

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and First Legislature*

OF THE

STATE OF MAINE

VOLUME II

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and

SPECIAL SESSION

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DAILY KENNEBEC JOURNAL  
AUGUSTA, MAINE

Mr. CHILDS: Mr. Speaker, I move that the rules be suspended so these matters may be sent forthwith to the Senate.

The SPEAKER pro tem: The gentleman from Portland, Mr. Childs, moves that the rules be suspended in order that all matters may be sent forthwith to the Senate. Is that the pleasure of the House?

The motion prevailed.

**Enactor**

**Requiring Two-Thirds Vote**

An Act to Authorize the Construction of Self-Liquidating Student Housing for the State Teachers Colleges and the Issuance of not Exceeding \$1,433,000 Bonds of the State of Maine for the Financing Thereof (S. P. 94) (L. D. 231)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. In accordance with the provisions of Section 14 of Article IX of the Constitution a two-thirds vote of the House being necessary, a division was had. 116 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

**Finally Passed**

**Constitutional Amendment**

Resolve Proposing an Amendment to the Constitution Affecting the Election, Powers and Apportionment of the House of Representatives (H. P. 1117) (L. D. 1600)

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

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

Mr. WELLMAN: Mr. Speaker, there's been considerable debate on this item both on the Floor and in the corridors and in the caucuses. There have been some charges that have been hurled as to many things—many charges have been hurled about this. I prefer to consider the debate—my thoughts on this particular item in the light of what districts mean to the cities, and I will

stand here and in all sincerity indicate to you that I can see no harm to the State of Maine in a two-thirds prohibition of districts in our cities. I'm not talking about party. I'm not talking about deals. I'm talking about this representative from a city in the State of Maine talking about districts in cities in the State of Maine. For these thoughts, I leave with you, that I will support the enactment of this bill.

The SPEAKER pro tem: The Chair recognizes the gentleman from Houlton, Mr. Berman.

Mr. BERMAN: Mr. Speaker, Members of the House: As is well known and admitted, some members of one party have been trading with some members of another party, and our State Constitution has been a part of that trading process. Now I have no fault to find with Mr. Wellman or any Member of either party who sincerely believes that Report B, which is this legislative document 1600, is all right. I have spent a good part of this winter studying this problem, and I do not believe in Report B. I believe in Report A for the very, very fundamental reason of one vote, one representative.

Now I would like to point out to the Members of this House of both parties what happened to their bargaining last night, and I think that last night is at least some indication of what happens when people, no matter how well intentioned, try to trade a Constitution for sales tax votes. Now, without any rancor whatsoever, I hope L. D. 1600 is never enacted.

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

Mr. CHILDS: Mr. Speaker and Members of the House: In reference to 1600 one would gather from the remarks of the gentleman from Houlton, Mr. Berman, that we were putting apparently a brand new plan into our Constitution. I would like to remind the Members of the House that the 1600 plan and formula is the same one that we've been operating under in the State of Maine since 1820. The only difference which is now going into effect are

the recommendations of the Scribner Commission as far as fractional excesses are concerned, so we are not making any great major changes in our Constitution, and it is not anything that will be new to the people. It is something we have been operating for ever since we have been in existence.

The SPEAKER pro tem: The Chair recognizes the gentleman from Winterport, Mr. Easton.

Mr. EASTON: Mr. Speaker, it seems to me that considering the high respect in this particular field with which I believe all of us in this House hold for the many members of this Constitutional Committee which reported out this particular version "Ought not to pass," it seems to me that if we have any respect at all for our Committee system, and for ourselves, we will not enact this measure.

The SPEAKER pro tem: The Chair recognizes the gentleman from South Portland, Mr. Brown.

Mr. BROWN: Mr. Speaker and Ladies and Gentlemen of the House: In my reading of 1600, it seems to come to me that if the Legislature with a two-thirds vote desires districts, they surely can do so. If the Legislature does not desire districts and does not vote, and 1600 becomes law, if the cities in lawful representatives so desire either by an action of their councils or a vote of the people, they then can institute districts.

The SPEAKER pro tem: The Chair recognizes the gentlewoman from Falmouth, Mrs. Smith.

Mrs. SMITH: Mr. Speaker, and Members of the House: I don't think that either one of these reports please either party in this House actually, I think both of these reports need to be studied and one or the other probably amended. Until we have been given that opportunity to amend or discuss these bills further, I shall vote against 1600. It has nothing to do with either party, it has nothing to do with the sales tax. This bill was written, 1600, at the last minute. There certainly are things in Report B which many of us—of the people whom I represent do not like also. But this is

the problem. This should be ironed out.

The SPEAKER pro tem: The Chair recognizes the gentleman from Belfast, Mr. Thornton.

