

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and First  
Legislature*

OF THE

STATE OF MAINE

1963

DAILY KENNEBEC JOURNAL  
AUGUSTA, MAINE

**HOUSE**

Tuesday, January 22, 1963

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

Prayer by the Rev. Mr. Robert Smith of Augusta.

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

The journal of the previous session was read and approved.

**Papers from the Senate**

From the Senate: The following Order:

ORDERED, the House concurring, that the Secretary of the Senate shall, when the Senate is not in session be the executive officer of the Senate and have custody of all Senate property and materials, arrange for necessary supplies and equipment through the State Bureau of Purchases, arrange for necessary service and make all arrangements for incoming sessions of the Senate, having general oversight of chambers and rooms occupied by the Senate, permit state departments to use Senate property, dispose of surplus or obsolete material through the continuing property record section of the Bureau of Public Improvements, with the approval of the President of the Senate, and approve accounts for payment. The Secretary shall maintain a perpetual inventory of all Senate property of items costing over \$50 and make an accounting to the Senate upon request (S. P. 166)

Came from the Senate read and passed.

In the House, the Order was read and passed in concurrence.

From the Senate:

Bill "An Act Providing for the Maine Apple Cider Law" (S. P. 88) (L. D. 225)

Came from the Senate referred to the Committee on Agriculture.

In the House, referred to the Committee on Agriculture in Concurrence.

From the Senate:

Bill "An Act relating to Non-

lapsing Funds for Armory Expansion" (S. P. 89) (L. D. 226)

Bill "An Act Appropriating Funds for Grants-in-Aid for Construction of Municipal Sewage Treatment Facilities" (S. P. 90) (L. D. 227)

Bill "An Act Extending Duration of Subsidy for Newly Formed School Administrative Districts" (S. P. 92) (L. D. 229)

Bill "An Act Providing for the Development of State Parks and the Issuance of not Exceeding Seven Million Three Hundred Thousand Dollars of State of Maine Bonds for the Financing Thereof" (S. P. 93) (L. D. 230)

Bill "An Act to Authorize the Construction of Self-Liquidating Student Housing for the State Teachers Colleges and the Issuance of not Exceeding \$1,434,000 Bonds of the State of Maine for the Financing Thereof" (S. P. 94) (L. D. 231)

Resolve Appropriating Moneys to Construct a Car Ferry Ramp at Peaks Island (S. P. 91) (L. D. 228)

Resolve Appropriating Moneys to Provide for National Advertising for Maine's Recreational Industry (S. P. 95) (L. D. 232)

Resolve Appropriating Moneys to Promote and Advertise Maine's Ski Business (S. P. 96) (L. D. 233)

Resolve Reimbursing Certain Municipalities on Account of Property Tax Exemptions of Veterans (S. P. 97) (L. D. 234)

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 Prohibiting Trustees of Savings Banks from Engaging in Certain Business" (S. P. 98) (L. D. 235)

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:

Resolve Proposing an Amendment to the Constitution to Provide for the Apportionment of the Senate (S. P. 99) (L. D. 236)

Resolve Proposing an Amendment to the Constitution Pledging Credit of State for Guaranteed Loans for Recreational Purposes (S. P. 100) (L. D. 237)

Came from the Senate referred to the Committee on Constitutional Amendments and Legislative Reapportionment.

In the House, referred to the Committee on Constitutional Amendments and Legislative Reapportionment in concurrence.

From the Senate:

Bill "An Act relating to Expenses of Examination and Commitment of the Mentally Ill" (S. P. 101) (L. D. 238)

Came from the Senate referred to the Committee on Health and Institutional Services.

In the House, referred to the Committee on Health and Institutional Services in concurrence.

From the Senate:

Bill "An Act to Create the Maine Recreational Facilities Authority Act" (S. P. 102) (L. D. 239)

Came from the Senate referred to the Committee on Industrial and Recreational Development.

In the House, referred to the Committee on Industrial and Recreational Development in concurrence.

From the Senate:

Bill "An Act relating to Use of Walkie-Talkies in Hunting Deer Prohibited" (S. P. 103) (L. D. 240)

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 to Provide Marine or Tidal Water Classifications" (S. P. 82) (L. D. 224)

Came from the Senate referred to the Committee on Natural Resources.

In the House, referred to the Committee on Natural Resources in concurrence.

#### Non-Concurrent Matter

Bill "An Act Providing for Driver Education for All New Applicants

for Operators' Licenses" (H. P. 77) (L. D. 39) which was referred to the Committee on Transportation in the House on January 9.

Came from the Senate referred to the Committee on Judiciary in non-concurrence.

In the House: On motion of Mr. Wellman of Bangor, the House voted to recede and concur with the Senate.

From the Senate: The following Communication: (S. P. 130)

STATE OF MAINE  
BUREAU OF  
PUBLIC IMPROVEMENTS  
Augusta

January 16, 1963

To the Senate and House of Representatives of the One-Hundred First Legislature

In accordance with the provisions of Section 25, Chapter 15-A, Revised Statutes (1954) of Maine, as amended, we are submitting herewith "Requests for Capital Improvements" for the fiscal years 1964 and 1965.

Respectfully,

(Signed) Niran C. Bates  
State Director of Public  
Improvements

Came from the Senate read and with accompanying Report ordered placed on file.

In the House, the Communication was read and with accompanying Report ordered placed on file in concurrence.

#### Petitions, Bills and Resolves

The following Bills and Resolves were received and, upon recommendation of the Committee on Reference of Bills, were referred to the following Committees:

#### Agriculture

Bill "An Act relating to Licenses for Slaughterhouses" (H. P. 317) (Presented by Mr. Denbow of Lubec)

(Ordered Printed)  
Sent up for concurrence.

