

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

**OF THE**

***Ninety-Fifth Legislature***

**OF THE**

**STATE OF MAINE**

**1951**

**DAILY KENNEBEC JOURNAL  
AUGUSTA, MAINE**

## SENATE

Wednesday, April 11, 1951.

The Senate was called to order by the President.

Prayer by the Rev. Lewis Brehaut of Lewiston.

Journal of yesterday read and approved.

## Order

(Out of Order)

On motion by Mrs. Kavanagh of Androscoggin under suspension of the rules it was

ORDERED, that Dolores Boulay of Lewiston High School, Lewiston, Anita Descoteaux of St. Dominic High School, Lewiston, and Lois Mackay of Edward Little High School, Auburn, are hereby appointed Honorary Pages pro tem of the Senate, during today's session.

The PRESIDENT: The Chair will request the Senator from Androscoggin, Senator Kavanagh, to escort the three Honorary Pages forward to seats at the right and left of the President.

This was done.

The PRESIDENT: Needless to say it is always a pleasure for the Senate to look upon, shall we say, such handsome girls as these and it is the Cross the President has to bear that he cannot turn his head that far, so I will have to leave that pleasure to you gentlemen of the Senate.

Mr. Boucher of Androscoggin County was granted unanimous consent to address the Senate.

Mr. BOUCHER of Androscoggin: Mr. President and members of the Senate, I presume that by this time all of you realize that this is Androscoggin County day in the Legislature.

Our good friends from Aroostook have shown the way in past years. We have followed them and I think we will overtake them and beat them, if we can, at their own game. I realize that as a Democratic county, it is quite a job to overcome so vast a majority as Aroostook or any other county of the state.

Nevertheless, we want to point out very proudly to you members of the Legislature this morning that we have in the rotunda a display made

and presented by different concerns of the County of Androscoggin and we are proud of it because we pride ourselves by calling Androscoggin County and the great City of Lewiston the Industrial Heart of Maine.

I want to point out to you that the Bates Manufacturing Company of Lewiston is Maine's largest manufacturing enterprise and world famous producers of cotton, rayon and nylon fabrics. The Pepperell Manufacturing Company, Androscoggin Division, Lewiston, is internationally known for its top-quality blankets, its sheets and pillow cases.

The Cobb-Watson Company of Auburn is a nationally famous manufacturer of Selmore store fixtures and operates the world's most modern veneer plant. The Bonafide Mills of Lisbon are manufacturers of linoleum products that enjoy markets throughout the United States.

The Auburn Shoe Manufacturers Association of Auburn is composed of many fine companies. Androscoggin County is recognized as one of the East's outstanding shoe manufacturing centers and exhibitors include the following Lewiston-Auburn manufacturers and suppliers:

Air Tred Shoe Corporation  
Clark Shoe Company  
Crest Shoe Company  
Charles Cushman Company  
Federal Shoe Company  
Knapp Bros. Shoe Mfg. Company  
Lumbard Watson Company  
Shapiro Bros. Shoe Company  
Auburn Dye Company, Inc.  
Fitz Bros. Company  
J. H. Gillen Company  
Gould Scammon, Inc.  
Leighton Heel Company  
Minot Wood Heel Company  
Maine Shoes, Inc.

The Paine Incense Company is also located in Lewiston. This company is a producer of balsam products for the national markets. We also have the Farnsworth Mills located at Lewiston and are nationally known as famous manufacturers of woolen goods. Then there is the Pond Tissue Company, Mechanic Falls, producers of tissue products in demand from Maine to California. The Berry Hill Farms of Livermore also have an exhibit on display and is one of Maine's out-

standing apple growers and apple juice distributors with their products being distributed throughout the country.

There is also a display from Dube's Flower Shop, Inc., of Lewiston. This is one of Maine's largest growers and retailers of flowers, and I know, Mr. President, that you will enjoy this display as it is in your line of business.

So, at this time I do want and I do request the attention of all the members of this Senate today to our display from Androscoggin County. We want to show you we can do things right in Androscoggin County and we want to show you we have the goods.

The PRESIDENT: I am sure that I am speaking for the Senate when I say we are all proud of Androscoggin County just as we are proud of all of the other fifteen counties and I believe that we all realize that it is probably the most highly industrialized county in the state and has many businesses of note.

It is my own personal belief that the things of which the county should be the most proud are not its industries, not its recreational facilities, not its cities and towns, but its people and of all its people, the Senate is perhaps most conscious of the man who has just spoken. He is a man who has been in public life during all of his later years, a man who has served the City of Lewiston with distinction, a man whom we love and cherish even though we do not always agree with him. The dean of the Senate in point of years of service is Senator Jean Charles Boucher and at this time the Chair will appoint Senator Jean Charles Boucher President pro tem and ask the Sergeant at Arms to escort him to the rostrum.

This was done, the President sur-rendering the Chair to the Senator from Androscoggin, Senator Boucher.

#### From the House

The Committee on Inland Fisheries and Game on Bill "An Act Establishing Chapman Bird Sanctuary," (H. P. 1633) (L. D. 1198) reported that leave be granted to withdraw the same.

The same Committee on Bill "An Act Relating to Trapping Season

on Fur-Bearing Animals," (H. P. 1009) (L. D. 596) reported that leave be granted to withdraw the same.

The same Committee on Bill "An Act Relating to Open Season on Fish," (H. P. 1408) (L. D. 1016) reported that leave be granted to withdraw the same.

The same Committee on "Resolve Regulating Fishing on Sebago Lake in the County of Cumberland," (H. P. 735) (L. D. 424) reported that leave be granted to withdraw the same.

The same Committee on Bill "An Act Relating to Open Season on Otter," (H. P. 430) (L. D. 251) reported that leave be granted to withdraw the same.

The Committee on Judiciary on Bill "An Act Relating to Presumption of Death," (H. P. 739) (L. D. 426) reported that leave be granted to withdraw the same.

The same Committee on Bill "An Act Relating to Fees of Registers of Probate for Filing Wills and Administrations," (H. P. 1391) (L. D. 985) reported that leave be granted to withdraw the same.

The Committee on Towns and Counties on Bill "An Act Relating to the Salary of the Judge of Probate of Kennebec County," (H. P. 339) (L. D. 197) reported that leave be granted to withdraw the same.

