

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

102nd Legislature
INTERIM STUDY COMMITTEE

A P P O R T I O N M E N T O F S E N A T E

TRANSCRIPT OF PUBLIC HEARING
SEPTEMBER 1, 1965
BANGOR CITY HALL
BANGOR, MAINE

Senator Peter Barnard - Chairman
Senator James M. Cahill
Senator Donald R. O'Leary
Senator Floyd L. Harding
Senator Albert W. Hoffses

Representative S. Glenn Starbird
- Vice Chairman
Representative Frank R. Glazier
Representative Malcolm Fortier
Representative Richard Stoutamyer
Representative Armas E. Wuori

A public hearing of the interim committee studying Senate Reapportionment was held at Bangor City Hall Council Chambers on Wednesday, September 1st at 7:30 P.M. Present were:

Senator Peter Barnard - Chairman
Senator James M. Cahill
Senator Donald R. O'Leary
Senator Floyd L. Harding
Senator Albert W. Hoffses

Representative S. Glenn Starbird - Vice Chairman
Representative Frank R. Glazier
Representative Malcolm Fortier
Representative Richard Stoutamyer
Representative Armas E. Wuori

The meeting was called to order by Chairman Barnard who introduced the members of the committee and explained the Order creating this committee. The Chairman asked that those who wish to speak come to the microphone, introduce themselves giving their title and/or occupation.

The following is in part a transcript of this hearing.

RODNEY ROSS, BROWNVILLE, STATE REPRESENTATIVE

I only have one thought in mind. I come from a very large county as far as area is concerned but as far as population is concerned we have only 18,000 people. The one thought that I have in mind is that I would hate to lose the single Senator we have. Our Senator is not of my political faith. I wouldn't care if he was a Holy Roller, I think we are entitled to at least one Senator from every County. This is my only thought that I would like to leave with you.

O'Leary - If we reapportion on population basis xxxxxxxx so there would be one Senator from each 28,000 people, xxxx do you believe we should enlarge the Senatorial accommodations xxxxxx that you fall under?

ROSS - I don't know - I have not gone into this as far as figures go on the 28,000 but if you take in another county - for instance, part of another county - with a county like Piscataquis we are going to have taxation without representation. For instance, if we were tied in well, we'll take Millinocket, that's handy to me - it's in Penobscot County. The population in Millinocket would control any election. You see my point? We poor country boys are not going to have much to say. I would like to see it in my own mind so that the county lines would not be crossed. This is just my own personal opinion.

Harding - Would you suggest that we increase the representatives so that it would be possible to comply with one man, one vote?

ROSS - If necessary - but couldn't you use the major portion - say 30,000? In other words, many counties that have a major portion of 30,000 - naturally, I am looking out for my own county, with 18,000 this would be a major portion of the 30. Without looking at any figures, if it was apportioned on the basis of 30,000, I would think that you would have about 33 Senators against the 34 you have now. I don't know whether that would meet with the Supreme Court rule or not.

Starbird - I have a table here worked out from a plan xxxx you are welcome to look at it.

EUGENE MAWHINNEY, PROFESSOR OF GOVERNMENT, UNIVERSITY OF MAINE

I would like to make some projections as regards this problem on Senate representation - keeping in mind what seems to me at this stage to be very important. That is, to tie our system to the decisions of the U.S. Supreme Court in several cases, especially those of June 1964 - at the same time to raise our ideal here in Maine of representation so that we can perhaps set a good example for other states. Mr. Chairman, may I start by citing what I think is my ideal of Maine legislative districting pattern. This, by necessity, involves the House but the two tie together here for just a moment. My ideal for state legislative districting would be for the House to have 150 single member districts-- not recognition of county lines being involved -- and then for the Senate to be composed of 30 members - 30 single member Senate districts, each Senate district comprising five House districts. The basis of these districts would, of course, be population rather than other political boundaries. I would further like to suggest - and may I come back to this in just a moment - that the districting pattern be divided by a bi-partisan commission, subject, of course, to final legislative approval. Now in view of the fact that in November of 1963, the voters of Maine accepted constitutional amendments making a change in the House representation pattern - improving it, by the way, a good deal but it still could stand further improvement - in view of this, it is probable, I suppose, that the House districting pattern will not be changed very soon. So lets concentrate on the subject for a moment which you have at hand and that is the Senate apportionment. Now if we look at the charts showing the percentage of voters of any state that can elect a majority of State Senators, we know that Maine looks very good, as a matter of fact xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx.

