take too much time but I have always thought in past years and up to this time that any members would until the last end of the session have the privilege to table his bill. Not only that but the gentleman from Rumford (Mr. MacDonald) suggested a date for it to be tabled. I do not know how many of you here know that the gentleman from Rumford, Mr. MacDonald, has

been away from the Legislature sick in bed and just got back this week. Now, to me it does not seem very good sportsmanship not to give him the opportunity to table his bill when he asks for a special date to be assigned. Apparently someone is a little bit nervous, maybe a little bit worried, maybe a little bit scared of what may be coming about between now and the close of the session. I question the publicity value in as far as saying that in the September election we have a chance to decide our state questions outside of our national questions. If I remember right, last September the people of this State were told to vote the Republican ticket so as to help Eisenhower out in Washington. Is that sticking to your state issue?

I hope that you members will join with the gentleman from Rumford, Mr. MacDonald, this morning and defeat the motion to accept the majority report.

The SPEAKER: The Chair recognizes the gentleman from Rumford, Mr. MacDonald.

Mr. MacDonald: Mr. Speaker, in fairness, this question should not be a party issue. It is simply and solely a State of Maine issue. The majority leader, the gentleman from Portland, Mr. Childs, said the Democrats have been trying this for some time. I did not and I intentionally did not mention any political party the first time because I do not think that it should be considered a political issue but as the matter comes out if the Democrats had been trying to change it and lost, it must be that the Republicans do not want to change it.

About two years ago I was talking to a good Republican friend of mine in York County and we were talking about the very matter. I said to him: "Don't you think that the change in the election date would be beneficial to the State, save money for our towns and cities and the State and save getting out the vote twice for that one year? It costs some individual money. It costs your town committees money." He said: "Sure, that is right." Then I said: "In God's name, why did you work against it?" "Well," he said, "I will tell you. Every four years they might elect five or six more Democrats."

Now, we spend unnecessarily about one million dollars. Don't you think a price tag of one million dollars for the people of the State of Maine is pretty high to put on half dozen Democrats?

Ladies and gentlemen, I want you to remember that this is a State of Maine matter. I ask you to consider that and not be persuaded by pressure.

The SPEAKER: The question before the House is on the motion of the gentleman from Portland, Mr. Childs, that the Majority Report "Ought not to pass" of the Committee on Resolve Proposing an Amendment to the Constitution Changing the Date of the General Election, House Paper 362, Legislative Document 400, be accepted.

The gentleman from Portland, Mr. Childs, has requested a division.

As many as are in favor of the motion of the gentleman from Portland, Mr. Childs, that the Majority Report "Ought not to pass" be accepted will kindly rise and remain standing in their places until the monitors have made and returned the count.

A division of the House was had.

One hundred and four having voted in the affirmative and thirty-five having voted in the negative, the motion prevailed and the Majority Report "Ought not to pass" was accepted and sent up for concurrence.

#### **Divided Report Tabled and Assigned for Later in Today's Session**

Majority Report of the House Select Committee on Re-apportionment reporting "Ought not to pass" on Resolve to Apportion One Hundred and Fifty-one Representatives Among the Several Counties, Cities, Towns, Plantations and Classes in the State of Maine (H. P. 953) (L. D. 1056)

Report was signed by the following members:

Messrs. STANLEY of Hampden  
HOWARD of Dixfield  
CIANCHETTE of Pittsfield  
ELWELL of Brooks  
CASWELL of New Sharon  
DUQUETTE of Biddeford  
WILLEY of Ellsworth  
FULLER of South Portland

KIMBALL of Dayton  
GREENE of Belfast  
ALBERT of Augusta  
BOWIE of Durham  
HILTON of Bremen

Minority Report of same Committee reporting "Ought to pass" on same Resolve.

Report was signed by the following members:

Messrs. WINCHENPAW  
of Friendship  
CURTIS of Bowdoinham  
ROGERSON of Houlton  
GARDNER of Portland  
CYR of Fort Kent

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Houlton, Mr. Rogerson.

Mr. ROGERSON: Mr. Speaker and Members of the House: This Resolve, Legislative Document 1056, was heard in committee yesterday and has just come into the House this morning. I have talked this matter over with the proponents of the other resolve on reapportionment, which is specially assigned for today, and by agreement with the proponents of this resolve I have said that I would ask that my resolve be laid on the table and specifically assigned as the fifth matter assigned today in order that we might debate the original reapportionment resolve first and I so move.

The SPEAKER: The gentleman from Houlton, Mr. Rogerson, moves that the two reports with accompanying papers be tabled pending acceptance of either report and be specially assigned under Orders of the Day. As so assigned, it would come up as the fifth tabled and today assigned matter. Is this the pleasure of the House?

The motion prevailed and the two Reports with accompanying papers were so tabled and assigned.

#### **Passed to Be Engrossed**

Bill "An Act relating to Compensation of Members of the Board of Registration in Medicine" (S. P. 61) (L. D. 88)

Bill "An Act relating to Spot, Fog or Auxiliary Lights on Certain Vehicles" (S. P. 69) (L. D. 94)

Bill "An Act relating to Restricting or Increasing Speed of Motor



Vehicles by State Highway Commission" (S. P. 71) (L. D. 96)

Bill "An Act Amending the Charter of Maine Public Service Company" (S. P. 113) (L. D. 275)

Bill "An Act relating to Recording of Deeds of Land of the Penobscot Tribe" (S. P. 123) (L. D. 319)

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

### Tabled

Bill "An Act Exempting Real and Personal Property Occupied or Used by Tax Exempt Organizations from Taxation" (S. P. 137) (L. D. 329)

Was reported by the Committee on Bills in the Third Reading.

(On motion of Mr. Hancock of York, tabled pending third reading.)

The SPEAKER: The Chair recognizes the gentleman from Rumford, Mr. MacDonald.

Mr. MacDonald: Mr. Speaker, I wish to thank the House for the courtesy shown the gentleman from York, Mr. Hancock.

Bill "An Act relating to Licensed Practical Nurses" (S. P. 165) (L. D. 359)

Bill "An Act relating to Specially Designed Motor Vehicle Number Plates for Maine Members in Congress" (S. P. 170) (L. D. 360)

Bill "An Act Repealing Special Duty of State Police Re Registration of Motor Vehicles and Licensing of Operators" (S. P. 171) (L. D. 361)

Bill "An Act Repealing State Police Enforcement at Agricultural Fairs" (S. P. 172) (L. D. 362)

Bill "An Act Exempting Sales of Mixed Fertilizer to Federal Government from Fertilizer Tax" (H. P. 174) (L. D. 181)

Bill "An Act relating to Commercial Fertilizers" (H. P. 246) (L. D. 234)

Bill "An Act Clarifying Laws on Slaughterhouses and Meat Processing Plants" (H. P. 327) (L. D. 368)

Bill "An Act Regulating the Taking of Alewives in St. George River in the Town of Warren" (H. P. 401) (L. D. 417)

Bill "An Act relating to Archery Licenses" (H. P. 416) (L. D. 463)

Bill "An Act relating to Keeping of Skunks and Raccoons in Captivity" (H. P. 417) (L. D. 464)

Bill "An Act relating to Closed Season on Gray Squirrels" (H. P. 423) (L. D. 469)

Bill "An Act Regulating the Taking of Alewives in Georges River" (H. P. 455) (L. D. 490)

Bill "An Act relating to Tuberculosis Tests for Cattle" (H. P. 511) (L. D. 575)

Resolve Authorizing the State Board of Education to Convey Certain Land in Fort Kent to the Town of Fort Kent (H. P. 548) (L. D. 605)

Resolve relating to Smelt Fishing in Eas: Machias River (H. P. 561) (L. D. 610)

Resolve Authorizing the Commission of Education to Convey a Portion of the Edmunds Township School Lot in Washington County (H. P. 601) (L. D. 657)

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 to Incorporate the Trustees of St. Joseph's College" (S. P. 158) (L. D. 352)

Bill "An Act to Grant a New Charter to the City of Gardiner" (H. P. 110) (L. D. 118)

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.

