

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninety-Fourth Legislature

OF THE

STATE OF MAINE

1949

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

Emergency

Bill "An Act for the Assessment of a State Tax for the Year Nineteen Hundred Forty-Nine and for the Year Nineteen Hundred Fifty." (H. P. 250) (L. D. 79)

Which bill being an emergency measure and having received the affirmative vote of 30 members of the Senate was passed to be enacted.

Emergency

"Resolve, Providing for Completion of Dairy Barn at Augusta State Hospital." (S. P. 159) (L. D. 227)

Which resolve being an emergency measure and having received the affirmative vote of 30 members of the Senate, was finally passed.

Constitutional Amendment

"Resolve, Proposing an Amendment to the Constitution to Apportion the Number of Members of the House of Representatives to the Several Towns." (H. P. 1567) (L. D. 882)

Mr. SLEEPER of Knox: Mr. President, I move the indefinite postponement of the resolve.

Mr. LEAVITT of Cumberland: Mr. President, this is altogether too important a bill to treat it as lightly as Senator Sleeper is trying to treat it. Next session of the Legislature will call for reapportionment and the provisions of this bill are absolutely necessary to get a decent proportion at that time. I hope the motion does not prevail.

Mr. SLEEPER of Knox: Mr. President, I am not trying to treat that bill very lightly. The reason that I made that motion is that under the bill the County of Knox stands to lose one of its House members. A member of that Committee tried to introduce an amendment saying that each County was entitled to two Senators, and that amendment was turned down. Now, just how foolish that amendment is, I would like to know. Because in every state, and every nation that I know of, the members of the upper body, such as a senate are always elected from a geographical

and not a population basis. In the Senate of the United States, each state has two senators. The State of Maine furnishes, with a population of 742,000, or 846,000, two senators. The State of New York with almost four million people also has two senators.

The upper branch of every legislative body are always elected on a geographical and not on a basis of population. I don't know just what the date was, but sometime during 1931, the State of Maine, or it may have been longer than that, swapped off the system of having two senators from each county, and the larger counties had four senators, some had three, some had two, and some had one. That was absolutely unfair. That was contrary to the custom of electing the upper body of any legislative government. If the County of Knox now stands to lose one of its House members, we do not care for it.

I would like to know if some of the smaller counties feel the same way about it. If we can't have our voice in the House, at least we ought to have a half decent show in the Senate. I am not opposed too much to the action of the other body, but I notice that in the debate that they had in the other body that they mentioned what would happen if that thing was done here. Representative Chase said, and pardon me for mentioning the other body, but he mentioned it, and I feel that I should have the same privilege; he said it is no cinch to try to pass that amendment, because the other body will not pass it.

He said Cumberland County has four senators, York three senators, Kennebec has three senators, Androscoggin has three senators, Aroostook has three senators, Penobscot three senators, so you start off with nineteen senators against the idea. But I still don't think that the smaller counties are getting a fair break on the senatorial representation and that is the reason why I move for the indefinite postponement of this bill.

Mr. HASKELL of Penobscot: Mr. President, I think I may be privileged to speak against the motion of my good friend, the Senator from Knox County, as chairman of the committee that considered the various constitutional resolves that were submitted to this Legislature.

In the first place, the resolve before us refers to the House of Representatives, and I would remind the Senate that it first had reasonably careful consideration from the committee on constitutional revision. It then went before the Judiciary Committee where all counties, large and small, are represented. It then went before the House where certainly the House members had a chance to scrutinize the thing. I have little sympathy with the Senator from Knox, Senator Sleeper, because he realizes, as well as I do, that Knox County is as well represented in this Senate as though they had four members of the calibre of most of us. I am sure that County is well represented in the Senate.

With reference to the House, I think it would be difficult for anyone to defend the fact that we do have a city in the State that now enjoys more than one representative, and has substantially less population than a town in the State that has only one representative.

I think after the careful screening that this resolve has had before us, reasonably careful scrutiny before this Branch and before the other Branch, it is reasonable for the Senate to accept this thing as being fair and equitable. I hope the motion of the Senator from Knox, Senator Sleeper, does not prevail.

Mr. SLEEPER of Knox: Mr. President, through the Chair, I would like to ask the Gentleman who has just spoken if he can tell me one state of the forty-eight that has the same system of electing the upper body as the State of Maine does.

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

Mr. HASKELL of Penobscot: Mr. President and members of the Senate, I would like to limit the debate on this subject to the resolve before us which does deal with the House. I am not a bit facetious when I make the statement that the Senator from Piscataquis, Senator McKusick, I am sure represents his County in this body just as well as Piscataquis would be represented if they had three senators. I am equally sure that the other counties that have but one senator representing their counties. I am sure that the Senators from Hancock with respect to some of the basic issues before us, represent their County vociferously and with great ability whenever the need of Hancock County requires that that County be represented.

The issue, Senators, is a revision to the Constitution with respect to the House membership. It is a revision that has been long overdue, in my opinion, and a revision that favors in every respect the smaller communities and the smaller counties with respect to the House of Representatives. I think that the two committees, and the other body, have had ample opportunity to consider this. If Senator Sleeper feels that he needs associates from Knox County to help him uphold the pharmacists and embalmers, or whatever the needs of Knox County may be, he maybe should introduce a resolve in the next session to bring some associates up here with him, but this resolve refers to the House of Representatives.

The PRESIDENT: The question before the Senate is on the indefinite postponement of the bill.