It cannot come out to a perfect system, nevertheless it will help the State in getting it as close to a population standard as possible.

Now if we look at the Maine State Senate today based upon population, we find that Cumberland County has a Senator for every 45,687 people. That Hancock County at the other extreme - and I am taking the two extremes here- has a Senator for 16,146 people. In other words, Cumberland with its four Senators and Hancock with its two, figure out to those ratios which I said. Now just a little bit of arithmetic will tell you that the citizen of Hancock County is thus represented in the Senate 2.8 times as much as the citizen from Cumberland County. Now the Supreme Court decision seems to lead us to the fact that this is too big a discrepancy, in these cases, at least, and I have taken the extremes. Hancock is thus 43.3 below the norm and Cumberland 63% above the norm which gives a total spread of 103.6%. The standards which are usually followed..... are by the National Municipal League,would be in the vicinity of 82.30% spread rather than 103.6% spread. Now none of us here in this room, I think, know what would happen if our system were tested by the federal courts because we cannot get the exact answer from the decisions

that have been recorded but it appears from the decisions of June of 1964 that this 2.8 difference multiplier is too large.

Well, my conclusions would be this, and I am sure that will probably be some discussion - first of all, I would not suggest the enlargement of the Senate. This, I think, is the lazy way out. Example after example, including our own Congress of the U. S. in the House, shows that if we take this easy way out, simply by enlarging to satisfy, we will eventually run into trouble and ceilings have to be imposed.. I would not suggest an enlargement of the Senate.

I would further suggest a discontinuance of the sliding scale system which is now used. This immediately arouses suspicion. Any court looking at this would immediately, of course, see that this is set up very purposively, as we must admit, to discriminate against the larger counties of the State. In Reynolds vs. Sims last year, the Supreme Court said that a State must make an honest and good faith effort to improve its system. I am not sure that a sliding scale continuance would be an honest and good faith effort because if each of us would recognize that we could improve upon that. Thus, I would suggest the discontinuance of the sliding scale system.

Thirdly, I would suggest the discontinuance of the county basis of apportionment. As I noted earlier, this I would also like to see applied to the House even though we improved our House system by a constitutional change it could still be made more.....with a fair population basis representation but I doubt if we could as long as the allotment system is under the county pattern.

So as regard the Senate suggestion, I would feel that the county basis does not furnish any logical reason for the assignment of Senators therein. Even though the Supreme Court has not said that county distribution is in itself unconstitutional, it has said that the net result of a county allotment system cannot be to distort the entire apportionment too far from the population standard and I am not certain in my own mind that we can retain the county allotment system with any logic. The only advantage that I can see in it is perhaps the easiness of ballot making and of administration. It might furnish some easier system than what I am suggesting. But, the county itself has no logical reason, it seems to me, for this other pattern, in a unified state system. Bare in mind that a system within a state as subject to the constitution of the United States is a very different pattern - it is a unitary pattern of our federal system with our congressional representation. I would argue for our equal state representation in the U.S. Senate but I cannot argue where this is not a federal system for the same pattern, you see, within the State. We measure a State or the court is now, by the 14th Amendment's equal protection of the laws clause. The Constitution of the U.S., of course, which establishes our federal pattern with the Senate approval, cannot be unconstitutional.

So my suggestion then, comes down to this - that the Senate districts of Maine be set up based on population. I would like to see Maine go as some states have, to the use of the bi-partisan commission to do this districting. We must keep in mind that the Supreme Court decision - basing representation upon population - will go no distance toward the elimination of gerrymandering. I grew up in a district in Maine which

was in two parts xxxxxx and I realize when I began to study politics why that district was constructed as it was. It was a proper example of the gerrymanders. Now it seems to me if we are running the race between two contestants, whether those contestants are of equal or of unequal ability or strength, that we should start those contestants at the same line - the same starting line, and because one happens to be a little stronger we are certainly not justified in starting him at an advantage point toward the goal. So it seems to me that we accomplish two things here - to tie our system to the developing doctrine of one man, one vote, and to prevent the gerrymandering which any party will do when it controls the legislature. Our history of state legislature shows us that no party is immune to doing this.

To accomplish those two objectives - to make a system far simpler, I think far cleaner, and more representative, I would suggest that you base on population as I have outlined.....

O'Leary - When you look at the federal system the way it is set up, what is wrong having two Senators for each county here in Maine?