Bill "An Act Prohibiting Commercial Digging of Clams in Brooklin and Sedgwick, Hancock County" (H. P. 402) (L. D. 418)

Was reported by the Committee on Bills in the Third Reading.

The SPEAKER: The Chair recognizes the gentleman from Brooklin, Mr. Roberts.

Mr. ROBERTS: Mr. Speaker, the committee amendment to this bill did not accomplish what the committee intended. The committee amendment, as drawn, would limit the citizens of Brooklin and Sedgwick to the taking of one-half a bushel of clams only. It was the in-

tention of the committee to permit citizens of these two towns to take not exceeding one-half bushel of clams in any one day.

I have had prepared an amendment to the committee amendment which will take care of the situation. In order that I may offer this amendment, I move that the House reconsider its action of yesterday whereby Committee Amendment "A" was adopted in order that I may offer the amendment to the committee amendment.

The SPEAKER: The gentleman from Brooklin, Mr. Roberts, moves that the House reconsider its action of yesterday whereby Committee Amendment "A" was adopted. Is this the pleasure of the House?

The motion prevailed.

Thereupon, Mr. Roberts of Brooklin offered House Amendment "A" to Committee Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "A", H. P. 402, L. D. 418, Bill "An Act Prohibiting Commercial Digging of Clams in Brooklin and Sedgwick, Hancock County."

Amend said amendment by inserting after the word "taking" and before the word "one-half" in the next to the last line of said amendment the words "in any one day not exceeding"

House Amendment "A" to Committee Amendment "A" was adopted.

Committee Amendment "A" as amended by House Amendment "A" was then adopted and the Bill was given its third reading, passed to be engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" thereto and sent to the Senate.

Bill "An Act to Provide a Selectman-Manager Form of Government for the Town of Madawaska, in the County of Aroostook" (H. P. 490) (L. D. 552)

Bill "An Act relating to Permit Before Examination for Applicant to Practice Hairdressing and Beauty Culture" (H. P. 496) (L. D. 540)

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.

#### Tabled and Assigned

Bill "An Act relating to Time of Examinations for Applicants to Practice Hairdressing and Beauty Culture" (H. P. 497) (L. D. 541)

Was reported by the Committee on Bills in the Third Reading.

(On motion of Mr. Hanson of Gardiner, tabled pending third reading and specially assigned for Tuesday, March 8.)

#### Passed to Be Enacted Emergency Measure

An Act to Validate Actions at Certain Town Meetings (H. P. 150) (L. D. 150)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had, 116 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

#### Emergency Measure

An Act Amending the Charter of the Town of Orrington School District to Increase Its Borrowing Capacity (H. P. 196) (L. D. 201)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had, 119 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

#### Emergency Measure

An Act relating to Expending Aroostook County Funds for Ricker College (H. P. 314) (L. D. 291)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an

emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 120 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

#### **Finally Passed Emergency Measure**

Resolve Regulating Fishing in Sawyer's Pond in Southport (H. P. 471) (L. D. 516)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 121 voted in favor of same and none against, and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

#### **Passed to Be Enacted**

An Act relating to Embezzling by Certain Public Officers (S. P. 36) (L. D. 26)

An Act relating to Fair Views at Railroad Crossings (S. P. 47) (L. D. 48)

An Act relating to Financial Responsibility in Motor Vehicle Accidents Resulting in Death (S. P. 58) (L. D. 86)

An Act relating to Roadside Picnic Areas (S. P. 62) (L. D. 89)

An Act relating to Permits for Outdoor Advertising (S. P. 80) (L. D. 169)

An Act relating to Leases by State Park Commission (S. P. 131) (L. D. 325)

An Act relating to Surveys by State Park Commission (S. P. 133) (L. D. 326)

An Act relating to Payments to Piscataquis County Law Library (H. P. 29) (L. D. 39)

An Act relating to Appropriations by Municipalities for Advertising (H. P. 50) (L. D. 57)

An Act relating to Forgery of Motor Vehicle Operator's License or Registration Certificate (H. P. 60) (L. D. 65)

An Act Transferring Bath Academy to the City of Bath (H. P. 113) (L. D. 121)

An Act relating to Delinquent Election Returns (H. P. 152) (L. D. 152)

An Act relating to Filing of Nomination Papers in Towns (H. P. 153) (L. D. 153)

An Act relating to Property Held by Trustees of Fryeburg Academy (H. P. 197) (L. D. 202)

An Act relating to Use of Life Rafts by Certain Boats (H. P. 204) (L. D. 209)

An Act relating to Temporary Public Utility Certificate for Buses (H. P. 206) (L. D. 211)

An Act relating to Open Season for Black Bass (H. P. 256) (L. D. 241)

An Act relating to Service on Foreign Corporations (H. P. 272) (L. D. 256)

An Act Amending the Law relating to Factor's Liens (H. P. 273) (L. D. 257)

An Act to Extend the Charter of the Eliot Water District (H. P. 311) (L. D. 288)

An Act relating to the Superintending School Committee of the City of Belfast (H. P. 364) (L. D. 401)

An Act relating to Salary and Bond of Treasurer of Community School District (H. P. 368) (L. D. 404)

An Act relating to Retirement Pensions for Police and Fire Departments of the City of Portland (H. P. 369) (L. D. 405)

#### **Finally Passed**

Resolve Authorizing the State Tax Assessor to Convey by Sale the Interest of the State in Certain Lands in the Unorganized Territory (S. P. 132) (L. D. 335)

Resolve Opening Brooks and Rivers in Hancock County to Taking of Salt Water Smelts (H. P. 49) (L. D. 56)

Resolve Regulating Fishing for Smallmouth Black Bass, Pickerel and White Perch on Mount Desert Island (H. P. 146) (L. D. 146)

Resolve Regulating Taking of Smelts in Outlet of Nubble Pond, Cumberland County (H. P. 147) (L. D. 147)

Resolve Designating Part of State Highway Three as "The Acadia Highway" (H. P. 185) (L. D. 190)

Resolve Permitting the United States Government to Install a UHF Remote Transmitter on State Owned Property at South Portland, Cumberland County (H. P. 203) (L. D. 208)

Resolve Authorizing the Commissioner of Institutional Service to Convey to Portland Water District a Right of Way for a Pipeline over Land of the Reformatory for Men in South Windham (H. P. 375) (L. D. 410)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, Bills passed to be enacted, Resolves finally passed, all signed by the Speaker and sent to the Senate.

The SPEAKER: The House may be at ease for five minutes before proceeding under Orders of the Day.

#### House at Ease

The House was called to order by the Speaker.

#### Orders of the Day

The SPEAKER: The Chair lays before the House the first tabled and today assigned matter, Bill "An Act Repealing Statement of Contributions and Expenses by Municipal Candidates," House Paper 191, Legislative Document 196, tabled on February 22 by the gentleman from Bangor, Mr. Totman, pending third reading; and the Chair recognizes that gentleman.

Mr. TOTMAN: Mr. Speaker, inasmuch as the gentleman from Lewiston, Mr. Malenfant, is not able to be here today, he has requested that I forego debate on this until he returns. Therefore, I move that the bill be specifically assigned for Wednesday of next week.

The SPEAKER: The gentleman from Bangor, Mr. Totman, moves that the first tabled and today assigned matter, Legislative Document 196, be again laid on the table pending third reading and be specially assigned for Wednesday of next week, March 9. Is this the pleasure of the House?

The motion prevailed and the Bill was retabled pending third reading and specially assigned for Wednesday, March 9.

The SPEAKER: The Chair lays before the House the second tabled and today assigned matter, Resolve to Apportion One Hundred and Fifty-one Representatives Among the Several Counties, Cities, Towns Plantations and Classes in the State of Maine, House Paper 22, Legislative Document 37, tabled on February 22 by the gentleman from Hampden, Mr. Stanley, pending assignment for Second Reading.

The Chair will state that it would be in order at this time to offer further amendments with respect to internal county apportionment.