The Committee on Education on Bill "An Act Relating to Minimum Salaries for Teachers," (H. P. 818) (L. D. 480) reported that the same same ought not to pass.

The same Committee on Bill "An Act Relating to Teachers' Tenure," (H. P. 1303) (L. D. 896) reported that the same ought not to pass.

The Committee on Inland Fisheries and Game on "Resolve Relating to Fishing in Penobscot Lake, County of Somerset," (H. P. 1266) (L. D. 835) reported that the same ought not to pass.

(On motion by Mr. McKusick of Piscataquis, tabled pending the acceptance of the report.)

The same Committee on "Resolve Closing All of Moosehead Lake to Ice Fishing," (H. P. 1613) (L. D. 1173) reported that the same ought not to pass.

The Committee on Judiciary on Bill "An Act Relating to Proceedings in the Probate Court," (H. P. 1317) (L. D. 853) reported that the same ought not to pass.

The same Committee on Bill "An Act Relating to Facsimile Signatures Upon Corporate Obligations." (H. P. 1392) (L. D. 986) reported that the same ought not to pass.

The same Committee on Bill "An Act Relating to Fees of Sheriffs." (H. P. 1418) (L. D. 1026) reported that the same ought not to pass.

The Committee on Public Health on Bill "An Act Relating to Analysis of Water." (H. P. 1552) (L. D. 1113) reported that the same ought not to pass.

The Committee on Towns and Counties on Bill "An Act Decreasing Salary of Register of Probate of Sagadahoc County." (H. P. 1441) (L. D. 1052) reported that the same ought not to pass.

Which reports were severally read and accepted in concurrence.

The Committee on Agriculture on Bill "An Act Relating to Showing of Cattle at Fairs." (H. P. 1507) (L. D. 1162) reported that the same ought to pass.

The same Committee on Bill "An Act Relating to Crop Dusting by Aeroplanes." (H. P. 1466) (L. D. 1082) reported that the same ought to pass.

The Committee on Business Legislation on Bill "An Act Permitting Closing of Banks on Saturday." (H. P. 1255) (L. D. 829) reported that the same ought to pass.

(On motion by Mr. Eia of Somerset, tabled pending acceptance of the report.)

The Committee on Education to which was recommitted Bill "An Act Relating to Joint Operation of School." (H. P. 883) (L. D. 525) reported that the same ought to pass.

The Committee on Judiciary on Bill "An Act Relating to Payment to Androscoggin County Law Library." (H. P. 1417) (L. D. 1025) reported that the same ought to pass.

The Committee on Legal Affairs on Bill "An Act Relating to a Ferry Between Beals and Jonesport." (H. P. 1658) (L. D. 1230) reported that the same ought to pass.

The same Committee on Bill "An Act to Create Town of Owl's Head School District." (H. P. 1652) (L. D. 1222) reported that the same ought to pass.

The same Committee on Bill "An Act Enlarging the Powers of Wis-

casset Academy." (H. P. 1324) (L. D. 887) reported that the same ought to pass.

The Committee on Natural Resources on "Resolve Authorizing the State Forest Commissioner to Convey Certain Interest of the State in Property formerly Owned by Anne Gray." (H. P. 1644) (L. D. 1207) reported that the same ought to pass.

The same Committee on "Resolve Authorizing the Maine Public Utilities Commission to Set Out and Maintain Buoys on Sebago Lake." (H. P. 1590) (L. D. 1162) reported that the same ought to pass.

The same Committee on "Resolve Authorizing the Forest Commissioner to Convey Certain Interest of the State in the Island in Cumberland County to H. Norman Cole of Gray." (H. P. 1589) (L. D. 1161) reported that the same ought to pass.

The same Committee on Bill "An Act Relating to Supervision and Control of Certain State Lands." (H. P. 1551) (L. D. 1111) reported that the same ought to pass.

The Committee on Sea and Shore Fisheries on "Resolve Relating to the Protection of Clams Within the Town of Freeport." (H. P. 655) (L. D. 373) reported that the same ought to pass.

The same Committee on Bill "An Act Relating to the Digging of Shellfish and Marine Worms in the Town of Freeport." (H. P. 652) (L. D. 371) reported that the same ought to pass.

Which reports were severally read and accepted in concurrence, the bills and resolves read once and tomorrow assigned for second reading.

The Committee on Business Legislation on Bill "An Act Relating to Domestic Mutual Insurance Companies," (H. P. 1401) (L. D. 1062) reported the same in a new draft, (H. P. 1687) (L. D. 1262) under the same title and that it ought to pass.

The Committee on Towns and Counties on Bill "An Act Relating to Boards of Registration in Towns Under Three Thousand Five Hundred Inhabitants," (H. P. 340) (L. D. 202) reported the same in a new draft (H. P. 1688) (L. D. 1263) under

the same title, and that it ought to pass.

Which reports were severally read and accepted in concurrence, and the bills in new draft read once and tomorrow assigned for second reading.

Mr. BARNES of Aroostook: Mr. President, I rise to a point of order.

The PRESIDENT pro tem: The Senator may state his point of order.

Mr. BARNES: Mr. President, Rule Thirty of the Rules of the Senate reads as follows: "Members of the Senate may exchange seats on consulting the President and obtaining his permission."

I would like to inquire, Mr. President, whether the Senator from Knox, Senator Sleeper has consulted with the President and obtained his permission to change his seat.

The PRESIDENT pro tem: The Chair will state that the Senator from Knox, Senator Sleeper, has not consulted the President and that the Chair reminded the Senator that he was out of his proper seat when he changed to another seat.

Mr. BARNES: I move, Mr. President, that the Sergeant at Arms be instructed to escort the Senator from Knox, Senator Sleeper, to his proper seat.

The PRESIDENT pro tem: The Senator's point is well taken. The Sergeant at Arms will perform that duty.

The Senator from Knox, Senator Sleeper was escorted to his seat by the Sergeant at Arms.

The President resumed the Chair, the Senator from Androscoggin, Senator Boucher, retiring amid the applause of the Senate.

The Committee on Agriculture on Bill "An Act Creating the Maine Frozen Dairy Products Law," (H. P. 254) (L. D. 190) reported that the same ought to pass as amended by Committee Amendment "A". (Amendment Filing No. 159)

(On motion by Mr. Allen of Cumberland, tabled pending acceptance of the report.)