Mawhinney - (Speaking about interpretation of the 14th Amendment)
There is nothing we can do about that unless we work to upset that Supreme Court holding by the support of the Dirksen Amendment which was introduced or some other change like that. We are faced, in other words, at this point, in 1965, with an adjustment of the system, if it seems necessary to adjust it. Now I want to repeat that I am not sure in the Maine system that a federal court would hold it unconstitutional but I think it might at these extremes because we do not have adequate examples to give there. The argument now is the legal one and has removed itself from the day when it could argue that counties or areas would have representation. The court has used only one standard and that standard is population. Now it knows, of course, that you can't (carry out) exactly equal in population and, thus, it is going to tolerate a reasonable xxxxx (diviation) xxxxx as long as the state makes a good effort towards this. The federal constitution, of course, is based upon a pattern which is the framing of our nation, which, as a matter of fact, in reading the principle of our constitution, you will find the framers hoped would never be changed because xxxxx along with xxxxxxxx writing the xxxx system by which the constitution may be amended, the framers also put only one other item in that 5th Article of the Constitution and that Article says that no state shall be deprived of equal representation from the Senate, with the hope, you see, that the constitution would never be amended to change that. Now that system is a federal system.....that it is what they decided upon and therefore I would stand here and justify the continuance of the federal system as such with the Senate representation equal to every state but I cannot do so within the state, because within the state you do have the unitary system. The relationship with a county to a state is very, very different from the relationship with a state to the national government. Furthermore, we have the fact that the Supreme Court has gone as far as it has already.

Hoffses - (Questioned about Prof. Mawhinney's statement that Maine Senate is 46.9% majority prevailing)

Mawhinney - If you use that figure as the index, that is true. That figure is sort of an average figure in that you do not get an extreme distortion of a large number of areas and you can balance this out as Maine does. That is, if you look at Maine counties, for example, you see that Cumberland, Aroostook, York and Penobscot are the most under-represented on population basis. You also can match that off on the other side and you see that Hancock, Washington, Piscataquis and Lincoln are the most over-represented.... So it averages out in Maine to make a very impressive figure for the Senate that 46.9% is the minimum population that can elect a majority in the State Senate and that figure looks good and it is good as compared to some others.

Hoffses - Are you aware of any state whereby perhaps one county or one city on the one man-one vote basis could control both houses of the Legislature?

Mawhinney - I suppose that if one puts this on a county basis which again you see.....well, if we take Cook County, Chicago - we could come, I am sure, very close to this or Los Angeles County, California, would come out high in percentage although I cannot tell you exactly where.

Hoffses - Let us assume for a moment that Cumberland County or the City of Portland had over 50% of the population of the State - on your theory you would feel that Portland should have a controlling say of both houses of Legislature?

Mawhinney - Bear in mind that it is not my theory - it is the Supreme Court's theory. I was trying, as I started out, to make sure we are within the standards.

Starbird - I am a little confused. We have some figures on this that the Attorney General stated under our present system of apportionment 40.7% of every 25,000 voters throughout the State could control 18 seats in the Senate.

Mawhinney - I do not know where the discrepancy is in our figures. I am using the figures which were compiled by the National Municipal League dated April 15, 1964, based, of course, upon the 1960 census and upon their compilation for every state in the union so I am not sure where the discrepancy is. The Senate of Maine is based on federal census figures and they are used, I think, on the figures I stated but I am not sure where the discrepancy is.

Harding - Do you know of any historical precedent for a legislature going into session and on a 2/3 vote voting to reduce its numbers?

Mawhinney - The legislature moving in to reduce its numbers would be a very difficult thing to do, I am sure. I think you will note that I did not rock the boat too hard - I rocked it as regards the House by one member and rocked it as regards the Senate by four in the total picture. Now obviously this was in trying to tie the two together. If, however, one forgets the house and moves on that which your committee is immediately concerned with - then, of course, you can hold to your number now - 34 or 35 or any other number as long as this were set up according to the constitution.

Harding - We have the ideal you put forth and then we have the practical consideration of having the necessary votes to accomplish it. xxxxxxxxx I note that some legislatures, for instance Oregon, that have met have

been unable to get the votes to reapportionment xxxxxxxxxx

Mawhinney - Maine is one of only 4 states that has not had some kind of a case involving representation. I think our system looks so much better than any other.

Cahill - Do you believe we should do away with our county government?

Mawhinney - I would say this - this is outside the subject matter, I gather, on Senate apportionment.