The Chair recognizes the gentleman from Medway, Mr. Potter.

Mr. POTTER: Mr. Speaker and Members of the House: Under suspension of the rules, I move that we reconsider our action whereby we adopted Amendment "C" to House Paper 22.

The SPEAKER: The gentleman from Medway, Mr. Potter, moves that, under suspension of the rules, the House reconsider its action whereby it adopted House Amendment "C", which relates to the internal apportionment of Penobscot County.

The Chair recognizes the gentleman from Charleston, Mr. Rich.

Mr. RICH: Mr. Speaker—

The SPEAKER: Will the gentleman kindly defer.

The motion to suspend the rules is not a debatable motion.

As many as are in favor of suspending the rules to permit this motion to be made will kindly signify by saying aye; those opposed, no.

A viva voce vote being taken, the rules were suspended.

The SPEAKER: The question before the House is on the motion of the gentleman from Medway, Mr. Potter, that the House reconsider its action whereby it adopted House Amendment "C".

The Chair recognizes the gentleman from Charleston, Mr. Rich.

Mr. RICH: Mr. Speaker and Members of the House: I simply want to state that our delegation from Penobscot County had a meeting, and we voted two to one, that is, ten to five to adopt Amendment "C." I am perfectly willing to go along with the gentleman from Med-

way, Mr. Potter, if he has got a better argument — a better amendment but I just wanted to make it clear that our delegation had by a decisive majority approved Amendment "C" I am not myself entirely satisfied with Amendment "C" and I would be glad to consider the amendment of the gentleman from Medway, Mr. Potter.

The SPEAKER: The Chair recognizes the gentleman from Medway, Mr. Potter.

Mr. POTTER: Mr. Speaker, I am going to move the indefinite postponement of Amendment "C."

The SPEAKER: There is one motion already before the House, the gentleman may —

Mr. POTTER: Mr. Speaker, I will speak on Amendment "C." In regard to the meeting which my good friend, the gentleman from Charleston (Mr. Rich), mentioned, we had a meeting of the Penobscot delegation of the men who had more than one town in their representative district. There were seven men in that group. The representatives coming from places where they represented one town only stayed out of the argument, and with the exception of one dissenting vote a certain amendment was decided upon.

However, during the week-end apparently things were done which were not known to the delegation, and Amendment "C" came in very different from the amendment which we supposed it was going to be. Now the original draft which we talked on and thought it was going to be put Lincoln in the towns with Lee, Lakeville, Springfield, Carroll, Prentiss, Drew and Winn. For a number of years Lincoln has been in with the towns of Howland, Passadumkeag, Lowell, Burlington, Grand Falls Plantation. Now since 1931, at least, these small towns of Grand Falls, Burlington, Lowell, Enfield, have never had the opportunity of sending a representative, because Lincoln, being a town of four thousand population wags the tail of that district. It would seem that in all fairness where these towns have been hampered in sending a man by having the large population of Lincoln to overcome, that it would be only fair for the towns

to be apportioned whereby Enfield, Howland, Passadumkeag, Milford, Lowell, Burlington, Grand Falls and Greenfield would have one representative. That would give some of these little towns a chance to send a man here.

Furthermore, Amendment "C" takes in a long district which reaches from South Springfield to Milford, nearly half the length of the Penobscot River. If a man is campaigning it gives him nearly a hundred miles of territory to travel over through these small towns, and it is not a good geographical situation.

I hope that this Amendment "C" will be postponed when the time comes.

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

Mr. TOTMAN: Mr. Speaker, Ladies and Gentlemen of the House: I realize it is practically impossible for anyone who is not in a county to follow the various breakdowns, divisions, and therefore I am certainly not going to try to go into any discussion on that. I will not even point out that the chief argument that the gentleman from Medway, Mr. Potter, has forwarded—I will not point out why his argument is not valid. I will say, however, and reiterate what the gentleman from Charleston, Mr. Rich, has said, and hope that you in the House, other members of the House not concerned with Penobscot County, will believe us when we say honestly that at the most recent delegation meeting it was decided by a majority vote to go along with House Amendment "C" which is presently in. Our petty differences: I apologize for having them come out on the floor of the House, I think it is unfortunate. We have greater differences to be discussed here today, but I want to assure you that the delegation as a whole as the gentleman from Charleston, Mr. Rich, has said is in agreement with Amendment "C" and therefore I hope that on this vote you will not go along with the motion to indefinitely postpone Amendment "C".

The SPEAKER: The Chair will state that the motion before the House is not that of indefinite post-

ponement, but that the House reconsider its action whereby it adopted House Amendment "C". Is it the pleasure of the House to reconsider its action whereby it adopted House Amendment "C"?

(Cries of "No")

As many as are in favor of reconsideration will indicate their opinion by saying aye; those opposed, no.

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

The SPEAKER: The Chair recognizes the gentleman from Perham, Mr. Bragdon.

Mr. BRAGDON: Mr. Speaker, if it is in order at this time, I would like to present House Amendment "A" to L. D. 1056 and move its adoption.

The SPEAKER: The Chair will state that Legislative Document 1056 is not before the House at this time.

The matter before the House is the Resolve introduced by the gentleman from Hampden, Mr. Stanley, Legislative Document 37.

Mr. BRAGDON: Mr. Speaker, I guess I got mixed up. If you will let me correct myself, may I offer House Amendment "A" to House Amendment "B" to House Paper 22, L. D. 37, I believe that is what I want at this time.

The SPEAKER: The Chair will state that the gentleman's motion is, at the present time, out of order.

The Chair understands that the gentleman moves that the rules be suspended so that the House may reconsider its action whereby House Amendment "B" pertaining to the reapportionment of representatives within the County of Aroostook was adopted.

Is it the pleasure of the House to suspend the rules?

Thereupon, the motion prevailed and the rules were suspended and on further motion of the same gentleman, the House voted to reconsider its action whereby it adopted House Amendment "B" pertaining to the reapportionment of Representatives within the County of Aroostook.

Mr. Bragdon of Perham then offered House Amendment "A" to House Amendment "B" and moved its adoption.

House Amendment "A" to House Amendment "B" was read by the Clerk as follows:

HOUSE AMENDMENT "A" to HOUSE AMENDMENT "B" to H. P. 22, L. D. 37, Resolve to Apportion One Hundred and Fifty-one Representatives Among the Several Counties, Cities, Towns, Plantations and Classes in the State of Maine.

Amend said amendment by striking out the words "Westmanland Plantation" in the 15th and 16th lines.

Further amend said amendment by striking out the word "and" in the 20th line thereof and inserting after the word "Perham" in the 20th line, the words 'and Westmanland Plantation.'

House Amendment "A" to House Amendment "B" was then adopted.

Thereupon, House Amendment "B" as amended by House Amendment "A" thereto was adopted.

The SPEAKER: Any further within-the-county amendments are in order at this time.

The Chair recognizes the gentleman from Hampden, Mr. Stanley.

Mr. STANLEY: Mr. Speaker, under suspension of the rules, I now move that House Paper 22, Legislative Document 37, be given its second reading.

The SPEAKER: The gentleman from Hampden, Mr. Stanley, moves that the rules be suspended so that the resolve may be given its second reading. Is this the pleasure of the House?

The motion prevailed.

The SPEAKER: The question before the House is on the motion of gentleman from Hampden, Mr. Stanley, that Resolve to Apportion One Hundred and Fifty-one Representatives Among the Several Counties, Cities, Towns, Plantations and Classes in the State of Maine, House Paper 22, Legislative Document 37, be given its second reading at this time.

The Chair recognizes the gentleman from Bridgewater, Mr. Finemore.

Mr. FINEMORE: Mr. Speaker and Members of the House: If it is in order, I would like to make a motion and speak on the motion.

The SPEAKER: The gentleman's motion is in order.