#### Appropriations and Financial Affairs

Bill "An Act to Provide Funds for Evaluating Existing Commercial Waterfront Facilities and Feasibility

of Additional Facilities at Maine Ports" (H. P. 318) (Presented by Mr. Maddox of Vinalhaven)

(Ordered Printed)

Bill "An Act Appropriating Funds to Aid in Dredging Carver's Harbor, Town of Vinalhaven" (H. P. 319) (Presented by same gentleman)

(Ordered Printed)

Bill "An Act relating to State Budget Estimates" (H. P. 320) (Presented by Mrs. Smith of Falmouth)

(Ordered Printed)

Resolve Appropriating Funds for Survey of Economic Resources of Washington County (H. P. 321) (Presented by Mr. Davis of Calais)

(Ordered Printed)

Resolve in favor of a State Park on Rangeley Lake (H. P. 322) (Presented by Mr. Jones of Farmington)

(Ordered Printed)

Resolve to Provide Funds to Convert Ferry Terminal at North Haven (H. P. 323) (Presented by Mr. Maddox of Vinalhaven)

(Ordered Printed)

Resolve Appropriating Money to Supplement Federal Vocational Funds for Area Education Programs for Apprentices and Other Adult Workers (H. P. 324) (Presented by Mr. Minsky of Bangor)

(Ordered Printed)

Sent up for concurrence.

### Business Legislation

Bill "An Act to Incorporate the Northern Mortgage Corporation" (H. P. 325) (Presented by Mr. Ross of Augusta)

(Ordered Printed)

Sent up for concurrence.

### Claims

Resolve in favor of Kermit O. Stadig of Soldier Pond (H. P. 326) (Presented by Mr. Gallant of Eagle Lake)

(Ordered Printed)

Sent up for concurrence.

### Education

Bill "An Act to Authorize the Municipalities of Eagle Lake, Fort Kent, New Canada Plantation, St. Francis Plantation and Wallgrass Plantation to Suspend the Operation of Community School District No. 1 and Reorganize as a School Administrative District" (H. P. 327)

(Presented by Mr. Gallant of Eagle Lake)

(Ordered Printed)

Bill "An Act to Reconstitute School Administrative District No. 18" (H. P. 328) (Presented by Mr. Pierce of Bucksport)

(Ordered Printed)

Bill "An Act to Authorize the Municipalities of Eastbrook and Waltham to Form a School Administrative District" (H. P. 329) (Presented by Mr. Young of Gouldsboro)

(Ordered Printed)

Sent up for concurrence.

### Industrial

#### and Recreational Development

Bill "An Act Authorizing Bureau of Public Improvements to Study Desirability of a Dam Across Bagaduce River" (H. P. 330) (Presented by Mr. Richardson of Stonington)

(Ordered Printed)

Bill "An Act Authorizing Bureau of Public Improvements to Study Desirability of a Dam Across Taunton River" (H. P. 331) (Presented by Mr. Young of Gouldsboro)

(Ordered Printed)

Sent up for concurrence.

### Inland Fisheries and Game

Bill "An Act Providing for Training in Safe Handling of Firearms by Certain Minors" (H. P. 332) (Presented by Mr. Berman of Houlton)

(Ordered Printed)

Bill "An Act to Clarify the State Boating Law" (H. P. 333) (Presented by Mr. Cookson of Glenburn)

(Ordered Printed)

Bill "An Act Providing for Hunting Moose in Aroostook County in 1963" (H. P. 334) (Presented by Mr. Gallant of Eagle Lake)

(Ordered Printed)

Bill "An Act to Change the Name of Anonymous Pond, Cumberland County, to Crystal Lake" (H. P. 335) (Presented by Mr. Pitts of Harrison)

(Ordered Printed)

Resolve Regulating Fishing in Lake Thompson, Cumberland County (H. P. 336) (Presented by same gentleman)

(Ordered Printed)

Resolve Regulating Fishing in Six Mile Lake, Washington County

(H. P. 337) (Presented by Mr. Snow of Jonesboro)

(Ordered Printed)

Sent up for concurrence.

#### Labor

Bill "An Act relating to Weekly Benefit Amount for Total Unemployment under Employment Security Law" (H. P. 338) (Presented by Mr. Denbow of Lubec)

(800 copies Ordered Printed)

Bill "An Act relating to Weekly Benefit for Partial Unemployment under Employment Security Law" (H. P. 339) (Presented by same gentleman)

(800 copies Ordered Printed)

Bill "An Act Revising the Maine Voluntary Apprenticeship Law" (H. P. 340) (Presented by Mr. Ross of Augusta)

(800 copies Ordered Printed)

Sent up for concurrence.

#### Legal Affairs

Bill "An Act Revising the Beano or Bingo Laws" (H. P. 341) (Presented by Mr. Dunn of Denmark)

(Ordered Printed)

Bill "An Act Clarifying the Corporate Powers of the Franciscan Fathers of Maine" (H. P. 342) (Presented by Mr. Nadeau of Biddeford)

(Ordered Printed)

Sent up for concurrence.

#### Municipal Affairs

Bill "An Act to Grant a Charter to the City of Brunswick" (H. P. 343) (Presented by Mr. Lowery of Brunswick)

(Ordered Printed)

Bill "An Act to Grant a New Charter to the City of South Portland" (H. P. 344) (Presented by Mr. Taylor of South Portland)

(Ordered Printed)

Bill "An Act Increasing Indebtedness of Baileyville School District" (H. P. 345) (Presented by Mr. Townsend of Baileyville)

(Ordered Printed)

Sent up for concurrence.