Cahill - I would say it very well ties in with the subject. If you eliminate county lines then all county budgets that come before the legislature xxxxxxxxxx

Mawhinney - To answer you in terms of what I would call again my ideal in state government, I think eventually we are going to see state administrative districts in various sorts, and what I would like to see in Maine is a high quality state government, a high quality municipal government - after maybe some consolidation xxxxxx

Cahill- (Questioned re Prof. Mawhinney's proposal of reapportionment)

Mawhinney - I was hoping that we would avoid this type of discussion, sir, on the merits of a question short of where the court xxxx Now I think for decades and decades there has not been a worry by rural areas that the urban areas have been underrepresented. I suppose what we are really facing here is a reversal of the trend as it changes about and obviously those who face a lessening of representation now are very concerned. I have sat in legislative halls and in the galleries during debate in several states and I think we are all quite aware of the fact that these have gone through legislatures very often without getting much of any place in terms of handling their problems, too. I suspect that it would work both ways.

I think your questioning points out the fact that we are not primarily an urban state and that probably the differences and aggravation here are not as great as they might be in New York, Illinois, or in California in that regards.

ROGER FARNHAM, PRESIDENT - LEAGUE OF VOTERS, TOWN OF HAMPDEN

I am here only because I have always had a great interest in government, especially in government of my own state. I feel rather timid in following my predecessor here whose wise knowledge and background in historical governmentI am here as a citizen to speak for the retention of at least one Senator for one county. Under the proposed--or under some of the proposals, as I see it the following counties would not have any Senators..Franklin, Lincoln, Piscataquis, Sagadahoc and Waldo. My roots are deep in Piscataquis County although I have been a resident of Penobscot for many years. It seems to me that

there is a great vision here in Maine on county government that is worth keeping. I do not feel the Supreme Court decision - in fact it did not state that you have to have one vote for each person - It seems to me if we took away one Senator from Washington, one from Somerset, (the Senator from Somerset would distort the picture considerably, I admit, until the next census) - and one Senator from Hancock - distribute those three Senators - one to Aroostook, one to Cumberland, and one to York- we would go a long way toward eliminating the inequality that was claimed here. One of the gentlemen on the committee pointed out the fact that it is so easy for a county with a major city for the city to dominate the county - Of course, that is true here in Penobscot County - where a Senator is quite unusual except when we have a candidate named Goldwater running - we have many Senators from outside the Bangor city area. So I hope this committee will give serious consideration of retaining the representation by counties. In the counties I gave you, two of the largest in the State are Franklin and Piscataquis - they are tremendous land areas. Somerset also has a tremendous land area and they would be simply lacking representation in the Senate of Maine if you followed or tried to follow strictly according to the Supreme Court decision.

Harding - You mention the tradition of county government. What contribution would you say county government to date has given to the State of Maine during the past century.

Farnham - Well, you might say something like - oh the love a man has for his wife. You kind of like the old home town and the old home county and brag about it. When I was a kid we weren't a bit bashful about letting somebody from Penobscot know that we were the wildcats from Piscataquis county. I think there were some terrors over in Franklin and upper Somerset too. It's largely sentiment

Bernard - It seems to me from the discussion here that there is a fear of not having enough representation from the rural areas. Under our present system of electing Senators, large cities have predominated the elections. Is this a fact?

Farnham - Well, it certainly hasn't in Piscataquis and Somerset and Waldo. There is no city there, you see. You know what we call rural is not the rural of years ago. Fifty years ago Piscataquis county was a great farming county xxxxxxxxxxxx

REPRESENTATIVE LITTLEFIELD, HAMPDEN AND NEWBURGH

I notice by the paper that your committee wanted some suggestions. The Supreme Court has ordered that the Senate be apportioned one man - 1 vote. I think it would benefit the taxpayer if we could have a system similar to Nebraska - the unicameral system - where they have an assembly to handle the problems and this would save having papers shuffled back and forth from the House and Senate and use up time with the tax payer to pay for it and perhaps by doing that we could leave our county lines as they are . . . and do away with some of the expense of Legislature.

Starbird - Would you recommend having this one House the same size as the present House of Representatives or larger?

Littlefield - I haven't studied the system of Nebraska thoroughly but I believe they have less in their assembly than we have in the House; I think they have 97. I think the assembly could be cut down by saving

daily expenses of the legislature. They could have their hearings on the laws and wouldn't have to go back and forth between the Senate and the House. I would like to study this example.....

O'Leary - There isn't much difference between a legislator, a Representative or a Senator who Don't you believe that having two houses or a bicameral legislature makes for better legislation?