Mr. FINEMORE: Mr. Speaker and Members of the House: I now move, and I will speak on the motion, for the indefinite postponement of House Paper 22, Legislative Document 37, and first I want it understood before I start this that I am not voting against reapportionment and if you vote in favor of my motion, you will not be voting against reapportionment because we have a bill on the table under L. D. 1056 to be taken up further today and the only difference, the only exception in this rule — in this bill between L. D. 37 and L. D. 1056 is the fact that it is drawn up so that Aroostook County will still hold its sixteen members rather than lose one, and I believe the one will be taken from whatever county should lose it and of course this 1056 will still be in a position to be amended according to the counties.

Now during the last session and this session I have each time thrown figures at you and they have been correct to the best of my ability and I believe that they have never been proven wrong. And each time I have gained a few new ones and last evening I got some new figures that are not only official but are accurate to even hundreds. As of February 1, I find that there were fourteen hundred married personnel, meaning fourteen hundred Army wives and thirty-two hundred children living at Loring Base of Limestone alone. Now these figures mean the people who are living within the enclosure of the base, not the people living outside the base in trailers, and when I say trailers, anyone familiar with that district will know that within less than half a mile there are four trailer courts, — five trailer courts, four large ones and one small one, and that is a lot of people in those trailer courts. I have stated in the past that it is estimated that there are twenty-two hundred personnel, I stated this the other day in the hearing, but last night after making some more calls and getting some more information, I find that in round figures, as I say in less than a hundred off, there are twenty-eight hundred married personnel on Presque Isle and Loring Base. At the present time Presque Isle is taking a census,

and I have hopes they will complete it this month, and it will be a complete census. In fact they have the home census complete and I may have the increase in the population soon, and also the farm and business census may be complete this month.

Now yesterday the people in this House said they were perfectly willing to go along with reapportionment as of the present population if and when figures were available. Yesterday I had the opportunity with a colleague of mine of calling on Mr. LaBreck of the Vital Statistics, and he has told us that within one week with one clerk that they could produce the changes in population by births and deaths up to 1953.

Now I have before me here and it is easy for anyone interested to obtain, a summary of the births and deaths, the births especially, for the year 1953, and it is very easy to see on this table that Aroostook County is gaining steadily, not only by change of population by people moving in on the base, but through births and deaths. In Aroostook County we have a birth rate of 31.6, by far the highest in the State of Maine. In fact, just for figures sake, not to mean any harm, we are 9.9 greater than Cumberland County, and the closest county to us is 24.1. In other words, we are gaining by leaps and bounds by births and deaths alone. Our death rate is not the smallest in the State of Maine, but it is one of the smallest. In fact, I believe it is third in the State of Maine — I wouldn't go as far as to say that, but we are way ahead in births in Aroostook County. Therefore, with this in mind, and knowing that we can obtain without — as I say within one week a new population of the State of Maine by births and deaths alone, and by births and deaths alone, there isn't any doubt but Aroostook County can and will hold its sixteen members and with also in mind as I have mentioned with 1056 coming up, it has been tabled for later today, and the only change in L. D. 1056 over L. D. 37 is the fact that Aroostook County is holding and will hold its sixteen members.

As I have stated there is no doubt but it can be amended, any method

even if it had to go back to Aroostook County's fifteen members. I think I will stop at this time because I think there are some more members of Aroostook County and other places who want to speak on this. I thank you.

The SPEAKER: The Chair recognizes the gentleman from Hampden, Mr. Stanley.

Mr. STANLEY: Mr. Speaker, I just want to point out one fallacy in the births and deaths in the towns. Now for instance in my own town, the births mostly all occur in Bangor but of course the record comes back to Hampden, and time and again my wife will pick up the town report and ask me: "Who is this person here who had a child," and I'll say "Well that was so and so who lived down in Roger Nickerson's house and he now is in Newfoundland and his wife has gone back to Alabama." The fact that a child is born in your town doesn't mean that that child is still there. You haven't taken into consideration the migration of these people to and from the various towns. And near a military base as you all know within three months time, lots of times, there is a complete turn-over, whole units move right out and they go back to their own towns, usually it is in the south or in the west.

I won't go any further with this now because I have some further arguments later on, but I hope the gentleman's motion does not prevail.

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

Mr. CATES: Mr. Speaker and Members of the House: I would like to go along with my friend and colleague, Mr. Finemore, the gentleman from Bridgewater. You all know that from where I come we are due to lose and it would be useless for me to stand here and offer arguments in behalf of Washington County at this time. I do feel though that perhaps Aroostook County, our near neighbor, may have something to argue for, and I would hate to see them lose a representative if, during the past years, their population has increased to the point where they now would retain one. I would like to go along with the gentleman

from Bridgewater, Mr. Finemore. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Bowdoinham, Mr. Curtis.

Mr. CURTIS: Mr. Speaker and Members of the House: My county has nothing to gain or lose on reapportionment, but I am interested in it as a matter of principle. The Constitution says that reapportionment should have been done in 1951. I don't know why, I was not a member of the '51 Legislature, when in their considered judgment they did not do it. I presume they had reasons not to do so. In 1953 it was up again. We were not too far removed at that time from the 1950 census and I voted for reapportionment, and it was lost.

But today I feel differently about it. I feel that we would be just as much amiss in fulfilling the spirit of the Constitution should we reapportion at this time from the 1950 census. We are just in the middle, we don't know now where we do stand, and if there is any way to ascertain somewhere reasonably what the census is today, I am sure I am in favor of doing it that way or not reapportioning at all.

I have looked into this question somewhat, and I find that under the method that is sponsored by the gentleman from Bridgewater (Mr. Finemore) on a nation-wide basis it is less than seven-tenths of one per cent of being correct. On the smaller it may not be quite so nearly correct, but I feel that it could be arrived at somewhere within one per cent of the exact population of the State of Maine, and we all do know if we know anything about what is going on in Aroostook County, we all do know that they have increased immensely.

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

Mr. REED: Mr. Speaker and Members of the House: First I would like to state that I am definitely in favor of reapportionment, and in talking with a great many members, you folks assembled here, I have come to the determination that you too favor reapportionment, and the number one reason for it,



as I gather the opinions, is to comply with the Constitution, and that is something I am firmly convinced we should do.

However, this bill, this resolve, L. D. 37, I contend does not comply entirely with the provisions as spelled out in the Constitution. I am sure that most of you have taken the time to read the Constitution. However, I would like to refresh your memory on one sentence therein, Section 2, the last sentence: "The number of representatives shall, at the several periods of making such enumeration, be fixed and apportioned among the several counties as near as may be, according to the number of inhabitants, having regard to the relative increase of population." I contend the bill L. D. 37 does not take that into account, that four years have elapsed, over four years, and I see no evidence whereby these figures have been considered, and I urge you to support my colleague, the gentleman from Bridgewater, Mr. Finemore, on his motion. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Warren, Mr. McCluskey.

Mr. McCLUSKEY: Mr. Speaker and Ladies and Gentlemen of the House: I know that the representatives speaking against this resolve are sincere because most of them come from counties that are going to lose some representation and I know that I am sincere and I am not against reapportionment. But we are far from convinced that this body must act on population figures of 1950. We are not convinced that this is legal, and we feel that we are being made the goats of previous Legislatures which should have reapportioned before us. Now we all know that our population is continually shifting and it would be silly for any of us to assume that the population of our various towns or cities today is the same as in 1950, and with this continuous shifting of population favoring counties other than those gaining under this resolve, we of the other counties or the losers of representation also feel that there is nothing in this bill that reapportionment will be undertaken in 1961 or in any other time. It seems to me that some of the coun-

ties gaining representation are fighting and having internal trouble. In other words, they are fighting over the spoils.

I think it would be well to wait until the bill of the gentleman from Houlton, Mr. Rogerson, comes up and give that due consideration, and I go along with the gentleman from Bridgewater, Mr. Finemore.

The SPEAKER: The Chair recognizes the gentleman from Hampden, Mr. Stanley.

Mr. STANLEY: Mr. Speaker and Members of the House: I think it is necessary for me to go further into my argument now at this time which I had hoped to wait until after this motion, but we do have a real and fair bill on reapportionment in L. D. 37, it is fair to all the counties. It is taking the census figure as of 1950, and if it is fair for fourteen of us, it certainly is fair for the other two. It does not play any favoritism to anyone, those are absolute counts, from door to door counts, by the Federal census takers.