The same Committee on Bill "An Act Relating to Transportation of

Poultry," (H. P. 1399) (L. D. 1012) reported that the same ought to pass as amended by Committee Amendment "A" (Amendment Filing No. 165)

The Committee on Legal Affairs on Bill "An Act to Incorporate the George H. Robinson Elementary School District in Belfast," (H. P. 200) (L. D. 122) reported that the same ought to pass as amended by Committee Amendment "A". (Amendment Filing No. 174)

The Committee on Natural Resources on Bill "An Act to Authorize the Building of a Road across Massacre Pond, in Scarborough," (H. P. 61) (L. D. 27) reported that the same ought to pass as amended by Committee Amendment "A". (Amendment Filing No. 158)

(On motion by Mr. Allen of Cumberland, tabled pending acceptance of the report)

Which reports were severally read and accepted in concurrence and the bills read once; Committee Amendments "A" were severally read and accepted in concurrence and the bills as amended were tomorrow assigned for second reading.

First Special Report of the Committee on Apportionment reporting two plans of Allocation of Representatives. (H. P. 1673) (L. D. 1244)

"Plan 'A' "	
County	No.
Androscoggin	13
Aroostook	16
Cumberland	24
Franklin	4
Hancock	6
Kennebec	13
Knox	6
Lincoln	3
Oxford	8
Penobscot	17
Piscataquis	4
Sagadahoc	4
Somerset	7
Waldo	4
Washington	8
York	14
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Plan "A" recommended by the following members:

Senators: SLEEPER of Knox  
CHRISTENSEN  
of Washington

Representatives:

JACOBS of Auburn  
 DORSEY  
     of Fort Fairfield  
 DUNHAM of Ellsworth  
 MARTIN of Augusta  
 HARDING of Rockland  
 CHASE of Whitefield  
 DICKEY of Brooks  
 LACKEE of Addison

“Plan ‘B’ ”

County	No.
Androscoggin	13
Aroostook	15
Cumberland	27
Franklin	4
Hancock	6
Kennebec	13
Knox	5
Lincoln	3
Oxford	8
Penobscot	17
Piscataquis	4
Sagadahoc	4
Somerset	7
Waldo	4
Washington	6
York	15

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Plan “B” recommended by the following members:

Senators: HASKELL of Penobscot  
 MARSHALL of York  
 LEAVITT of Cumberland  
 CROSBY of Franklin  
 ELA of Somerset

Representatives:

CHASE  
     of Cape Elizabeth  
 CASWELL  
     of New Sharon  
 STEWART of Paris  
 LATNO of Old Town  
 HAYES  
     of Dover-Foxcroft  
 BAILEY of Woolwich  
 SINCLAIR of Pittsfield  
 BRADEEN of Waterboro

Comes from the House, Plan “A” adopted.

(On motion by Mr. Haskell of Penobscot, tabled pending consideration.)

Mr. Weeks of Cumberland was granted unanimous consent to address the Senate.

Mr. WEEKS: Mr. President and members of the Senate, I ask unanimous consent to introduce a measure, “An Act to Amend the

Charter of the Town of Baileyville,” and I believe this is a matter which needs explanation. For some time, due to the wording of the charter of the Town of Baileyville, there has been considerable difficulty in the elections of the town officers. For instance, there have recently been three elections each with three candidates with no one of them receiving a majority of the votes. The result has been that the orderly administration of the town affairs has been interfered with. This bill has an emergency provision attached to it and it provides for the election of the town officers by a plurality. I believe it is a matter which requires immediate attention and I request unanimous consent for its introduction.

The PRESIDENT: Is there objection to the introduction of the bill? The Chair hears none and the bill is received.

Mr. Weeks of Cumberland thereupon presented bill, “An Act to Amend the Charter of Baileyville” (S. P. 538) which was received and on further motion by the same Senator was referred to the Committee on Legal Affairs.

Sent down for concurrence.

**Bills in the first Reading**

Bill “An Act Amending the Gasoline Road Tax.” (S. P. 534) (L. D. 1265)

Which was read once and tomorrow assigned for second reading.

**Senate Committee Reports**

Mr. Barnes from the Committee on Public Utilities on Bill “An Act to Amend the Charter of the York Water District,” (S. P. 189) (L. D. 401) reported that the same ought not to pass.

Mr. Fuller from the Committee on Welfare on “Resolve Providing for State Pension for Julia E. Burt of Augusta,” (S. P. 349) reported that the same ought not to pass.

Which reports were severally read and accepted.

Sent down for concurrence.

Mr. Larrabee from the Committee on Natural Resources on Bill “An Act Relating to Acquisition of National Forests” (S. P. 416 (L. D. 976) reported the same in a new draft, (S. P. 537) under a new title,

Bill "An Act Relating to Acquisition of National Forests to Oxford County," and that the same ought to pass

Which report was read and accepted, and the bill in new draft and under new title read once, and tomorrow assigned for second reading.

Mr. Crosby from the Committee on Highways on Bill "An Act Relating to Definition of Private Road in Right of Way at Entrances Thereof," (S. P. 431) (L. D. 994) reported that the same ought to pass.

Mr. Wight from the Committee on Taxation on Bill "An Act Relating to Refunds of Gasoline Tax," (S. P. 395) (L. D. 942) reported that the same ought to pass.

Which reports were severally read and accepted, the bills read once and tomorrow assigned for second reading.

#### Passed to Be Engrossed

Bill "An Act Relating to the Rights of Minority Stockholders." (H. P. 1229) (L. D. 782)

"Resolve in Favor of the Town of Sebec." (H. P. 1663) (L. D. 1261)

Bill "An Act Relating to Swan Island Game Preserve." (H. P. 1684) (L. D. 1259)

(On motion by Mr. Ela of Somerset, tabled pending passage to be engrossed.)

Which were severally read a second time and passed to be engrossed in concurrence.

Bill "An Act Relating to the Taking of Clams and Quahogs in the Town of Brunswick." (H. P. 1685) (L. D. 1260)

Which was read a second time and passed to be engrossed as amended in concurrence.