Littlefield - That is a hard question to answer. No, I think the debate could be carried on in an assembly in a body of assemblymen..... Sometimes the Senate will kill bills - sometimes the House will kill bills. Whether that is right or wrong, I don't know. But in our system we hold hearings and it is possible to pass a bill that has not held a hearing under our system, but in the system in Nebraska, every bill has a hearing and the assemblymen attend the hearing; they do their debating in one House.

RICHARD J. DUBORD - ATTORNEY GENERAL

I don't know if I can add a great deal to what has been said here, particularly Prof. Mawhinney's learned dissertation on the subject but at the chairman's request, as you know, I sent a letter out to all of you and I would like to explain a discrepancy which apparently occurred between Prof. Mawhinney's statistics and those which I furnished for the committee. I think we are both working from the same population record, namely, the federal census of 1960, as that population is divided between the counties. May I refer your attention to the documents which I submitted to you relative to the Senator population, the majority of seats as we computed them which will permit the control of the majority of the Senate. You will note that we started with Piscataquis which is the smallest single seat in this district - single seat county - and accumulated the totals going from the smaller on up to the greater populated areas and when we reach one Senator from Kennebec this would result in the election of 18 Senators. This is all, of course, hypothetically assuming that all of these Senators were elected, would result in 395,269 people electing 18 Senators which would be 40.7% xxxxxxxxxx in the number in which we computed it, it would be possible for 41.7% of the electorates to control the Senate by electing 18 out of 34 Senators. I furnish you again with general broad information about the result of the Supreme Court decision and I might like to emphasize that some of the people that have spoken as well as some of the questions might indicate that there is a misunderstanding as to what this whole question is about in this sense. The Supreme Court of the U.S., which is, under our system of the law, the ultimate arbitrator of what the constitution means and how it can be applied, has stated that under the 14th Amendment, which guarantees to each of us equal rights under the federal constitution, a series of decisions beginning in 1962, as Prof. Mawhinney pointed out, that it is necessary for state legislatures - both House of the state legislators - to be represented as nearly as possible by one man-one vote. You may not agree with that, you may quarrel with the reasons behind it and Senator Hoffses has indicated that it was not a unanimous decision, but this is the law of the land xxxxxxxxxx This is why, I assume, your committee was appointed and why we are here at this hearing.

I am grateful we have not had any litigation on this score xxxxx I have compilations from the Council of State Governments in June of this year which indicate that since 1962 some 39 states of the U. S. have been involved in litigations over this question. We have had various conferences with my colleagues and Attorney Generals in various states. This has been a most troublesome problem for the Attorney Generals of the different states as well as xxxxx xxxxx many of them have been involved in constant litigation. Someone asked what would happen if the legislature fails to apportion xxxx The answer to this is when this has happened in other states, the courts have had to take over. xxxxxx Some plans xxx have been approved, some have been turned down by the courts. In some states the apportionment plans which have been approved by a referendum of the people have been rejected by the court. xxxxxxxxx

Your responsibility here is a serious one, I think it goes without saying. I don't have any particular suggestions except that I do point out that as Prof. Mawhinney has said there is certainly a wide discrepancy between the counties under the present system. xxxxxx

The court has said that the legislature must be apportioned as nearly to equal population as practical and it did also indicate that a deviation on that would be permissible depending upon specific xxxxxx so long as the major standard was adhered to. The difficulty is that they have left the deviation to the lower courts not having set forth any specific xxxxxxxxxx... Neither you, or I or anyone else can say with any certainty if a given plan will meet with approval in a federal court or a State court. The degree of deviation which the court will permit is considerably up in the air although some of the lower federal courts have used the 15% variance xxxxxx

I think I gave you this statistical tabulation also - We have 9 counties - Franklin, Hancock, Lincoln, Oxford, Piscataquis, Sagadahoc, Somerset, Waldo and Washington which are beyond 20% variance and the only numerical standard that has come down from the courts is 15% xxxxxx In Aroostook and Cumberland there is a 20% variance though the people xxxxxx on the basis of the standards as they are now are overrepresented. I mention to you that I have other statistical information that I would be glad to make available to you as well as various substantial documents from the Council of State Governments which would indicate to some extent what the apportionment throughout the U.S. has been. xxxxxxxxxx only article cited on reapportionment in the State of Maine is LD 1476 of the 101st Legislature which is reported by the Council of State Governments and an article by Dr. Mawhinney. I would be glad to go over this with you or for what use you may want to make of it.