On the bill that is coming up I can tell you this much, that arbitrarily, they have taken one representative from one county and put it into another for no reason at all. When I asked him what basis he used, what population he had, how he could account for taking it from Cumberland County rather than taking from Penobscot or Oxford or some other county, there was absolutely no reason, it was just arbitrarily so taken out just assuming that Arrostook had gained and Cumberland had lost. Now we can sit down and we can figure out a new basis. After all, his did not take into consideration how we do reapportion, and I will tell you this, that we figure the State population as nine hundred and thirteen thousand roughly as of 1950, you divide that by one hundred fifty-one which the Constitution says you shall have as representatives for the State, you come up with a key figure of 6051 as the number that each representative shall have. From that we take the county, each county, we get their population total, and we divide that by the key figure of 6051, and that determines the number of representatives in each coun-

ty. From there you determine what the population of each town is and then the delegations usually get together and they assort their classes, they shuffle their people back and forth whatever they want for a class to try and get close to the key figure of 6051. That has been done on the 1950 basis. The federal census has been used throughout the ages, since 1821, as a basis on which to apportion the House of Representatives. It has been fair all those years. It seems to me now that it is still fair. The fact that we did not reapportion in 1951 or 1953 still does not let us off the hook, we have got to reapportion, and I quote the section from the Revised Statutes in which the Justices have told us: "The duty is a continuous one, and is cast in turn upon every legislature succeeding that which has omitted to perform it until the duty is performed." We still have that duty to perform.

There has been some mention of the increase in population. I believe that is true. I believe there is an increase all over the State of Maine, probably in every town, and there is no way that we can arrive at any other figures unless we know the exact figures of every town and every county, and then determine a new key figure. As I have said before, they have used no basis for taking one from Cumberland County: If we increase the population to 32,000 in the State of Maine, Cumberland County would still receive twenty-seven representatives. There is no reason in the world for ever taking it out of Cumberland County. What other county it might come from if we increased that much, I don't know, and that is an astronomical figure, we have not increased anything like that. As I pointed out before, births and deaths mean nothing when you try to determine a population because again it does not take into consideration the migration. Military personnel, there is some question. Those fellows, as I mentioned before, are shifting back and forth, we do not know where they are, we do not know where their children are, we do not know that they are citizens of this State. They come here and they

retain their citizenship in the state from which they come. That is recognized by the fact that we do not give them a resident fishing license or hunting. We do allow them to pay the price of resident fishing license.

I think we have followed the Constitution on this bill right down through, we have not guessed what any town is, we have not guessed what any county is, and we have not guessed where the representatives will go. I have gone through this time and again and I can find no other basis on which we can reapportion the representatives. I should retract that, there is another way in which we can get a basis for reapportionment, and that is to take a new census. That means going door to door, it would mean setting up the machinery, getting the proper papers, the enumerators and tabulators which would probably take us well into next year, and would cost in the neighborhood it was estimated about 10 cents a person which would be roughly \$100,000 and if we wait for anything like that we certainly will not be reapportioning as the Constitution says that we shall.

One other thing has been brought out, the gentleman from Fort Fairfield, Mr. Reed, mentioned that we have not taken into consideration the relative increase in population as stated by the Constitution. I say we have, and to quote another Justice's opinion on that: "It is enjoined upon them in making the apportionment of representatives to have regard to the relative increase of population, by anticipating what will be the amount of population in a given county at a proper and intermediate period, . . .", that means between the two periods. Now the time to which they are referring as relative population means between 1940 and 1950, and certainly there was no indication that Aroostook County was gaining in population between the periods of 1940 and 1950, as a matter of fact they were losing, so there is no relative increase to be taken into consideration for Aroostook County.

I feel that we, as representatives, we came here, we stood here each

and every one of us and took an oath that we would uphold and protect the Constitution of the State of Maine and that of the United States. That is the only paper or anything that we have that protects our freedom. If we go on continually ignoring and disregarding the Constitution, soon it will mean nothing but just a piece of paper. Our rights, our freedom, everything, are guaranteed under that Constitution, and the more we whittle it away, the less freedom we are going to have. I can think of circumstances now, we have three departments of Government, this, the most powerful body of them all. We can establish courts and we can abolish courts. We can make towns and we can abolish them. The same with counties, we are powerful, and yet we stand here and say we will not abide by the Constitution. There is a continuing growth of juvenile delinquency; crime is increasing, and what sort of an example are we, if we violate the Constitution over and over, setting for the rest of our people to follow.

I think we have been unusually fair in presenting this bill. There have been two elements, one to force the thing right through, the other is to go slow, and there has been the opposition asking for time on their bills to do other things. I have over a period of time tabled this bill purposely to give you all a chance to study it, next to present your amendments, next to argue your amendments, and then I tabled it again for two weeks to give anybody an opportunity to bring in any new bill or any new figures which might be pertinent to the fact. I think those things are all in now. I realize there is another bill coming up. I have heard the story on this other bill, and I can say very frankly there is absolutely nothing in that bill on which you can reapportion, and reapportion fair to everybody. Now I again state I hope the gentleman's motion does not prevail.

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

Mr. MCGLAUFLIN: Mr. Speaker and Members of the House: I want to give you five reasons why we

should reapportion at this session. First, every one of us when we came to this House took an oath to support the Constitution of the State so help us God. I think that we should not allow bickering between sections or bickering over whether one section is represented to the satisfaction of everybody or not, we should not allow that to prevent us from living up to our oath. I was very sorry to hear the gentleman from Bowdoinham, Mr. Curtis, even suggest that we would not reapportion this session. We have a duty to perform. Other Legislatures have fallen down on that duty and they have been condemned by both parties and condemned by the people over the whole state.

My second point is that this matter was sent to the Supreme Court for a decision as to whether it was the duty of a subsequent Legislature to perform the duties which a former Legislature had failed to perform, and they unanimously decided that it was the duty of subsequent Legislatures to do that very thing. Someone called my attention this morning to a statement that said that we had not asked the Supreme Court this year. Doesn't he know that when the Supreme Court passes on a thing of that sort, it is the law? You do not have to come back and ask the Court every year what they think of it at that time.

The third reason we should make this apportionment is because it is the fair thing to do. The fundamental basis of our Country is based on the fact that the majority rule. We could not carry on this government if we did not carry out that principle. Now just to give one illustration, I took the trouble to figure how many persons it takes to elect a representative in Cumberland County, and I find that it is about seven thousand. I also figured what it takes to elect a member in Washington County and I find it is forty-seven hundred. Now there isn't any fairness in having a county with forty-seven hundred while in another county it takes seven thousand to elect one.

I want to state right here, that I would vote for this reapportionment if Portland lost three and Cumberland County lost eight. Some of you people seem to think that because you

are going to lose a delegate you can go back on your oath, you can go back on what is fair, you can go back on what the Supreme Court has said.

My fourth point is that it is dishonest not to make this apportionment, and why it is dishonest; because the Constitution says that they shall be represented according to population, and when you insist on having more in one section than you are entitled to, I say that it is dishonest.

I want to comment right here on the argument that was debated in Aroostook: increased population. I came from Aroostook, I don't want Aroostook to lose anything that belongs to it but the gentleman from Bridgewater, Mr. Finemore, and others failed to take into consideration that while Aroostook County's population is increasing, so is Cumberland County's population increasing. If you have got to take a census of Aroostook County, you should also take a census of the rest of the State, because you can not tell that you are acting fair if you take the census of some particular county.

My last point is this, we are here as members of this Legislature to enact laws and when we enact laws we expect the people of this state to obey those laws. What kind of an example is it for us to make the laws telling the people of the State what they shall and what they shall not do, when we ourselves stand up here repeatedly and defy the Constitution of the State of Maine. I said before I want Aroostook to be used fair, but I think it would be a great mistake to indefinitely postpone the Stanley, as I call it, bill.