Bill "An Act Relating to Licenses for Digging of Clams and Quahogs in the Town of West Bath." (S. P. 137) (L. D. 244)

"Resolve Providing for Construction and Reconstruction of Road in Baxter State Park." (S. P. 180) (L. D. 391)

Bill "An Act Relating to the Tagging of Beaver." (S. P. 356) (L. D. 871)

"Resolve Naming the Guy H. Hall Memorial Bridge at Dexter." (S. P. 430) (L. D. 993)

Bill "An Act Relating to Closed Time on Deer in Certain Counties." (S. B. 434) (L. D. 997)

Bill "An Act Relating to Sea and Shore Fisheries Licenses." (S. P. 532) (L. D. 1264)

Which were severally read a second time and passed to be engrossed.

Sent down for concurrence.

"Resolve Closing Certain Waters in Hancock County to Taking of Salt Water Smelts." (S. B. 339) (L. D. 755)

Which was read a second time and passed to be engrossed as amended in non-concurrence.

Sent down for concurrence.

Bill "An Act Relating to Powers of East Corinth Academy." (S. P. 497) (L. D. 1212)

Which was read a second time and passed to be engrossed as amended.

Sent down for concurrence.

#### Orders of the Day

On motion by Mr. Brewer of Aroostook the Senate voted to take from the table bill, An Act Creating the Maine Economic Poisons Law (S. P. 342) (L. D. 808) tabled by that Senator on April 6th pending passage to be engrossed; and on further motion by the same Senator the bill was passed to be engrossed.

Sent down for concurrence.

On motion by Mr. Allen of Cumberland the Senate voted to take from the table Committee Report from the Committee on Agriculture on bill, An Act Creating the Maine Frozen Dairy Products Law (H. P. 254) (L. D. 190) tabled by that Senator earlier in today's session pending acceptance of the report; and on further motion by the same Senator the report of the committee was accepted, and the bill was given its first reading; Committee Amendment A was read and adopted-amended was tomorrow assigned for second reading.

On motion by Mr. Ela of Somerset the Senate voted to take from the table bill, An Act Relating to Swan Island Game Preserve (H. P. 1684) (L. D. 1259) tabled by that Senator earlier in today's session pending passage to be engrossed.



Mr. ELA of Somerset: Mr. President and members of the Senate, I now move that this bill be indefinitely postponed and I will say in explanation that there is another bill coming along which can do everything this bill does and will do it better, and if that bill is in proper order and should receive passage this bill should not pass. There is no controversy whatsoever on the bill and to keep things in proper order this bill should be indefinitely postponed.

A viva voce vote being had

The bill was indefinitely postponed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Haskell of Cumberland the Senate voted to take from the table bill, An Act Relating to Number of Voting Districts (H. P. 1036) (L. D. 564), the bill having been recalled from the office of the Governor by joint order; and on further motion by the same Senator the rules were suspended and the Senate voted to reconsider its previous action whereby the bill was passed to be enacted and further voted to reconsider its former action whereby the bill was passed to be engrossed.

The same Senator presented Senate Amendment A to the bill and moved its adoption.

The Secretary read the amendment: Senate Amendment A to L. D. 564. "Amend said bill by striking out the last paragraph thereof and inserting in place thereof the following paragraph: 'The municipal officers, sixty days before any election, may, after public notice and hearing, divide towns and wards of cities into not more than five convenient voting districts.'"

Senate Amendment A was adopted and the bill as so amended was passed to be engrossed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Haskell of Penobscot, the Senate voted to take from the table "First Special Report of the Committee on Apportionment reporting two plans of Allocation of Representatives." (H. P. 1673) (L. D. 1244) Plan A and Plan B, tabled by that Senator earlier in today's session pending consideration.

Mr. HASKELL of Penobscot: Mr. President and Members of the Senate, I will be very brief in presenting what were my convictions on this proposition and make this general comment that there is no resolve before you.

The matter before you this morning is a report from the Committee on Apportionment, which report asks the Legislature to act as expeditiously as may be in telling the Committee on Apportionment which of two plans they should follow in building the apportionment resolve which presumably will be acted upon by both branches once this major question is determined.

The action of the other branch indicates a substantial majority in favor of the acceptance of Plan A. I was one of those who signed Plan B and I signed Plan B because I thought that such census figures as the Committee has from the Bureau of Census indicates that re-apportionment should be carried out by this Legislature.

However, Plan B has been accepted by the other branch and those who believe that Plan A should be adopted must believe Cumberland County has at least 17,517 people fewer than reported by the Bureau of Census and they must also believe that Washington County has 7,119 more people, at least, than was reported by the Bureau of Census. I don't entirely disagree that they may well believe that. I happen to be one who isn't able to believe that the Bureau of Census figures were that far off.

Those who believe sincerely that Plan A should be adopted also believe that Somerset County with a census population of 39,701 should have fewer representatives than Washington County with a population of 35,092 by the Census Bureau. I find that difficult to believe.

However, the two plans are before you. There is a desire on the part of several counties to make redistricting procedures within their own counties. So, I urge that the question be settled and assure the Senate that the Committee on Re-apportionment will proceed forthwith to do as good a job as we can do in carrying out what are the wishes of the Legislature.

I think that the question of constitutionality has been well covered

in conversations that every member of this Senate has heard and I believe that the wording of the Constitution is fairly clear and I believe you all know that two thirds of us in the 93rd Legislature passed a constitutional resolve which clearly states that apportionment should follow population. I think all of you know that the Counties voted for that, although the opponents believe that the people did not believe those words.

In brief, that is the reason I signed Plan B and so that there may be a motion before the Senate for that able Senator from Knox, Senator Sleeper, to debate against, I would move that the Senate adopt Plan B.

Mr. SLEEPER of Knox: I move that the Senate adopt Plan A.

The PRESIDENT: The Chair will state that the question before the Senate is on the motion of the Senator from Penobscot, Senator Haskell, to adopt Plan B. The motion is debatable, Senator.

Mr. HASKELL of Penobscot: Mr. President, I would move that the bill lie upon the table pending my motion for the acceptance of Plan B.

The PRESIDENT: The Senator from Penobscot, Senator Haskell, moves that the bill lie upon the table pending his motion to accept Plan B.

A viva voce vote being had

The motion to table did not prevail.

The PRESIDENT: The question now before the Senate is on the motion of the Senator from Penobscot, Senator Haskell, that the Senate adopt Plan B.