#### Natural Resources

Bill "An Act Classifying Certain Tidal Waters in Hancock County" (H. P. 346) (Presented by Mr. Williams of Hodgdon)

(Ordered Printed)

Sent up for concurrence.

#### Public Utilities

Bill "An Act to Incorporate the South Berwick Sewer District" (H. P. 347) (Presented by Mr. Roberts of South Berwick)

(Ordered Printed)

Sent up for concurrence.

#### Retirements and Pensions

Resolve Increasing Pension of Maurice Albert of Madawaska (H. P. 348) (Presented by Mr. Levesque of Madawaska)

(Ordered Printed)

Resolve Providing a Pension for Margaret H. Frisbee of Belfast (H. P. 349) (Presented by Mr. Thornton of Belfast)

(Ordered Printed)

Sent up for concurrence.

#### Taxation

Bill "An Act relating to Sales Tax on Transportation Charges" (H. P. 350) (Presented by Mr. Albair of Caribou)

(Ordered Printed)

Bill "An Act relating to Revocation of Sellers' Certificates Under Sales and Use Tax Law" (H. P. 351) (Presented by Mr. Brown of Fairfield)

(Ordered Printed)

Bill "An Act to Repeal the Dry Bean Tax" (H. P. 352) (Presented by Mr. Jones of Farmington)

(Ordered Printed)

Bill "An Act relating to Property Tax Appeals" (H. P. 353) (Presented by Mr. Waterman of Auburn)

(Ordered Printed)

Bill "An Act relating to Meaning of Letters Used in State Valuation" (H. P. 354) (Presented by Mr. Wood of Brooks)

(Ordered Printed)

Sent up for concurrence.

#### Transportation

Bill "An Act Providing for a Two-year Motor Vehicle Operator's License" (H. P. 355) (Presented by Mr. Pease of Wiscasset)

(Ordered Printed)

Sent up for concurrence.

On motion of the gentlewoman from Portland, Mrs. Hendricks, House Rule 25 was suspended for

the remainder of today's session in order to permit smoking.

#### Orders

On motion of Mr. Benson of Southwest Harbor, it was

ORDERED, that Mr. Hendsbee of Madison be excused from attendance for the duration of his illness, and that Mr. Cote of Lewiston be excused from attendance this week because of business.

#### House Reports of Committees Leave to Withdraw

Mr. Waterman from the Committee on Taxation on Bill "An Act Levying a Head Tax on Inhabitants of Maine" (H. P. 71) (L. D. 94) reported Leave to Withdraw

Report was read and accepted and sent up for concurrence.

#### Ought to Pass Printed Bill

Mr. Philbrick from the Committee on Public Utilities reported "Ought to pass" on Bill "An Act to Amend the Charter of the Jay Village Water District" (H. P. 68) (L. D. 41)

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

#### Orders of the Day

The Chair laid before the House the first tabled and today assigned matter:

House Order Requesting opinion of the Justices of the Supreme Judicial Court in reference to the Limitation of the number of representatives to which a city or town is entitled.

Tabled — January 17, by Mr. Childs of Portland.

Pending — Passage. (Ordered Reproduced.)

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

Mr. CHILDS: Mr. Speaker, I move passage of the order.

The SPEAKER: The gentleman from Portland, Mr. Childs, moves that the order receive passage.

The Chair recognizes the gentleman from Bangor, Mr. Wellman.

Mr. WELLMAN: Mr. Speaker, Ladies and Gentlemen of the House:

The order which we discuss here comes to us pursuant to the Constitution, but the Justices of the Supreme Judicial Court have said in many of their opinions, that they need not and in fact have laid down some ground rules as to when they would entertain such orders.

Now this bill to which this order refers, in fact increases the limit constitutionally imposed on one city from seven to twelve. The point of the order I think goes to something that is not considered in the bill, and that is whether any constitutional limit is proper. This limitation under the Maine Constitution has existed for many years. The case which the order refers to was decided prior to the assembling of this session.

In view of this, I cannot see that an opinion of the Justices goes to the — that this bill goes to the heart of what the gentleman from Portland desires to have investigated. This question could be readily determined through an appeal to the courts. In fact, an opinion of the Justices at this time might well prejudice the question without full review or full opportunity for each and every person affected to file briefs and state his case.

The 100th Legislature also established the Constitutional Commission which was empowered to investigate all aspects of the reapportionment problem. Their report is forthcoming and bills will be filed. As a matter of fact there is a bill right now introduced by the gentleman from Portland, Mrs. Hendricks, which would remove all limitation. The Governor has gone on record as saying that if such constitutional amendment is approved by this session, and if it is approved by the people, that we would meet in special session. I can see no reason for this order to receive passage. I now move its indefinite postponement and request a division.

The SPEAKER: The question now before the House is the motion of the gentleman from Bangor, Mr. Wellman, that this order be indefinitely postponed.

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

Mr. CHILDS: Mr. Speaker and Members of the House: May I first

comment on the remarks made by the worthy gentleman from Bangor, Mr. Wellman.

He made reference to that part of the Constitution which gives the Supreme Court of this State the right to pass on advisory opinions. They may pass on an advisory opinion which is requested by the Governor, by the Executive Council, by the Senate or by the House. He says that the courts may be of the opinion that this is not a proper question, and I certainly agree with the gentleman that that is very true, but I think that is something that we should let the court itself determine on whether this is a proper question for them. I am of the opinion that it is.