The SPEAKER: The Chair recognizes the gentleman from Houlton, Mr. Rogerson.

Mr. ROGERSON: Mr. Speaker and Members of the House: It appears to me that if this body is to judge the worth of this resolve which is before us today, we must first examine it in the light of the Constitutional provision which sets forth the method of apportioning. The last Legislature examined this resolve, the same resolve I believe, and the resolve came into the last Legislature as it comes into this one, with a Majority Report "Ought to pass" and with the majority of the membership of this House predisposed to

vote for any apportionment resolve which was not too unreasonable.

We were fortunate in the last session to have with us spokesmen who were conversant with the method of apportionment, and who were able to convey to the membership of that body the correct method by which apportionment should be accomplished, and so that body having the benefit of all the information which was available on the method of apportionment and in spite of the fact that the membership had been predisposed to vote for the bill, they voted against it. Now what is wrong with this bill that would let it come into this House under such favorable circumstances in the last session and yet fall of its own weight. I think in order to find out we should go through the method which is set forth in the Constitution for re-apportionment a little more carefully than it has been gone through up to this point, and I think that when we do that that this body will be better prepared to make a final decision on this resolve. I have always believed firmly in the old adage and I think that everybody here will agree with it, that a man's opinion on any subject is only as good as the information upon which it is based, and unless you have had occasion, as the members of this Committee have had to study the method of apportionment which is set forth in the Constitution, then perhaps you are in need of the information which we have here and which I would like to give you as briefly as I can.

The gentleman from Fort Fairfield, Mr. Reed, has read you the section of the Constitution under which any apportionment should be accomplished. It is the method. It sets forth the directive under which we should operate if we are to accomplish the purpose of reapportionment. I should like to repeat it and then just comment briefly on the things which I think are most important: The Constitution shall within every period of at most ten years and at least five cause the number of inhabitants of the State to be ascertained exclusive of foreigners not naturalized. The number of representatives shall at the several periods of making such enumeration be fixed and apportioned among the several

counties as near as may be according to population, but having regard for relative increase in population. Now the directive under which any apportionment should be accomplished says first that we should ascertain first the number of inhabitants. Now it may be reasonable to say that the number of inhabitants today is the number of inhabitants which we had in 1950. That I think is questionable. The gentleman from Bridgewater, Mr. Finemore, has introduced some information which would make it highly questionable. The next sentence says that the number of representatives shall be reapportioned among the several counties as near as may be according to population but having regard for relative increase in population. We are told that at the time the enumeration is made then we shall apportion. There is nothing in here which indicates that we can wait one year or two years or three years or the five years which is now proposed, but it says that at the time or at the period, and period has been construed by competent authority to mean at the point of time, at the time of the enumeration. Now somebody has suggested that the courts have said that we may use the last Federal census, and that is true. It is right here in the annotations which we find in the Revised Statutes, but it should be pointed out that the court which contemplated this question was the court which sat in 1953 and it was contemplating a census figure not half a decade old but a census figure which was taken three years before, and it said that we might use the Federal census or that we might use any other information which was currently available and which was acceptable to the Legislature.

I think one thing which we should note in this directive which sets forth the method by which we should apportion is that the framers of the Constitution took elaborate care to set forth a method which would see that when apportionment was accomplished then it would reflect in so far as possible the changes in population which had taken place. As a matter of fact I think it might be said that the only reason in the

world why we have an apportionment clause in the Constitution is to see that from time to time as population changes there shall be a reshuffling of the seats and that those areas which have increased in population shall have the representation which they deserve. Now to say that we can accomplish apportionment in 1955 based on a census figure which is old by five years is not being particularly realistic. My contention has been that there are better sources of information, and that contention has been questioned, of course, by the members of the Committee as you can see by these reports of the Committee.

I have been down to Vital Statistics and have tried to learn what information is available by way of material that we might use to amend the 1950 figures and make them somewhere near realistic, and I have been advised that there is information available which has been used in the past and that on one occasion in the past before an earlier census a method of determining population was used which was correct to within one-seventh of one per cent of what the population turned out to be in the subsequent census which was taken. That was a national figure. The margin of error moves from one-seventh of one per cent up to three per cent if it is taken for smaller communities. Now I submit that if we have this sort of information available, isn't it reasonable to assume that a body of men from this Legislature can sit down here and take the information which is available and amend the 1950 figures so that they reflect more realistically what the actual population of the State of Maine is at this time.

I think everybody here is convinced that Aroostook far from losing one of its members should possibly gain another one. We do not seek to gain another one, but we would like to have an opportunity to present the facts to somebody, along with the facts from all the other counties, and then see what the apportionment should be in 1955.

Somebody said that the duty to reapportion is continuous, that it devolves from one legislature to

another, that if the 95th Legislature did not do it, the 96th must and the 97th must if the 96th did not. That is true, but I think the thing that is confusing everybody is the assumption that in devolving not only the duty to apportion devolves but the method of apportionment devolves. The duty which is before this Legislature is to reapportion realistically on the basis of what the facts are today, not on what they used to be half a decade ago. I have a record here of the history of the dates of reapportionment beginning in 1820. Almost without exception, reapportionment has been accomplished in the odd year following the decennial census, 1821, '31, '41, '51 down through to 1883 when we did have a reapportionment two years after a census—three years after a census rather, and the reason for that was that in 1881 the Legislature passed an apportionment bill and the Governor vetoed it because I believe the census included Indians who were excluded at that time by the Constitution. And so when the next Legislature came back it did pass the same reapportionment bill. But as you run down through here you find that never in the history of the State of Maine has any legislature ever attempted to reapportion the House of Representatives on the basis of a population figure which was old by half a decade.

I believe that, if this House will now judge this resolve in the light of the Constitutional directive which sets forth the method of apportionment, that the motion of the gentleman from Bridgewater, Mr. Finemore, will prevail.

The SPEAKER: The Chair recognizes the gentleman from Pittsfield, Mr. Cianchette.

Mr. CIANCHETTE: Mr. Speaker, I would like to point out one thing here that comes to my mind in going back over the reapportionment that has not been passed in the past two Legislatures. I would like to point to the fact that the delegation which now opposes this measure L. D. 37 was the opposition in 1951 when a recent census, the census of 1950 was at hand. Their argument at that moment was that the 1950

census was not correct. If you will follow that along I think that at this point it only goes to show that the argument that is being used today, in my opinion, is only a stalling move.

I believe the members of this Legislature are the foster parents of this baby, reapportionment. The 95th Legislature might well be referred to as the mother of this unwanted child. She certainly deserted it quickly. The next in line, the 96th Legislature, or the father of this babe, struggled a very short time and deserted it too on our doorstep. Now then we who have no direct ties with this growing youngster certainly cannot go back to its grandparents, the 1941 Legislature, because they long ago expressed their sentiments. Therefore, I believe it is our duty to give it a home. Perhaps we cannot give it the same care and devotion its own kin might have done, but shouldn't we make the best of it? Of course we have the choice of passing it on to a foundling home or future legislatures where it can be bounced around some more, or we can offer it the best that we have and adopt it. I am firmly convinced that we cannot do as much for it as its rightful parents, but I ask you, are we going to let it be bounced around and grow to be a juvenile delinquent where it will probably get into more serious difficulties? (Applause)

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

Mr. JACOBS: I want to see if anybody is asleep. Mr. Speaker and Members of the House: I rise against reapportionment at this time because I think it is not amply opportune at this time to do so between 1951 and '61, we are about half way through, and I believe that we should wait until 1961 before we make this reapportionment.