Mr. LEAVITT of Cumberland: Mr. President, I rise to support the motion of the Senator from Penobscot for the adoption of Plan B. This is the second time I have been in the Legislature on an apportionment year and I believe that every person in this Senate will agree with me that if I had been here 100 years ago that I still would have voted to uphold the Constitution of the State of Maine and voted for re-apportionment in accordance with the population figures of that day. And if I had been here at that time, I would have voted for a decrease in the representation in

Cumberland County of seven members at one crack. Seven members. And the people who represented Cumberland County at that time did vote for a decrease in Cumberland County of seven members. And I also believe and I think everybody here will agree that if I had been in this body fifty years ago that I would have voted for re-apportionment which at that time would have increased Aroostook County from ten to twelve.

If I had been here from 1841 through to 1931, I would have helped Aroostook increase their representation from one to sixteen because of the fact that the Constitution says that we in this State shall have a representative government. I am not talking here for Cumberland County. I am not here talking against any other county. I am simply talking for the Constitution of this State and for proportional representation.

Each of us on our first day here stood here before the Governor and raised our hands and said that, "I will uphold the Constitution of the State of Maine." What more is there to say? If you people wish to go against your constitutional oath which you took at that time, then you can vote against Plan B, and when the vote is taken, I move that the vote be taken by the "yeas" and "nays."

Mr. CHRISTENSEN of Washington: Mr. President and members of the Senate, I happen to be a Senator from Washington County who is affected by this re-apportionment. I also happen to be a Member of the Apportionment Committee.

We got along fine in that Committee until we got down to the representatives. Then we didn't get along so good. I think it was about our second meeting we had on that when Senator Haskell took a vote under two plans. When Plan A passed with a majority, I was tickled. In a couple of days, Senator Haskell presented the report for me to sign and I took a look at it. I said, "My God, boys, there are a lot of these fellows who want Plan A. What happened here? I must have been asleep. The lobbyists have been to work." The Constitution had been at work.

Let us forget about the Constitution. The Constitution says we

may apportion this as the Legislature directs. If the legislators direct to adopt Plan A, that is just as constitutional as Plan B.

Mr. SLEEPER of Knox: Mr. President, I will attempt to go by the Constitution and I find that if we go strictly by the Constitution and we deduct the 76,936 people in Portland, that the rest of Cumberland County will have twenty members of the house for each 4,554 of population and if we adopt Plan B, Washington County will have one for each 5,847 if you want to go by the Constitution.

According to that, our friends in Cumberland County—that will be 45 from 58—that will be 1,300 less persons for each member of the House in Cumberland County.

I don't think that the time has come, Mr. President, for the larger counties to gain strength at the expense of the smaller ones and I don't think that we are being fair in this any time that we say the outer districts of Cumberland will have a representative for each 4,554 and to ask Washington County to go along with one for 5,847.

I think we are justified in asking for the fairness of Plan A and I move the adoption of Plan A and I hope that the motion of the gentleman who knows all does not prevail.

Mr. ALLEN of Cumberland: Mr. President and members of the Senate, I am not on my feet to discuss this issue which Senator Haskell and Senator Leavitt have presented to you as far as Plan B is concerned but I am confused, and I mean it fairly, at the statement of Senator Sleeper and through the Chair I would ask the Senator a question if I may.

The PRESIDENT: The Senator may ask his question.

Mr. ALLEN of Cumberland: Mr. President, I am just trying to follow his remarks. You say, if you take Portland out with its 76,000 people, and I will admit I have heard a lot in the Legislature over the last six years how horrible Portland is, but the fact remains that there are 76,000 people who live there, including myself, and I don't quite understand what you mean when you say something about taking Portland out.

How can you take out 76,000 peo-

ple, residents and taxpayers of the State of Maine, in any consideration of the question of representation. Unfortunately, we do live in the City of Portland. Unfortunately, perhaps, from certain peoples' points of view, but I am proud of it. I think the City is a great asset to the State of Maine.

I don't understand your reference when you say, if you take out the City of Portland.

The PRESIDENT: The Senator may answer if he sees fit.

Mr. SLEEPER: of Knox: Mr. President, I am very glad to answer the question. If we are going by the Constitution, the Constitution definitely says that the City of Portland, may its soul rest in peace, from now on and hereafter will have to be content with seven members of the house and if you deduct the 76,936 people who live in Portland—and you will have to be content, according to the Constitution, with seven members—from 168,000, and these are Mr. Haskell's figures. If you deduct 76,936 people from 168,018 from Cumberland County, you will have left 91,082 people. Divide that by twenty and you will have one member of the house for each 4,555 people under Plan B, the type that Mr. Haskell wants us to adopt.

Under Plan B, Washington County has 35,000 people and if you divide that by six, each member of the House will represent 5,847 people, 1,300 more than each member of the outer regions of Cumberland County.

I don't think that is fair. I don't think that is what the Constitution really wants. I think the people have expressed themselves very plainly when they said Portland should be satisfied with seven Members of the House.

I can't think of the name—and I have asked my colleague from Aroostook County several times—of the Greek Giant who Hercules held aloft until he died. He was a man that had to keep his feet on the ground to maintain his strength and that is what the State of Maine has to do. That is what the Legislature has got to do. That is what the Republican Party has to do and that is what we have to do to keep alive the democratic traditions.

We have to keep our feet on the ground and any time that you take and concentrate all of our Members of the House in the larger cities and rob the smaller counties of their Members of the House you are destroying the thing that has made this State one of the greatest in the nation and I still don't think that according to the Constitution that Cumberland County should be awarded one representative for each 4,554 people and Washington County will have to take one for 5,847.

I still hope, Mr. President, that the motion of Senator Haskell does not prevail.

Mr. HASKELL of Penobscot: Mr. President, I hope it is not out of order if I acknowledge that my favorite roommate and hunting companion agreed with me that so long as the debate was reasonably factual, I would refrain from any reference to the Constitution.

The Senator from Washington County, Senator Christensen, has said on the record that the Constitution provides that the Legislature shall direct the determination. I don't believe that is true and in support of my belief, I will read Section 2 of the amendment passed in the last Legislature and accepted overwhelmingly by the people, and I ask you to listen carefully to the wording.

"Section 2 of Article IV, part first, of the Constitution of Maine provides as follows:

"Section 2. The house of representatives shall consist of one hundred and fifty-one members, to be elected by the qualified electors, and hold their office two years from the day next preceding the biennial meeting of the legislature. The legislature shall, within every period of at most ten years, and at least five, cause the number of the inhabitants of the state to be ascertained."