He also states that this has been in existence for many years as part of our Constitution and nothing has been done to change it, until the recent decision came down in the Tennessee case in October 1961, the case of Baker vs. Carr. Until that time our Supreme Court had ruled that these were not proper questions for the Federal Courts. On the Baker vs. Carr decision it is now ruled that the Federal Courts may intervene if they believe that a particular law in a state or the Constitution itself is unconstitutional.

He says that the proper thing to do is to let somebody appeal to the Federal Courts, and that is the very thing that I want to get away from. That is the purpose of this order, the purpose of this bill. Why should we wait and let one of our citizens of Maine go to the Federal Courts and for us to be compelled and have a mandate from the Federal Court for us to do the job that we ourselves can do? I do not think it would be good for the State of Maine to be told to do something by the Federal Government.

Now he talks about that there are constitutional amendments coming in, that the Constitutional Commission may come out with a bill. May I remind you that the Constitutional Commission has asked for an extension of time, and they will report to the Legislature of 1965. If they report to the Legislature in 1965, that would mean it would not go on the ballot until 1967,

which is four years from now. Now I can assure you that the citizens of Maine aren't going to wait for four more years before something is done. Let's do it ourselves and let's not be told to do it.

Now on the Baker vs. Carr decision, I haven't the slightest idea what our Court is going to say. They may rule that the Constitution as it is proper; and in the Baker vs. Carr decision it didn't say that they were going to take action in every case, they said they would not take action unless they were of the opinion there was flagrant discrimination involved. Now our Court may feel it is not a question of flagrant discrimination. He feels, the gentleman from Bangor, that this would prejudice the Federal Courts. It isn't going to prejudice the Federal Courts at all. We are asking for an advisory opinion on a piece of legislation which is now before this Legislature, or we are asking for an opinion to guide us in our thinking, so we can pass and make better judgments on legislation that is before us.

I am certainly unhappy, I am disappointed this has been made into a political football. I don't believe that it should be a political football. This is something that affects the whole State of Maine, and particularly the people of Portland. I think the people of Portland are entitled to an answer on this. And when you make your decision on this I hope you will make your decision on what you think is best.

At this time I would like to read you part of the Legislative Record. I first entered this Legislature ten years ago and had the opportunity and privilege of serving with one of the most able Legislators and probably one of the finest men I ever met in my life, the Honorable Judge Clifford E. McGlaughlin of Portland. In the Legislative Record of 1955, Judge McGlaughlin stood up on the Floor of this House and I believe he sat over there where the gentleman from Bucksport, Mr. Pierce now sits, and he said: "We are all highly honored to be members of this Legislature. Only about one person in 6,000 ever serves in this House at any one time, but with that honor comes great responsibility.



Your first duty next to your obligation to the Almighty is to the State of Maine; it comes ahead of your obligation to your City or Town or District or County and it comes ahead of any obligation to your political party. We are elected as representatives of this State; we are paid by the State. This point is of exceeding great importance and if the members of the Legislature can realize this fact, we would have no trouble whatsoever in passing a reapportionment bill in this House.

Vote, have the courage to vote according to your convictions. Believe it or not I have had several men in my experience tell me that they thought that I was exactly right but they did not dare to vote with me. I say that a man or woman that doesn't have the courage to vote according to his or her convictions is weak indeed and has no place in this Legislature.

Make your own decisions, don't try to pass the buck back to the people who sent you here, and don't let politicians or lobbyists tell you what to do; you be the master of your own decision. Since it is my belief that every man possesses possibilities to do things worthwhile of which perhaps he never himself dreamed, I say let each of us try to make the best record for ourselves we can in this House, because the greatest satisfaction that any of us will ever get out of serving in this body is not the acclaim of the multitude or the praise of the newspapers, but the consciousness in our own souls that we did our very best."

When the vote is taken I request it be taken by the yeas and nays.

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

Mr. COPE: Mr. Speaker, Ladies and Gentlemen of the House: I share the concern, as well as all the members of the delegation from Portland, regarding the constitutional limitation of the number of representatives from Portland, which I believe is a recognized inequity. However, I feel that requesting an opinion from the Justices of the Supreme Court is unnecessary and a redundant recourse at this early date, for I believe the principle of

fair, equal representation and apportionment has been adjudicated in the United States Supreme Court and many other State Supreme Courts.

I have a question in my mind whether raising the limitation from seven to twelve is a fair and just figure.

In discussion recently with the Chairman of the Constitutional Commission, who is also from Portland, he advised me the report recommending removal of that limitation will be forthcoming by mid-February. I am sure the present 101st Legislature would support such recommendation and call for a referendum this fall. I am also certain that the people of Maine will approve such a referendum because they will accept the recognized inequities of such limitation. Shortly I spoke to the Governor regarding whether he would call for a special session in the event the people of Maine approved the referendum, and he advised me he would. Therefore, I am confident that buttress with the combined efforts of the present Legislature, the people of our State, that here in the next 102nd Legislature sitting among us will be a fair and just representation from Portland. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Ellsworth, Mr. Anderson.

Mr. ANDERSON: Mr. Speaker, Ladies and Gentlemen of the House: I want to go on record as being in concurrence with the gentleman from Bangor, Mr. Wellman. I certainly hope this bill is indefinitely postponed.

The SPEAKER: Is the House ready for the question? The Chair recognizes the gentleman from Old Orchard Beach, Mr. Plante.

Mr. PLANTE: Mr. Speaker and Ladies and Gentlemen of the House: Each one of you here would react with indignation and outrage if your right to vote were suddenly taken away from you. The traditional hallmark of American democracy has been its reliance on the will and wisdom of the people, expressed through the secret ballot in open elections. Yet, the perversion of our basic right to vote seems to have evoked a far less active sense of outrage, at least until recently. As

a matter of fact, unequal representation is one of the most flagrant and persistent perversions of a basic American right ever to occur in our history. We have tolerated this abuse for decades.