Now there is one point in the law that I have argued on this floor for many times, 1931, '41, '51 and '53, I was here at those times, and every time this reapportionment has come up on those dates, this House, or the House at that time, voted against it. I understand through the remarks by a gentle-

man recently spoken that I am condemned by the people of Maine because I took that stand in those times and am taking that stand today. I have come back here several times nevertheless if I am condemned by the people of Maine or of my district. In the law it says you shall reapportion as nearly as may be. What does that mean? I have asked two Justices of the higher courts in regard to this matter on a friendly basis, and they gave me the impression that as near as we can determine. We vote here, this is our proposition in this House, as near as we can agree upon. We did not agree to reapportion these past years, '31, '41, '51 or '53, in the fact that those words are in the law. I have taken my oath eleven times in this House to stand by the Constitution of Maine, and I still remain in that same position, but I disagree on certain matters here, and I feel that the time is not here at this time in 1955 to reapportion this organization, this House. Further, we are depriving one of the largest counties in the State of two representatives, Washington County. They have only eight to come here to represent that large area on the east of this State. If this passes, you are taking away two members of that delegation, twenty-five per cent of the delegation. Now personally I do not think that is fair notwithstanding the population may be more in Cumberland County than Aroostook or Washington, but I feel to be fair at this time or any time as far as that is concerned, to take away twenty-five per cent of the representation of any county, especially Washington, is not good business. They want representation here as much as any county does. I am not affected, it doesn't make any difference to me personally, but from my viewpoint in a sympathetic gesture, you may deduct so, I hope that this vote, this proposition of the gentleman from Bridgewater, Mr. Finemore, will prevail.

The SPEAKER: The Chair recognizes the gentleman from West Gardiner, Mr. Martin.

Mr. MARTIN: Mr. Speaker and Members of the House: I would have you understand that it is dif-

ficult for me to stand up and address you at this time there are so many heads in this hall whiter than mine, and so many tongues more fluent. But I have listened here for a long time. When I came to the House, I was interested enough in the question of reapportionment to read the reports of the previous Legislature in which reapportionment died. I think that a stranger such as myself who was not here and did not know the local arguments, reading the speeches from the floor as I did cold, could not help but be convinced that the issue of reapportionment was a just one. Listering to the arguments for and against I think that one could not do anything but reapportion at that time. However, at the very last of the session a venerable and very wise gentleman from Machiasport made what is perhaps one of the brightest orations that ever has been given in this hall. It was a beautiful piece of work, members. It consisted mostly of the sentimental fact that he had occupied seat number 162 or whatever it was, of course it couldn't have been 162, but that is a safe number certainly, for so many years and now they wanted to turn him out of that seat, and by gorry from my reading of that report, that is what decided the last Legislature by a very narrow margin, mind you, to throw reapportionment out.

Now we are listening to the same story that the great county of Washington, a tremendous area is going to lose two representatives. That is entirely aside from the issue. Representation is not apportioned upon area or pigs or partridge, it is judged upon population, and upon population we must stand or fall. Now this issue is simple enough so that even a political neophyte like myself can understand it. The issue here today is not whether Aroostook County will lose a member. It is not whether Washington County or Knox or Cumberland or my own County of Kennebec will win or lose membership. It is purely a question of whether we, as lawmakers, will obey the law which other lawmakers have made. The question is whether we will honor the oath we took to uphold the Constitution of Maine and of the United States. It is a

moral issue pure and simple, and I submit that the representatives from all of the counties can gain more honor and more prestige and more power if that is what they are after, by returning to their people this week-end and saying: "Yes, I threw politics out of the window this once, and I voted as my conscience dictated." For, ladies and gentlemen, these are troublous times, the cancer of materialism is gnawing at the very heart of our society. Only the scalpel of truth and the strong medicine of morality can save us now. The folks back home know this, they are not simple. I think we can gain more honor in their eyes by voting like responsible men and women in this matter. There can be no quibbling nor compromise with the moral principles. We have a clear duty. I sincerely hope that we can find the courage and the wisdom to do it, and the way to do it is to pass L. D. 37. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Calais, Mr. Davis.

Mr. DAVIS: Mr. Speaker and Members of the House: I do not intend to argue the case against reapportionment on the basis of sentiment because I come from Washington County. I am here to argue it on the basis of the Constitution and logic.

Now, I hate to repeat the sections of the Constitution which you have heard several times this morning but in order to keep the matter perfectly clear I believe that I will have to do that. Now, the Constitution says, and I quote, "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 exclusive of foreigners not naturalized and Indians not taxed."

Now, we come here five years after the last federal census and we are asked to reapportion our House of Representatives on the basis of those out-dated figures. In 1953 the Supreme Court in its decision said that the duty of causing the number of inhabitants to be ascertained may be discharged in any reasonable manner which may be determined upon and adopted by the Legislature, including that which has undoubt-

edly been used through the years, adopting the last federal census. But now, the Constitution goes on: "The number of representatives shall at the several periods of making such enumeration be fixed and apportioned among the several counties as near as may be according to the number of inhabitants, having regard for the relative increase of population."

Now, have we, this year, done what the Constitution requires and what the Court told us we had to do? How has the number of our inhabitants been ascertained? Apparently only by using the 1950 Federal census figures. Now, our Supreme Court says that we may adopt the last federal census but up to now this Legislature, so far as I know, has not adopted the last federal census or any other census. The Reapportionment Committee has been laboring on this problem and undoubtedly, as we know from the report of the gentleman from Hampden, Mr. Stanley, they have used the federal census figures, but I would like to ask the gentleman from Hampden (Mr. Stanley), who signed the favorable report what the word "reasonable" means, as the Court directed. What reasonable means were used to ascertain our population for the purpose of this reapportionment in 1955 other than the 1950 census? Did the committee travel to any of the areas which are being robbed of their Representatives? Did the committee take into account the amendment to the Constitution adopted in 1954 which qualifies the Indian population of our State to be represented? And in Aroostook County, did the majority report signers give any attention to the increase at Limestone and Presque Isle, brought about by the air bases? Down in Washington County, has any body checked the population of Quoddy Village? In 1950, there were no people at all living in Quoddy Village. Now, we have probably 500 there with 350 people employed. The majority signers could not tell you whether there were 500 people in Quoddy Village or 5,000 or whether there was anybody because they have not been able to find out; they have not tried. Now, in my own city of Calais, we have a new mill, a new knitting mill, ready for occupation which will employ about 300 workers.



Washington County is making a come-back. Every year we add between 50 and 100 new naturalized citizens who cross the border from Canada and make their home in our country. Figure that out for five years and you find that it is quite a group of people.

Back in 1953, the Reapportionment Committee realized that only the census figures, even after just three years from the census, were not a fair and true picture. They had a sub-committee appointed at that time which was to use the federal census of 1950 with such modifications and adjustments as may be required to reflect accurately the changes in the number of inhabitants since the date of taking said federal census. Now, the then chairman of the Reapportionment Committee, who was made chairman of that sub-committee said in this House on April 22, 1953: "The only other figures I could discover were the over-all births and the over-all deaths for 1952 and they were not broken down by counties." So Mr. Ford went on from there and said: "The other members of the committee and myself wanted to do what was right and to the best of our ability we broke down and reapportioned according to those figures of 1951. For 1952, we took a percentage basis using the 7.9 per cent that the State grew between 1949 and 1950. We presented those figures to your committee, and they did the only logical, reasonable thing that the committee could do: they opened the window and threw them all out the window, and I don't blame them a bit." That is what Mr. Ford said back in 1953.

Now, Washington County has a population as of 1950 of 35,187 people. That means that under the new reapportionment set-up, we have an average district of 5864. Now, in Cumberland County, after deducting the City of Portland, they have a district of 4578 average population. Multiply the difference, 1286, between these two figures, multiply that by 6 and you get 7,716. That is enough for almost two more districts for Washington County, according to the Cumberland County standards.

Now, a word about the Constitution which the proponents and the

opponents venerate equally, I think. We know that the Devil can quote Scripture to his own purpose. The Cumberland County delegation standing to gain three more Representatives, to give them a grand total of twenty-seven, are waiving the Constitution without regard to the equities of that instrument. Now, another document that has been waived here this morning for their purposes is the Republican platform of 1954. That paper is apparently not so venerated in its entirety as the Constitution. So long as it serves the purpose of the Cumberland County delegation, they are all for the platform, but it is less than twenty-four hours ago at a House caucus on this same House Floor that I heard a certain Cumberland County legislator say in opposing the four-year term for Governor, which was a plank in the Republican platform, and I quote, he said: "As far as this plank is concerned, the Republican platform does not amount to a hoot." It makes a difference sometimes apparently how much the platform means even to its greatest boosters.