To me, that means that the legislature must make some reasonable attempt to determine the State population. If the end result of that determination is to conclude that the federal census has overcounted Cumberland County by 17,000 and Washington County the other way well over 7,000, I think the Legislature should have some evidence from the Senator from

Washington County, Senator Christensen, as to how we went about the determination, the legislative determination of that population.

So, I think it is fair to indicate that I am one, at least, that does not believe the Constitution says the Legislature is to do the allocating. I think there is a pretty rigid restriction that ties into the determination of population.

Now again, maintaining my integrity with my favorite hunting companion that I would not debate with him as long as he kept reasonably close to the truth, I would explain this Cumberland County confusion that he would have created in your minds, by reading Section 3.

"Each county shall be entitled to that number of representatives which is in the same proportion to the total number as the number of inhabitants of the county bears to the number of inhabitants of the state."

That seems like a clear proposition. It says that Washington County has as many representatives as their population bears to the total population and Cumberland has that same advantage. But the constitution gives further protection to the small counties by providing that, "Fractional excesses over whole numbers to be computed in favor of the smaller counties."

Now, to give you a simple example of that, assume the number of representatives to be 150. Assume the population of the state to be 900,000. Nine hundred thousand divided by 150 is 6,000. So, if Washington County had 36,000 and one person, they would be entitled to seven representatives because 6,000 goes into 36,000 six times. One person is left over and that one person entitles Washington County to its seven representatives.

Assume Cumberland County had a much larger population. We will say, for example, they had 180,000 people and 180,000 divided by six would be thirty. They wouldn't get their thirty-first one as long as they had 185,999. The fraction in that case works against the large county in favor of the small one.

Now, let us continue on with this excess Portland population.

"No city or town shall ever be entitled to more than seven representatives, except that in the event of merger," and so forth. "Apportionment of representatives within each county shall be made by deducting from the number of inhabitants of the county the number of inhabitants of such cities and towns as may be entitled to the maximum number of representatives permitted to any city or town by reason of the numerical proportion of its inhabitants to the inhabitants of the county and by deducting from the total number of representatives."

In other words, in the case of Cumberland County, take the total population and deduct from it these seven representatives that Portland is entitled to. Then, "Deduct from the total number of representatives to which the county is entitled the number to which such cities and towns of maximum representation are entitled, the remaining inhabitants being entitled to the remaining representatives."

That simply means if in your first determination you find that Cumberland County is entitled to twenty-seven, you deduct seven from twenty-seven and arrive at twenty and the constitution says the remaining inhabitants may be entitled to the remaining representatives. Then it goes a step further, "And in the allocation of the remainder within the county each city or town having a number of inhabitants greater than a unit base number obtained by dividing such remaining inhabitants by such remaining representatives shall be entitled to as many representatives as the number of times the number of its inhabitants fully contains the unit base number of representation."

In other words, if the City of Westbrook, we will say, has eighteen thousand and the unit number is six, Westbrook has its three. If a city or town has ten thousand and the unit number is six thousand, they are entitled to only one and the excess goes to the smaller counties.

Now, I don't want to argue with the Senator from Knox. Senator Sleeper, as to the justice or injustice of that. But that, Senator,

is what two thirds of us voted in the last session in our amendment. It is what the people voted for. I don't defend the proposition and possibly the rest of this legislature knew that. But that is what is written into our constitution.

Now, I might be willing to agree with the Senator that there may be inequity but I believe we have, at least, a moral excuse for attempting to follow the constitution and it is written very clearly that Cumberland County is entitled to the number of representatives that its population bears percentage-wise to the total. Let him correct the inequity if he thinks such an inequity exists by amending the constitution. But I hardly think that it should be amended by what appeared to me, and I state it charitably, mistatements relating to that constitution.

Mr. SLEEPER of Knox: Mr. President, if I can answer that question, I will try to. I would like to ask Mr. Haskell a question.

The PRESIDENT: The Chair would remind the Senator that in addressing a fellow senator, he must give him his full title and, as a mark of distinction, the county from which he comes.

Mr. SLEEPER of Knox: I would like to ask the Senator from Penobscot County why, if he is going strictly to figures, why he finds that in a county—I am going to take a little time here. We have a county that has a population in its towns as follows:

Greenville	1,879
Monson	850
Wellington	250
Shirley	211
Willimantic	187
Blanchard	76
Elliottsville PIt.	39
Kingsbury PIt.	34
Unclassified	148
Big Squaw Mt.	36
Chesuncook	16
French Township	6
Little Squaw Mt.	221
Kineo	9
Abbot	461
Barnard	66
Bowerbank	20
Parkman	587
Brownville	1,233
Gullford	1,860
Williamsburg	106
Katahdin Iron Works	8

Dover-Foxcroft	4,199
Sangerville	1,159
Orneville	212
Milo	2,890
Lakeview Plt.	23
Medford	190
Sebec	447
Atkinson	400

Now, these figures give us a grand total of 17,822 and still our friend who is so good at figures, figures that these 17,822 people are entitled to four members in the House. That isn't 6,340 per each member of the House.

So, I would like to ask through the Chair of Senator Haskell why you say that this County, which I will not name, is entitled to four and Washington County has to have fifty-eight hundred and something per representative while this here is a lot less than five thousand, and the same applies to Cumberland County.

I understand that when you talk figures, you are talking cold-blooded facts but we have to use more than that. We have to use a little sanity. We have to use a little compassion and we have to use a little understanding of human nature. And if you really want to rob the small counties of their just rights and if you wish to pile all of the members of the house in one section of the state, if you really wish to adopt Plan B, if you wish to hew to the line, tell me why you are willing to give that county that only has 17,822 why you are willing to give them four members of the house and I want you to tell me why you are willing to give Cumberland County twenty representatives and you still wish to rob Washington County and you wish to rob Knox County and you wish to rob Aroostook County of their just dues. I want to know why you can argue those figures.

Mr. HASKELL of Penobscot: Mr. President, in a frightened and humble voice, I will attempt to answer what is a very good question. The county the injured Senator refers to is the County of Piscataquis and he is correct in stating that in the original census figures the County of Piscataquis had a total population of 17,822 and in order to be entitled to a fourth

representative they must have a population of four times 6,030 or 18,121.