Why, you may well ask, has this issue failed to capture the imagination of the American people whose tradition of liberty and fair play have almost always in the past assured a prompt and vigorous response to most forms of misrepresentation? I suggest this heritage of imbalance has persisted for several reasons. One, it has persisted because the concept of unequal representation is far more difficult to grasp than the clear denial of individual voting rights. Two, it has persisted because too few of our citizens are alive to the impact and authority of State Legislatures in their lives. Three, it has persisted, in short, because even in a democracy, political power is rarely surrendered voluntarily.

In answer to the arguments which have been advanced against the House Order now before us, I would like to answer same by posing several questions: 1. Is it our desire to have the Constitutional Commission recommend to us possible unconstitutional changes? 2. Are we so astute in matters of constitutional reform that we need not search for judicial guidance? 3. Are we so blinded by partisanship that we are willing to overlook the perversion of our basic right to vote? 4. And finally, I would like to pose the following question through the Chair, of the gentleman from Bangor, Mr. Wellman, if he wishes to answer: Sir, as a lawyer, do you feel that limiting the number of representatives to which any city or town may be entitled is in violation with the Constitution of the United States of America?

The SPEAKER: A question has been posed through the Chair to the gentleman from Bangor, Mr. Wellman, and he may answer if he chooses.

Mr. WELLMAN: Mr. Speaker, I believe that the word "perversion" has been used a little loosely here this morning. I think that the State of Maine has been one of the few states perhaps who have diligently attended to the task of reapportion-

ment. We have tried I believe on the whole, fairly and equitably, to perform the job with which the Constitution has charged us. We will continue to do this job in this session and in the years to come. However, I do not feel that the Courts must be the ones to whom we must continually turn. As the gentleman from Portland has said, we must look to ourselves to do this job. I continue to take my stand that this order should be indefinitely postponed.

The SPEAKER: The Chair recognizes the gentleman from Bar Harbor, Mr. Smith.

Mr. SMITH: Mr. Speaker, as a member of the Constitutional Revision Commission, I want to make clear that there will be a comprehensive recommendation to this session of the Legislature concerning reapportionment, contrary to the inference of the gentleman from Portland, that some two years might pass before any such recommendation is forthcoming.

The Constitutional Revision Commission has given very careful and thorough consideration to the whole problem of reapportionment including that involving the City of Portland and, in my view, at this time it would be highly inappropriate to have this order passed for an advisory opinion from the Supreme Judicial Court. We are not considering at this time, of course, the bill itself; we are merely considering the order. I urge that the order be defeated.

The SPEAKER: The Chair recognizes the gentleman from Old Orchard Beach, Mr. Plante.

Mr. PLANTE: For the record, Mr. Speaker, am I to assume that the gentleman from Bangor does not wish to answer my question? I am asking this question again through the Chair. If he wishes for me to repeat the question, I would be glad to.

The SPEAKER: The gentleman from Bangor, Mr. Wellman, was offered an opportunity, if he so desired, to answer the question. If he does not, the Chair cannot so order.

The Chair recognizes the gentleman from Bangor, Mr. Wellman.

Mr. WELLMAN: Mr. Speaker, may I have permission to speak a third time?

The SPEAKER: The gentleman from Bangor, Mr. Wellman, requests permission to speak a third time. Is there objection? The Chair hears none. The gentleman may proceed.

Mr. WELLMAN: Mr. Speaker, I believe I answered the question when I said that I do not know what any court would say. I only know what we must do ourselves.

The SPEAKER: The Chair recognizes the gentlewoman from Portland, Mrs. Hendricks.

Mrs. HENDRICKS: Mr. Speaker and Members of the House: Isn't it about time we start wondering why this limitation has remained on the books so long? Don't you feel that this matter of reapportionment has been lagging and dragging long enough, and that the proposal of the Representative from Portland, Mr. Childs, is positive action, and it will show that this House has initiative, and it will start the wheels really moving?

Mr. PLANTE: Mr. Speaker?

The SPEAKER: The Chair would remind the gentleman that he has spoken twice. Does he desire to speak a third time under consent?

Mr. PLANTE: I feel, sir, that I have spoken once and that I requested two questions through the Chair.

The SPEAKER: The gentleman from Old Orchard Beach, Mr. Plante, requests permission to speak a third time. Is there objection? All those in favor say aye; those opposed, no.

Whereupon, the gentleman was granted permission to speak a third time on a viva voce vote.

Mr. PLANTE: Thank you. Mr. Speaker, Ladies and Gentlemen of the House: I feel that there must be a couple of items here that need clarification. First, the gentleman from Bangor, Mr. Wellman, has said that this House in the past has diligently worked concerning reapportionment. Well if working diligently consists of the type of work that was produced in the reapportionment bill of the last session, then I often wonder why after we pointed out the haphazard manner in which this bill was drawn up why we had to go into special session to remedy it. The question of the Constitutional Commission has

been brought up. I might say a casual observation, and I say casual, of their first report, I found some glaring conflicts. For example, they established in their first recommendation question of residency, and they state here in so many words, that residency, concerning someone who is at a military base, cannot in effect be established by that individual in that community; so there is a conflict here because if for example, someone is at Dow Base at Bangor, he would not be eligible by their first recommendation to vote in Bangor. There is a conflict as to what his legal right would be if although a present member of the base in Bangor, if he could vote in Orono or if he could vote in Old Town, and was a member of the Bangor base. So I suggest that some light should be shed on this issue if for nothing more than to assist the Constitutional Commission, to assist us, because certainly we haven't done our homework in the past toward not desiring some judicial guidance. I could go on, but I feel that the question has obviously been made into a partisan issue, and that we will have a roll call, and I feel that although you are a giant majority, that we have a round stone of justice in our sling, and that we in the final analysis, a tiny minority, shall be successful.