A viva voce vote being had
The motion did not prevail.

Thereupon, this being a Constitutional Amendment, a division of the Senate was had.

Twenty-three having voted in the affirmative and seven opposed, the

Constitutional Amendment received final passage.

From the House out of order and under suspension of the rules:

The Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act Relating to Secondary School Tuition," (H. P. 1951) (L. D. 1324) reported that they are unable to agree.

Comes from the House, that body having further insisted and asked for another Committee of Conference, the Speaker having appointed as members of such a committee on the part of the House:

Messrs. PALMER of Nobleboro
MARSANS of Monmouth
FULLER of Buckfield.

Thereupon on motion by Mr. Ela of Somerset, the Senate voted to reject the original committee reports and on further motion by the same Senator the Senate voted to insist on its former action and join with the House in a second Committee of Conference.

The President appointed as members of such committee on the part of the Senate:

Senators:

ELA of Somerset
VARNEY of Washington
WILLIAMS of Penobscot.

The PRESIDENT: The Chair understands that the committee has met and now presents their second Committee of Conference report.

The Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill, "An Act Relating to Secondary School Tuition" (H. P. 1951) (L. D. 1324) report that the House recede from its former action and concur with the Senate in passing the bill to be engrossed as amended by Committee Amendment A as amended by Senate Amendment A, and by House Amendment A as amended by Senate Amendment A thereto.

On motion by Mr. Ela of Somerset, the report was read and accepted and sent to the House.

The President laid before the Senate a Resolve Proposing an Amendment to the Constitution to Apportion the Number of Members of the House of Representatives to the Several Towns (H. P. 1567) (L. D. 882) having been recalled to the Senate at the request of the Senator from Knox for reconsideration.

Mr. SLEEPER of Knox: Mr. President, the reason that I wished to have this bill recognized was that I want it thoroughly understood by all the members of the Senate that I didn't like the idea of a bill of such an important nature arriving here at 11:57. I have read the bill very carefully and the bill is explicit in that it states nothing. It empowers the next legislature to change over the district, and the figures that were shown to me were quite different than the figures we had in 1940. I still think that the small counties are going to suffer quite badly at the expense of the larger counties and I still insist that if this be the mind of the Senate and the legislature that they will continue to drag the House members from the smaller counties and add them to the larger counties. But at least the small counties should have equal representation in this Body.

I have asked the members of the Senate to show me one single government or state that elects its governing bodies on such an archaic system as we have here. You pick out a large geographical location that has a larger population and elect four Senators at large and you pick out other counties and allow them to have three at large and a few two at large and then the small counties who are just as much entitled to representation here are left with only one. As I said before, this debate was developed in the lower branch, and I think I can mention that Body because I heard it mentioned in the other branch without interruption from the presiding officer, and the Representative said to carry his point, that it would be useless to try to carry this on, because the

other Body had 19 Senators from the larger counties and they would not vote to abolish a seat in their own county.

I still don't think this is a fair setup and I still don't like the idea of it being brought up at 11:57 when everybody is tired and wants to go home. I think it should have been thrashed out way back in March. We should have had it laid on our desks and all the amendments and all the purpose of the thing laid before us. I now move again that the bill be indefinitely postponed.

Mr. BARNES of Aroostook: Mr. President, this bill was passed out of committee on March 29th and has since been on the table in the House, tabled by a representative from Knox County. The only thing that I want to bring to the attention of the Members of the Senate is this. There were two reports, one signed by eight members of the committee as ought to pass as the bill is written, and the other report with an amendment relative to two senators from each county that was signed by two representatives, Representative Burgess and Payson of Knox County.

The members of the Senate no doubt realize that every so many years, I believe it is ten, the Legislature meets and reapportions the representatives. Under the present constitutional provision, they have no directive to go by. For instance, if they went by the Constitution as it is constituted, Houlton would have three representatives in the Legislature, where it now has one.

This resolve would make it so that in the future there would be 151 representatives from the State of Maine in the Legislature, and they would be apportioned exactly on the number of inhabitants in the particular district. It would give something for future reapportionment committees to go by, and it is a sound measure.

The debate has been carried on here largely by the Senator from Knox on the theory that there should be two Senators from each

county. That isn't the question before this Senate, because that amendment, or that report, was defeated in the other branch. The only question before this Senate is whether this resolve should be passed which would in the future give a guide to committees that reapportion members of the legislature, and it would always be exactly in proportion to the population. It is a sound measure, and I hope it will receive a passage.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Knox, Senator Sleeper that the Senate reconsider its action whereby this resolve received a final passage.

Mr. HASKELL: Mr. President, I ask for a division.

A division of the Senate was had. Eleven have voted in the affirmative and seventeen opposed, the motion to reconsider did not prevail.

Communication:

State of Maine
House of Representatives
Office of the Clerk
Augusta

May 7, 1949

Honorable Chester T. Winslow
Secretary of the Senate
Augusta, Maine

Sir:

In accordance with the provisions of Joint Rule 8, notice is hereby given the Senate that the House today indefinitely postponed Senate Paper No. 703, Senate Joint Order relative to use of Camden Hills Grounds and Buildings.

Respectfully,
HARVEY R. PEASE
Clerk of the House

Which was read and ordered placed on file.

From the House out of order and under suspension of the rules:

The Committee on Ways and Bridges on the resolves enclosed herewith, reported the same in a Consolidated Resolve, (H. P. 2111) under the title of "Resolve for the Maintenance and Repair of Roads