The Committee on apportionment gave notice to each delegation, because on the committee were representatives of each delegation, that they were to take a three-week period and attempt to determine any substantial errors in the census figures.

The County of Piscataquis came to the committee and said, we have examined our population data. We have noted that Brownville, Maine, had a population of 1,910 in 1930, a population of 1,914 in 1940 and the census returns show a population of 1,233 in 1950. We have gone into the town and determined as near as may be, that such a population drop did not exist. The Committee, through a proper state official, queried the census bureau as to the accuracy of those figures and I have before me a letter from the census bureau signed by the Hon. Roy V. Peal in which he indicates a review of the Brownville figures indicated an error in that particular community of 900.

That was reported to the Committee and it was the opinion of the Committee, a unanimous opinion by the way, that that correction should be made, which correction is sufficient to bring Piscataquis up to its four representatives and those four representatives are in the total shown in Plan B and also in Plan A.

I honestly believe we went about it fairly, objectively and factually. If the County of Washington or any other county has reasonable evidence that Cumberland County is overstated by seventeen thousand people, I am sure that Committee would be equally fair in acknowledging that. If they have evidence nearly as good as that presented by Piscataquis in relation to Washington County, I am sure that Committee would have taken full recognition of it.

That, Senators, is what I think is a very reasonable answer to the Piscataquis situation.

Mr. SLEEPER of Knox: Mr. President, the Senator from Bangor has not answered the question. I want him to answer yes or no. I want him to say whether the federal census was absolutely accurate,

and you say, no? Do you wish to answer that question with a yes or no?

The PRESIDENT: The Senator must ask the question through the Chair.

Mr. SLEEPER of Knox: I want to ask through you, Mr. President.

The PRESIDENT: The Senator hears the question and may answer if he sees fit.

Mr. SLEEPER: I don't want any oratory; just yes or no.

Mr. HASKELL of Penobscot: Without oratory, I think the record will indicate that I have consistently acknowledged that no census that attempts to enumerate nearly a million people can possibly be one hundred per cent accurate.

In the first place, it is impossible to count all of those people at any given hour in any given day of any given month of any given year. Certainly, the population of every county of this state, without doubt, varies from week to week and month to month. I wouldn't hold for a moment that any census, federal, state or local could possibly be accurate to the last person.

So, if there must be a categorical answer to the question, "Do I believe the federal census would be 100 per cent accurate?" I would say, no. But by the same token, I believe it represents, based on the experience of the census bureau over a period of years and years and years the best technique and the best results that it is possible to obtain. And until the opponents present a better plan that is workable and reasonable, I am willing to base my legislative determination on the best available census figures and until I have seen better figures, I think the census figures are the best.

Mr. BOYKER of Oxford: Mr. President and Members of the Senate, this allocation plan, to me, is very controversial. I have always through life, since I became of understanding, gone to the help of the underdog. Therefore, I shall vote for Amendment A.

Mr. WEEKS of Cumberland: Mr. President, I will not attempt to go into the constitutional elements of this debate which have been covered in such a fine fashion by the Senator from Penobscot, Senator Haskell.

I merely wish, in view of the fact that some cold facts and figures have been brought in here and talked about so much, to call attention to my own city of South Portland which has official figures of 21,732 according to this official report.

We all know it is more than that and yet we only have three representatives and that is somewhat in excess of seventy-two hundred, one for each 7,200 or better.

I feel very badly about Washington County losing two and Knox County losing one. However, I have a population there which requires greater representation under the wording of the Constitution.

Mr. PALMER of Lincoln: Mr. President, may I ask a question through the Chair of the Senator from Penobscot, Senator Haskell?

The PRESIDENT: The Senator may ask his question.

Mr. PALMER: When the state figures were taken in the case of schools and colleges, where is the student supposed to be, at home or in school?

The PRESIDENT: The Senator from Penobscot, Senator Haskell, hears the question and may answer if he wishes.

Mr. HASKELL: Mr. President, in the case of the State of Maine the four best examples are the four large colleges at Orono, Waterville, Lewiston and Brunswick. In the census figures that we have, students at those schools are included in the counties of Penobscot, Kennebec, Androscoggin and Cumberland. And if by chance that school population could make a difference in apportionment certainly there should be a legislative effort to reapportion that group, but such is not the case, and I will give them to you in order.

Androscoggin with a population of 83,717 has thirteen with 5,327 to spare. This is just another way of saying that if two or three thousand students from other counties were assumed to be at Bates Androscoggin would still have thirteen. With respect to Penobscot with a population of 107,272 that county is entitled to seventeen with 4,762 to spare. So if 4,500 students at the University of Maine were not Penobscot County that wouldn't change it. With respect to Kennebec, they

have thirteen with 5,072 to spare, so that if there could possibly have been four or five thousand at Colby, that wouldn't have changed it. With respect to Cumberland County, with a population of 168,018 gives them 27 with 5,208 to spare, so there could have been 5,000 students at Bowdoin without changing the answer.

The answer to the specific question is that they are counted in the community where they are found on that date. With respect to the effect on apportionment it is zero.

Mr. PALMER of Lincoln: Mr. President, I don't know what the total figures would be taking that figure into consideration but I would remind the Senator from Penobscot that in the County of Cumberland, for example, there is more than Bowdoin College. There are quite a few institutions in Portland itself. I don't know whether the Maine Military Institute has been considered there or not but that would be quite a few.

Mr. CHRISTENSEN of Washington: Mr. President and members of the Senate, I don't think we are getting anywhere in this debating and I want to tell you a little bit about Washington County. Washington County is a big county in size but small in population which is strewed over a very large area. If we lose two representatives some of our representatives will have to drive two hundred miles from the villages and towns they represent to attend the legislature. We have now one representative representing from ten to twelve villages and towns. He has a big job to do in order to be elected, has to put a lot of time into it and it costs money. Therefore I think the motion of the Senator from Penobscot, Senator Haskell, should not prevail.

Mr. SLEEPER of Knox: Mr. President, I am sorry to keep taking up the time of the Senate with figures but I do admire—and I say this with reservations—I admire the ability of the Senator from Penobscot, but when he talks cold figures I just keep trying to show the Senate that we are not straying too far from the facts if we adopt Plan A.