The SPEAKER: Is the House ready for the question? The gentleman from Portland, Mr. Childs, has requested a roll call. Under the Rules of the House the yeas and nays of the members of the House shall at the desire of one fifth of those present be entered on the journal.

The question before the House is the motion of the gentleman from Bangor, Mr. Wellman, that this order be indefinitely postponed. All those who desire a roll call will please rise and stand in their places that they may be counted.

A sufficient number arose.

The SPEAKER: Obviously, more than one fifth of the members present having arisen, a roll call is ordered. The question before the House is the motion of the gentleman from Bangor, Mr. Wellman, that this order be indefinitely postponed. Those in favor of the in-

definite postponement of this order will answer "yes" when their names are called; those opposed to the indefinite postponement will answer "no."

The Chair will state the question again. The question before the House is the motion of the gentleman from Bangor, Mr. Wellman, that the Order be indefinitely postponed, the House Order requesting an Opinion of the Justices of the Supreme Judicial Court in reference to the Limitation of the number of Representatives to which a City or Town is entitled. If you are in favor of the indefinite postponement of the Order, you will answer "yes" when your name is called; if you are opposed, you will answer "no." The Clerk will call the roll.

#### Roll Call

YEA — Albair, Anderson, Ellsworth; Benson, Berry, Birt, Boothby, Bradeen, Bragdon, Brewer, Brown, South Portland; Brown, Fairfield; Carter, Chapman, Choate, Cookson, Cope, Coulthard, Cressey, Crockett, Curtis, Dennett, Drake, Dunn, Earles, Easton, Ewer, Finley, Foster, Gifford, Gilbert, Gustafson, Hammond, Hanson, Hardy, Harrington, Hawkes, Hobbs, Humphrey, Hutchins, Jameson, Jewell, Jones, Kent, Laughton, Libby, Lincoln, Linnekin, Littlefield, MacGregor, MacLeod, MacPhail, Maddox, Mathieson, McGee, Meisner, Mendes, Minsky, Mower, Norton, Oakes, Oberg, Osborn, Osgood, Pease, Philbrick, Pierce, Prince, Harpswell; Rand, Rankin, Richardson, Ricker, Roberts, Ross, Brownville; Ross, Augusta; Sahagian, Scott, Shaw, Smith, Bar Harbor; Smith, Falmouth; Smith, Strong; Susi, Taylor, Thaanum, Thornton, Townsend, Treworgy, Turner, Tyndale, Vaughn, Viles, Wade, Waltz, Ward, Waterman, Watkins, Wellman, White, Whitney, Wight, Williams, Wood, Young.

NAY — Anderson, Orono; Baldic, Bedard, Bernard, Binnette, Blouin, Boissonneau, Bourgoin, Burns, Bussiere, Cartier, Childs, Cottrell, Crommett, Denbow, Dostie, Winslow; Dostie, Lewiston; Edwards, Gallant, Giroux, Hendricks, Jalbert, Jobin, Karkos, Kilroy, Levesque, Lowery, Nadeau, Noel, O'Leary, Pitts, Plante, Poirier, Lewiston;

Prince, Oakfield; Reynolds, Rust, Snow.

ABSENT — Ayoob, Berman, Cote, Davis, Dudley, Hendsbee, Henry, Knight, Poirier, Van Buren; Tar diff, Welch.

Yes, 102; No, 37; Absent, 11.

The SPEAKER: One hundred two having voted in the affirmative and thirty-seven having voted in the negative, with eleven absentees, the Order is indefinitely postponed.

The SPEAKER. The House is proceeding under Orders of the Day.

Mr. Jalbert of Lewiston was granted unanimous consent to address the House.

Mr. JALBERT: Mr. Speaker, I merely rise early during this session to ask a quick query from the Speaker, from the presiding officer, to clarify a problem that has been on the minds of many for several years, so that before we get jammed up in a real debate sometime, that the deck of this proposition I will ask you will be cleared.

As I saw it, the gentleman from Old Orchard Beach, Mr. Plante, got up and spoke once and before he sat down, he asked a question. Then he got up again to ask another question, feeling his question had not been answered. Then permission was granted him by voice vote. Then the gentleman from Bangor, Mr. Wellman, he got up and he spoke once. Then he was asked a question from Mr. Plante, and he answered the question; then got up again to answer the question or state his position again, then he was told that he was given unanimous consent to address the House.

Again being mindful that I am a peace-loving citizen, Mr. Speaker, I would like this position stated clearly once and for all. Is a question in any form and an answer in any form, to be constituted as speaking for the second time, or the first time? Is a count at bat tacked up against you? And I am really asking this because it happened to me on several occasions and certainly in this particular instance here, confusion again rests in my mind in view of the fact that one was given unanimous consent, and the other — and he could

have served a time at bat, and the other individual was given consent by a voice vote. I would like to have you explain and rule conclusively so that we will know where we stand.

The SPEAKER: The Chair will take the gentleman's remarks and statements under consideration, and will say to the House, that a question to another individual is usually considered speaking. The answer, according to our Parliamentarian in my two sessions here, is not considered speaking, he is merely answering an inquiry. I assure you ladies and gentlemen that the Chair will not play any favorites between the two parties. I will be as impartial as I possibly can. If you find me at any time not being impartial, I assure you that it is poor judgment on my part, and I will welcome any suggestions from any member.