Our state norm as I indicated is one of the tabulations that would be ideal. In other words, divide 34 Senate seats into our state population, would be 28,508. To allow the 15% variance, each Senator representing from 24,000 in round figures to 32,000 would fall in the 15% variance. At present we have 11 seats which falls in this classification. There are 11 seats representing 330,000 people which is almost ideal as you can see -- 34% of the population. xxxx xxxx Androscoggin, Kennebec, Knox and Penobscot. These seats as they are seem to be unquestionable on the one man-one vote theory. If we go to 20% variance we go from almost 23,000 to 34,000. We have 14 which fall in this classification. The four which I mentioned before plus York County. And if we add those together, we have 14 seats representing 44% of the population. When we go to the next one we have 13 seats namely, Franklin, Hancock, Lincoln, Oxford, Piscataquis, Sagadahoc, Somerset, Waldo and Washington which has 13 seats representing 250,000 people - or 25.8% of the population controlling 38% of the seats

which would indicate overrepresentation. And Aroostook and Cumberland have 7 seats which represent 288,815 people, or 29.7% of the population representing only 20.6% of the seats which would indicate they are under-represented. To summarize, we have some 20 seats which fall outside the 20% variance xxxxx and 11 seats which would fall - or 14 seats rather - that would fall in the 20% variance.

Harding - Do you know how this figure you have given here of 40.7% you speak of to control the majority of the Senate - how does this compare with other states.

Dubord - I do not think I can answer that - I don't know if it compares with other states except that 40.7 would probably be some 5% off from what the courts have indicated could be desirable minimum and when you have 40% controlling majority of the Senators, it gets into the realm of being unconstitutionally apportioned. That the ideal would be one for one but we know that this is mathematically impossible and have indicated some deviation xxxxxxxx

Hoffses -38 did I understand you to say, states which are going through the progress of litigation - (no 39)

Hoffses - Of those 39 are there any which fall in the category of the 4 states that have a better apportionment than we have.

Dubord - Again that is a question that I find difficult to answer. I am not that familiar with the details with each specific case. The reason being the one man, one vote case which came over a year ago - some two years following the original xxxxxxxx, I might say by way of history that the original Baker vs. Carr case in 1964 stated you had to apportion and there was quite a bit of feeling in the legal and government circles that this would only apply to one house of the legislature.....Then the real tizzy came in 1964 was Reynolds vs. Simmons when some 8 or 9 companion cases of some 8 or 9 states were all before the Supreme Court on the Senate question basis. Well, we have one house which was reapportioned but what about the other one? And that is why the now famous one man-one vote must apply to both houses. To get back to your question, I don't think I can answer whether any of the cases which have been decided would fall percentage wise similar to our own except again my figures disagree with Prof. Mawhinney. I don't think we are that well off in terms of the smaller percentage electing the majority of the Senate.

O'Leary - As I understand it at the present time, 27 states have asked for a constitutional convention to repeal the Dirksen amendment pending before the Congress.

Dubord - I believe what you are referring to is that 27 states memorialized Congress to support the Dirksen amendment but this has not yet come before Congress.

O'Leary - Sen. Scott from Philadelphia said he would support this amendment.....it would tear the constitution of the U.S. apart. Do you believe in your own opinion that reapportionment is the best thing for Maine?

Dubord - All I can tell you is this - This amendment is obviously a product or concern on the part of a few people about the effect of the decisions - I will go back to what I said initially, that a basic honest

disagreement.....many people feel that this is a lot of nonsense to be able to apportion one House regardless of population but all I can say to you is that the law as presently stands and as our constitution has been interpreted by our courts is one man-one vote so if the Dirksen Amendment proceeds to avoid the effects of that interpretation by saying all right let's amend the constitution so it will be permissible to continue to keep doing it the way we have been but until such an amendment is passed by Congress and referred by the necessary number of states, just like the old Goldstead Act against prohibition,..... we have to abide by the law.

O'Leary - You indicated that Cumberland, Aroostook, Penobscot and York would elect a majority?

Dubord - No, you misunderstood. I think what I tried to indicate is that Cumberland and Aroostook have more people voting for fewer Senators. They have 7 seats in those two counties combined and they represent 288,000 people, 29% of the population, and they only hold 20.6% of the seats.....So the Senators from those counties are representing a great many more people, for example, than you are in your county and you are not alone. Some 9 counties are in the same situation that you are in.

Adjourned 8:45