I want to quote the Constitution again, Section 3, Article IV: "no city or town shall be entitled to more than seven representatives except in the event of a merger of towns or cities, the new town or city shall be allowed the combined representation of the former, which number if exceeding seven, shall thereupon and thereafter become the maximum number to which any city or town shall thereafter be entitled in a later apportionment."

In 1820, the founders of the State could visualize the merger of a town and a neighboring city but could they envision a sprawling creation which Chamber of Commerce of Portland refers to as "Greater Portland"? It is all the same community with the same interests and working for the same goals. Greater Portland encompasses an area radiating out for about 30 miles. People come to work from that distance and go home every night. For all intents and purposes, it is one city. Contrary to the intent of the Constitution, we have a single community with 24 Representatives and now they want 27.

What I have said against reapportionment as presently set up by the Stanley bill boils down to this: It is not accurate; it does not follow the spirit of the Constitution; it does not follow the letter of the Constitution. Its procedure is antiquated and does not reflect the present day social set-up. Now, in the light of our changing times I want to make a suggestion of alternatives: we can postpone reapportionment until 1961 when we have accurate 1960 federal census figures which we can use or we can refer this problem to the Research Committee or to a special select committee, with adequate personnel and backed up with an appropriation to let them make a real study and report back to the 1957 Legislature and tell us just how many people are in the State of Maine and where they are. Now, I offer either as a fair solution to this problem. I thank you.

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

Mr. FULLER: Mr. Speaker, I would be the last person in the world not to give every member on the floor of this House plenty of opportunity to discuss this bill. I heard these same arguments in 1951, I heard the same ones again in 1953 and I have heard them again today. I think anything that I could say would be extraneous. I think anything that anybody else could say would be extraneous. Therefore, Mr. Speaker, I move the previous question.

The SPEAKER: The gentleman from South Portland, Mr. Fuller, moves the previous question. In order for the Chair to entertain the motion for the previous question, it requires the consent of one-third of the members present.

The motion is not debatable.

All those in favor of the Chair entertaining the motion for the previous question will kindly rise and remain standing until the monitors have made and returned the count.

A sufficient number arose.

The SPEAKER: Obviously more than one-third of the members present having arisen, the motion for the previous question is entertained.

The question now before the House is: Shall the main question be put now? The motion is debatable, each member being allowed to speak no more than five minutes, but only on the question of whether the main question shall be put now.

The Chair recognizes the gentleman from Raymond, Mr. Edwards.

Mr. EDWARDS: Mr. Speaker, I ask for a roll call vote.

The SPEAKER: The Chair will request information whether the gentleman's request is for a roll call vote on the previous question or on the main question?

Mr. EDWARDS: On the main question, Mr. Speaker.

The SPEAKER: The question before the House is: Shall the main question be put now? As many as are in favor will say aye; those opposed, no.

A viva voce vote being taken, the main question was ordered.

The SPEAKER: The question before the House now is on the motion of the gentleman from Bridgewater, Mr. Finemore, that Resolve to Apportion One Hundred and Fifty-one Representatives Among the Several Counties, Cities, Towns, Plantations and Classes in the State of Maine, House Paper 22, Legislative Document 37, be indefinitely postponed.

The gentleman from Raymond, Mr. Edwards, requests that the yeas and nays be taken.

All those who desire that the yeas and nays be taken will kindly rise and remain standing in their places until the monitors have made and returned the count.

Forty-nine members arose.

The SPEAKER: Obviously more than one-third of the members present have expressed their desire for the yeas and nays and it is so ordered.

The House may be at ease while tally sheets are distributed.

#### House at Ease

The House was called to order by the Speaker.

The SPEAKER: While the tally sheets are being distributed to any

members who do not have them, the Chair will explain the motion.

Will the Sergeant-at-Arms escort the gentleman who is not a member from the floor of the House?

The Chair will once more explain the motion. The question before the House is on the motion of the gentleman from Bridgewater, Mr. Finemore, that the House indefinitely postpone Resolve to Apportion One Hundred and Fifty-one Representatives Among the Several Counties, Cities, Towns, Plantations and Classes in the State of Maine, House Paper 22, Legislative Document 37, being the one introduced by the gentleman from Hampden, Mr. Stanley.

A vote yea will be a vote that that resolve be indefinitely postponed, that is that the resolve be no longer considered, in effect that it be killed. A vote no will be a vote that the House keep the resolve alive and continue consideration of the resolve introduced by the gentleman from Hampden, Mr. Stanley.

All those in favor of the indefinite postponement of this resolve will indicate by saying "aye" when the Clerk calls their name; all those opposed will indicate by saying "no."

The Clerk will call the roll.

### ROLL CALL

YEA — Allen, Bragdon, Briggs, Brown, Baileyville; Cates, Christie, Cook, Curtis, Cyr, Davis, Calais; Denbow, Dudley, Dunn, Finemore, Foss, Fuller, China; Gardner, Jacobs, Lamb, Madore, Martin, Eagle Lake; McCluskey, Michaud, Palmer, Pierce, Potter, Reed, Rogerson, Soule, Stanwood, Storm, Williams, Winchenpaw.

NAY—Albert, Anthoine, Babineau, Baird, Beal, Bean, Bibber, Blanchard, Bowie, Brewster, Browne, Bangor; Butler, Call, Carter, Etna; Carter, Newport; Caswell, Charles, Childs, Clanchette, Cole, Cormier, Cote, Lewiston; Cote, Madison; Courtois, Couture, Bath; Couture, Lewiston; Coyne, Crockett, Davis, Westbrook; Dicker, Dostie, Dumais, Duquette, Earles, Edgar, Edwards, Elwell, Evans, Fay, Ferguson, Files, Flynn, Foster, Fuller, So. Portland; Getchell, Greene, Greenleaf, Hancock, Hanson, Gardiner; Harnden,

Haughn, Henry, Higgins, Howard, Jack, Jacques, Jennings, Jones, Kimball, Kinch, Knight, Latno, Letourneau, Libby, Lord, MacDonald, Mann, Martin, W. Gardiner; Maxwell, McGlaflin, Nadeau, Needham, Olpe, Osborne, Pike, Porell, Pullen, Quinn, Reynolds, Rich, Roberts, Brooklin; Ross, Bath; Ross, Brownville; Roundy, Sanborn, Sanford, Sansoucy, Seaward, Skolfield, Stanley, Bangor; Stanley, Hampden; Staples, Stilphen, Thomas, Totman, Vallyey, Wade, Wadleigh, Walls, Walsh, Walter, Willey, Woodworth.

ABSENT—Alden, Anderson, Bernier, Brockway, Gilmartin, Hanson, Machiasport; Hatfield, Hilton, Lindsay, Lindsay, Malenfant, Roberts, Dexter; Shaw, Whiting.

Yea 33, Nay 103, Absent 14.

The SPEAKER: Thirty-three having voted in the affirmative and one hundred and three having voted in the negative, fourteen being absent, the motion to indefinitely postpone did not prevail.

The SPEAKER: The question before the House is on the motion of the gentleman from Hampden, Mr. Stanley, that, under suspension of the rules, the resolve have its second reading at this time. Is this the pleasure of the House?

The motion prevailed and the Resolve was given its second reading under suspension of the rules.

Thereupon, on further motion of Mr. Stanley of Hampden, under suspension of the rules, the Resolve was passed to be engrossed as amended by House Amendment "A", House Amendment "B" as amended by House Amendment "A" thereto, House Amendment "C", House Amendment "E", House Amendment "G" and House Amendment "I" without reference to a joint standing committee and sent to the Senate.

The SPEAKER: The Clerk has a notice

On motion of Mr. Childs of Portland,

Adjourned until one-thirty o'clock tomorrow afternoon.