In the Town of Orono in 1930 the population was 3,338, in 1940 it was 3,702 and in 1940, under this

very efficient form of census the population had advanced to 7,496, a gain of almost four thousand persons, which of course was the University of Maine which has 4500 students, 187 of which come from Knox County and one of which is my son. I feel I am just as able to represent my son in the legislature as Mr. Bates from Orono. The population of Brunswick in Cumberland County jumped about six hundred in the last census which included the population of Bowdoin College one of which is a son of mine and I am paying his bills there although I am not paying my son's bills in Castine. And I feel just as able to represent my son who is in Bowdoin as the representative from Brunswick.

I am trying to show that this federal census is not quite accurate. I tried to get an answer, Yes or No, from our facts and figures Senator and he gave us a lot of oratory but in the end he said no, the census wasn't a hundred percent accurate. We all know it isn't accurate. We know they made a mistake of over nine hundred in Brownville, a thousand or two in Washington County, five or six hundred in Knox County and I know they counted 187 of the Knox County men in the Town of Orono. I find that in the unclassified section of Knox County in 1930 we had eighty-eight. We have some beautiful islands in Penobscot Bay. In 1940 we had 213 people who were living on these islands and in 1950 we had none. They didn't bother to count them. There are 187 in Orono they didn't count, forty or fifty at Bowdoin they didn't count, thirty or forty at Colby they didn't count, so I ask you Senators, friends I hope, are we asking anything unfair when we try to get you to protect us, the smaller counties, against the encroachment of the larger counties?

So again, Mr. President, I certainly hope that the motion of our facts and figures Senator does not prevail.

The PRESIDENT: The Chair must remind the Senator that he must use proper respect when referring to a Senator.

Mr. SLEEPER: I find, Mr. President—and I apologize to the House and to the Senate—I find that I cannot have the proper respect for



his facts and figures because we know that his figures are not correct. So, Mr. President and fellow Senators, I hope his motion does not prevail.

Mr. BOUCHER of Androscoggin: Mr. President, this being Androscoggin Day I hesitate to get into this discussion at this late hour but I am very enthusiastic in hearing about the discrimination as being caused by the majority party of this state. It seems that we ought to be hearing about the discrimination by the minority party in this case.

The great City of Portland has been pointed out as having only seven representatives but the Constitution says they can't have more than that but I want to point out that the City of Lewiston, which has now, according to the federal census, almost 42,000 population has only five representatives. I wish they had ten because I know they would all be Democrats, so it would be a great help in that House across the corridor.

I feel that possibly the solution of this whole situation might be that we have a final break-down here of the number of persons in each district and what the districts are. As to Senator Haskell's figures, I think they are quite correct. I agree with him that we have about nine hundred thousand in this state, with a few one way or the other—it wouldn't amount to much—but very close to that. And with 151 representatives and taking that as a basis, Androscoggin County should come pretty close to having fourteen. We are just under the line, I understand. Give us a few more years and we will be above the line. I will guarantee that. And we would like to get a break-down in Androscoggin County whereby the City of Lewiston wouldn't be under the limitation of the statute where it says they can have only seven. If my reckoning is right, six into forty-two would give us seven representatives to this legislature. We have only had five in the past and if these complaints keep on in the discussion of who is entitled to what I think we are going to make a bid for our fair share of representation. I think we are going to ask for a third report giving a break-down

of the towns and cities and the actual population of those towns and cities and what representation we are entitled to have in this legislature.

I see by this report, that is, in either report A or report B, Androscoggin hasn't changed, it is still the number of thirteen. I suppose that is a lucky number in some cases, or at least it happens to be in Androscoggin because if we had more democratic candidates in this state it would probably help out in this discussion this morning.

Nevertheless, I feel we should be fair in all this and I honestly believe it should be based on the matter of representation by number of people. If six thousand is the proper number then let's keep as close to six thousand as we can. If five thousand is more correct let's keep as close to that as we can. I don't believe in having one man represent one thousand voters or persons in one district and another one representing ten thousand. I don't believe that that is democracy. It may be, but it isn't to me.

If that is the way we are going to control this Legislature, why we wouldn't need it. We might have one man to run the body and all go home and let him have all of the say. This would be patterned a good deal on the way Russia has it. Joe Stalin would tell what to do. I think possibly we would save a lot of time if we are going to leave it to one or two or three to cover the whole state if we go home and go back to work and see if we can't help out on the war effort and carry on and see if we can't get ready to take care of Stalin before he takes care of us and comes over here and runs us the way that he runs Russia.

I do say that we should give equal treatment to all counties. I regret sincerely that some of the counties are losing representatives but I don't think that is a fair thing for us to do to keep them from getting the same number. If the population of this state has grown or moved from one section to the other, I think the representatives that make our laws should go along with it and if the population has moved south, they should move

south and if it has moved north, they should move north.

I have had my troubles and headaches with the gentleman from the great County of Cumberland but nevertheless if they are entitled to three more representatives then, by gosh, they should have them, in all fairness.

I am sorry if some of our other good counties are losing. I wish we could give them more. I know I would like to have more in my town because it would help out my party.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Penobscot, Senator Haskell, that the Senate accept Plan B, and the Senator from Cumberland, Senator Leavitt, has asked for the Yeas and Nays. The Yeas and Nays may be taken only at the request of one-fifth of the members present.

A division of the Senate was had. Obviously more than one-fifth having risen, the Yeas and Nays were ordered.

The Secretary called the roll:

YEA: Allen, Barnes, Boucher, Broggi, Crosby, Ela, Fuller, Haskell of Penobscot, Haskell of Cumberland, Leavitt, Marshall, Turgeon, Weeks, Wight—14.

NAY: Boyker, Brewer, Brown, Christensen, Collins, Greeley, Kavanagh, Larrabee, McKusick, Noyes, Palmer, Reid, Sleeper, Smart, Tabb—15.

ABSENT: Dennett, Savage, Ward—3.

Fourteen having voted in the affirmative and fifteen opposed, the motion to accept Plan B did not prevail.

Thereupon, on motion by the Senator from Washington, Senator Brown, Plan A was accepted.

The PRESIDENT: The Senate is proceeding under Orders of the Day.

On motion by Mr. Sleeper of Knox . Adjourned until tomorrow morning at ten o'clock.