The Chair recognizes the gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker, I assure you that my only purpose is for clarification purposes, and I think your point of taking it under advisement is well taken, so that you will avoid later on a possible log jam and hard feeling, not from my part, but it could sometime.

The SPEAKER: The Chair thanks the gentleman for his generosity.

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

Mr. BROWN: Mr. Speaker, may I inquire of the Clerk of the House if he has in his possession Senate Paper 86?

The SPEAKER: The Chair will inform the gentleman that this matter is in possession of the House.

Mr. BROWN: Mr. Speaker and Ladies and Gentlemen of the House: Prior to making a motion to reconsider the action of the House on Thursday, whereby it passed this Senate Paper 86, I wish to make a few remarks on the subject. My principal objective is not the amount of money involved at this point, but to the method employed will permit it and to the language of this document. If these individuals are deserving a raise, they should receive one.

Those of us who served in the 100th Legislature recall well the discussions and the various features of the Jacobs Plan. Some perhaps felt as I did that we had emphatically voted against the longevity aspect of this plan only to discover with amazement that according to the Attorney General, Mr. Hancock, we had accepted the Jacobs Plan and had only failed to provide the necessary funds. Needless to say, the Attorney General and myself are not in accord with this interpretation. This principle of longevity is one which the House will be asked to consider when the increases for state employees are placed before it. It may well be this is a wedge which can be utilized to achieve the incorporation of such a feature into the entire state employees schedule. Being opposed to such a feature, I cannot refrain from alerting the House, there being so many new members who are not perhaps aware of the ramifications involved.

My second objection to this paper stems from the newspaper article printed in the Waterville Sentinel on Friday, January 18. This procedure, this article states as a headline "Legislators okay pay raises for highway workers." This procedure of publishing such an article has all the aspects to me of manipulating news. Why? Simply because I informed the Press personally on Thursday that the Clerk of the House had been requested by me to hold up the paper for reconsideration. This places the House in rather an untenable position. Nevertheless, this reconsidering action could serve a purpose in alerting the Press to verify the news dispatches before publication. I would hope that if this measure is reconsidered by this honorable body, we could then move to have a Committee of Conference appointed which would provide the proper vehicle for granting the increase to these state highway maintenance employees listed in this Senate Paper. I now move, Mr. Speaker, that the House reconsider the action whereby Senate Paper 86 was passed.

The SPEAKER: The gentleman from Fairfield, Mr. Brown, moves that the House reconsider its action

whereby it passed this Senate Order on January 17. The Clerk will read the order.

The Order was read by the Clerk as follows:

"ORDERED, the House concurring, that the Personnel Board place into effect January 26, 1963 for the classifications of Highway Maintenanceman I, Highway Maintenanceman II, Highway Maintenanceman II A, Highway Maintenanceman III, Highway Maintenanceman IV, Highway Foreman I, and Highway Foreman II, longevity provisions in the J. L. Jacobs Company's proposals as set forth in its report to the State Personnel Board dated October, 1960 (S. P. 86)"

The SPEAKER: The Chair recognizes the gentleman from Freeport, Mr. Crockett.

Mr. CROCKETT: Mr. Speaker and Members of the House: I am sure that you all are aware that the Highway Maintenance Division is the only segment of state government without the merit system. In other words, these men cannot look forward to periodic upward adjustments in their hourly rates of pay. All other state employees know that they have step increases available to them, provided they perform their work in a satisfactory manner, but not these highway men. They earn a flat hourly rate, and that's it, no matter how they maintain our roads, plow and sand, work around the clock to keep our highways clear for travel.

I can assure you there is no attempt through this Joint Order to slide longevity through under the guise of relief for the highwaymen. This is not the intent. I am telling you ladies and gentlemen of this House, that I live in the vicinity where there is a highway maintenance yard, and I'm telling you when this Highway Department came out last week and gave this raise to these maintenance people, that we should leave well enough alone, and accept what the Highway Department has increased the salaries of these highway men and highway foremen. You take step 1 on the highway maintenance crew, today they receive \$1.31. The next step he would get would be \$1.38, which is a 7c raise which they haven't received for a good many

years. And fifteen years or over \$1.45, and that is right down the line.

Now they have nobody but the Maine State Employees to represent them. The Maine State Employees Association is in favor of this. We have got it from the Highway Department without any legislation, and I say defeat this motion to reconsider. Let's give the poor highwaymen a break.

The SPEAKER: The question before the House is the motion of the gentleman from Fairfield Mr. Brown, that the House reconsider its action whereby this order was passed in concurrence.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I feel that I am somewhat in agreement with the gentleman from Fairfield, Mr. Brown, in his motion to reconsider this order. There are a great many things about it that bother me somewhat.

Number one would be, what would be the feeling of other state employees if by any chance this Legislature should decline to pass we will say, or to provide the money for this longevity provision? This order, if I understand it correctly, and I am willing to be corrected if I am wrong, puts this in effect for these employees previous to the time that this Legislature takes any action upon it. For that reason, I seem to find myself a little bit in objection to the order. Not that I am in objection to these men receiving the increases, but my feeling is that I would rather see it done in what I look upon as the regular manner after this Legislature sees fit to take action or provide money for these longevity increases.

The SPEAKER: The Chair recognizes the gentleman from Kennebunkport, Mr. Tyndale.

Mr. TYNDALE: Mr. Speaker, Ladies and Gentlemen of the House: I too would like to request that this House not reconsider its unanimous action of last week when we passed this for immediate relief for the Highway Maintenance. I am sure that all of you know of the financial hardships that many, if not all, of

these men are going through, at hourly pay rates that are fixed, hard and fast. To my way of thinking, recognition should be given to these men for being career workers who are on call twenty-four hours a day, seven days a week, in rain, snow and sleet. After putting in eight and fifteen years, I for one feel that granting these extra steps is not rewarding them too much.

I too know that this Joint Order was not schemed to get a foot in the door for longevity for all state employees. Later during this session we will judge other legislation on its merits objectively, not on passage of this Joint Order. So that there is no misunderstanding, the funds to provide this extra boost for some 850 highwaymen will come from highway surplus, and already has been earmarked for this purpose. It amounts to about \$175,000 for the year.

I would like to take into consideration another point. For a number of years I served as Selectman for the Town of Kennebunkport, and it always occurred to me that in the hours of the evening when these men were out plowing, taking care of our roads so that you and I could get out the next morning, what their pay was; and I investigated the State wage maintenance pay. I was shocked and amazed. I immediately recommended a pay raise for the men of our town, not once, but twice, and I think that Kennebunkport has probably the best plowed roads in the State, if not equal to those of all of you gentlemen and ladies in the House.

I don't like to ask for a thing out of order, but my experience has been that Committees of Conference are purposed for one thing, to kill an order. There must be an intent and a motive behind any suggestion. This is what we consider in the House. And I must remind you, time and time again, these things are deferred for one purpose, for defeat of the purpose; and then again we table and go on and the thing drags out, and no end result is given. We have a question: Do we want these maintenance crews to serve us during these long hours of winter and snow and sleet, to give us service that we

need, for us to get here? Then we certainly ought to consider the hours of service and the years of service that these men have put in.

Now I know this thing closely and I have attended to it, and I ask that this reconsideration be not accepted in this House today, and when this vote is taken I suggest it be taken by a division.

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

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: Let me assure the gentleman, Mr. Tyndale, that there is no hidden motive on my part. I am perfectly willing to go on record for this pay raise at any time, and should there be a Committee of Conference, I would like to serve on it, and I would very definitely state at this time that I would be in favor of this pay raise, but I am not in favor of the way this order is written.

The SPEAKER: The Chair recognizes the gentleman from Southport, Mr. Rankin.

Mr. RANKIN: Mr. Speaker, through the Chair I would like to ask a question of the gentleman from Freeport, Mr. Crockett. What is the lowest paid man on the highway maintenance crews now receiving per hour, and how much pay is his gross each week?

The SPEAKER: The gentleman from Southport, Mr. Rankin, has addressed a question through the Chair to the gentleman from Freeport, Mr. Crockett, who may answer if he so desires.

Mr. CROCKETT: Mr. Speaker, and my good friend from Southport, Mr. Rankin, the minimum pay for Maintenance Number 1 is \$1.31 an hour. This will increase it by 7c an hour. This money does not come out of the general fund. It comes out of the highway fund.

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

Mr. JALBERT: Mr. Speaker, the highway fund is constituted to be dedicated money. I have always felt to some extent and some degree that they have known what they were doing. I know of the squabbings and bickerings that have been going on among these good

850 employees over the many, many years. I know what it could lead to; nothing but a continued chaotic condition and disunity among them which doesn't speak very well for them to continue their good day's work. Out of fair play and in fairness, I certainly hope that the motion of the gentleman from Fairfield, Mr. Brown, is soundly defeated, and I certainly would go along with a motion, although I will not make it, to go along with a roll call to decide yes or no on this question.

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

Mr. WELLMAN: Mr. Speaker and Ladies and Gentlemen of the House: I too would like to be on record as opposing the motion of the gentleman from Fairfield, and would too also like to reiterate that this is not a wedge for longevity. This is a pay increase, and as the order states, this is for the remainder of the fiscal year. We certainly will consider the aspects of this again.

The SPEAKER: Is the House ready for the question? The Chair recognizes the gentlewoman from Falmouth, Mrs. Smith.

Mrs. SMITH: Mr. Speaker and Members of the House: I really don't feel that we have enough information to vote intelligently this morning on this order. The order went through the other day, and I didn't pay too much attention to it perhaps. We have these orders brought in; they are brought in to us rather quickly. They will come in faster to you at the end of the session I assure you. You are never quite sure whether the leadership has found something that is justified or whether they have found something they would like to pass at the last moment.

I am awfully skeptical of these orders. They bother me. This pay scale and this longevity and all of

this is very complicated. I think it is very difficult to sit here and know what this will do or what pressures this will bring from other employees. I can't understand why it becomes an emergency of this sort, and although I am not against legitimate pay raises for any employee, I shall join the gentleman from Fairfield, Mr. Brown, this morning, because of the way it has been brought in.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Fairfield, Mr. Brown, that we reconsider our action whereby on January 17 we passed Senate Order 86 in concurrence and a division has been requested. All those in favor of reconsideration, please rise and remain standing until the monitors have made and returned their count.

The Chair recognizes the gentleman from Old Orchard Beach, Mr. Plante.

Mr. PLANTE: Mr. Speaker and Ladies and Gentlemen of the House: I hope that there will be no misunderstanding concerning the Democratic position on this. I read very carefully the House Order last week and I discussed it with many of the Democrats, and we supported it last week. It is my hope that we will be unanimously supporting it again today by voting no against the motion to reconsider.

The SPEAKER: Those in favor of the motion to reconsider will please rise and remain standing until the monitors have made and returned the count.

A division of the House was had. Twenty-nine having voted in the affirmative and one hundred two having voted in the negative, the motion to reconsider did not prevail.

On motion of Mr. Wade of Skowhegan,

Adjourned until ten o'clock tomorrow morning.