Mr. THORNTON: Mr. Speaker and Ladies and Gentlemen of this House: I have not taken up your time during this session on any matters, but this redistricting is a very vital question. I want to say at the start that my county or my city will not be affected by either plan, so I am not interested in that way. When these two reports came out, I studied them over and at that time I took my stand on behalf of this Report B. I want to remind the Members of this House that I have been interested in politics for a great many years. During that time I have seen the membership of this House dominated by the Republicans. I have seen it dominated by the Democrats. Now I think that a provision of Report B in regard to requiring a two-thirds vote to redistrict the cities is a two-way street, it will protect the minority party, whichever it may be; and the matter of redistricting the cities I think is a very difficult proposition, and it should be left entirely in the hands of the Legislature, and not put into the Constitution of the state, which would tie the hands of the Legislature. Thank you.

The SPEAKER pro tem: The Chair recognizes the gentleman from York, Mr. Rust.

Mr. RUST: Mr. Speaker, Ladies and Gentlemen of the House: I think that if there ever was a Legislative Document in this session of the Legislature that was a purely partisan issue Republican or Democrat, it is the difference between 1599 and 1600 on reapportionment. These two bills for all practical purposes say substantially the same thing. They both agree that there should be districting with one person and one vote. The only difference between the bills of any consequence and any importance is whether the bill does: one, redistrict the counties and the cities or towns, and whether it would be by simple majority vote as has been in the past, or whether it will require a

two-thirds vote; and I, for one, on a purely partisan Republican issue will not compromise that position one iota, because I don't feel that the other party would do likewise under reverse circumstances. Now there was apparently a deal so to speak involving the acceptance of Report B and a good many Republicans accepted it on that basis. I hope they will have good judgment and reverse their position, and not vote for Report B today.

The SPEAKER pro tem: The Chair recognizes the gentleman from South Portland, Mr. Gill.

Mr. GILL: Mr. Speaker and Ladies and Gentlemen of the House: At this time I would like to place myself in opposition to the remarks of Mr. Rust. I consider myself a comparatively good Republican. I believe my community is a comparatively good Republican community, and I would like to point out to you that I am very much ashamed that this label of Republican or the Democrat has become attached to these bills, because if you people will consider, these people that this districting affects, not just the parties, but the communities, in most cases are opposed to re-districting; so therefore if you intend to proceed and to do this and break up our communities into districts, let's at least have two-thirds of the legislative approval to do it, not a simple one vote majority in this House which will disrupt our communities.

The SPEAKER pro tem: The Chair recognizes the gentleman from Lewiston, Mr. Jalburt.

Mr. JALBERT: Mr. Speaker, I'll yield to the gentleman from Bangor, Mr. Ewer.

The SPEAKER pro tem: The Chair recognizes the gentleman from Bangor, Mr. Ewer.

Mr. EWER: Mr. Speaker, I am extremely sorry that the issue of partisanship has been brought in again in the form of a red herring. I cannot help but feel. I know that as far as I am concerned, it's a matter of principle with me that L. D. 1600 is the better of the two bills. I became a Republican in 1917 when I registered for the first time on reach-

ing the age of twenty-one. I have been a Republican ever since. I feel that the fact that this L. D. has been signed by members of both parties, on the Republican side by the present Majority Floor Leader in the Senate, and the Floor Leader of the Majority Party in the Senate during the last term, should be sufficient to show that it is not a partisan issue and should not be made one. We have heard a great many words banded around about tampering with the Constitution, and using it to trade with and so forth and so on. May I suggest that the two-thirds requirement for Constitutional amendments might be just as good for this particular thing as it has been since 1820 in the balance of our Constitution.

I have my ideas about how re-districting might affect different places, whether or not they are correct ones, I don't know. I don't think anybody knows definitely and finally, but I do feel that L. D. 1600 is wanted by the majority of the people of the state from what I've heard of both parties. I have talked with Democrats in my home city, I have talked with Democrats here, I have talked with Republicans here; and while I hope it will be kept from the position of partisanship towards which it is being whipped, yet I still would remind you gentlemen of the Republican Party that it is a bipartisan measure, and since I feel that way, and I think a good many more of you feel that same way, judging by the votes of yesterday, I hope that we can pass this to be enacted. Thank you.

The SPEAKER pro tem: The Chair recognizes the gentleman from Dexter, Mr. Harrington.

Mr. HARRINGTON: Mr. Speaker, I intend to vote for Report B strictly because I believe the people in my area want it, and I most heartily object to any member in this House referring that my judgment is reflected by deals, wheels or what have you. I believe that is at least one more desperate attempt to save something that apparently somebody wants and

somebody else doesn't. Thank you.

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

Mr. BRAGDON: Mr. Speaker, I suppose I should not attempt to speak on this matter because I come from an area that is definitely not affected. I perhaps do not have the legal viewpoint that some members here do in these matters. However, I have been in the Legislature for some period of time. I agree with the gentleman from Bangor in his statements that I do not consider this necessarily a party measure. However, to vote for any bill that contains the two-thirds provision, I feel would be unwise for this Legislature to do. I say I do not look upon it as a partisan measure, I do not know which party it may affect, that is the reason I say that. But I do say that I believe and I have been through redistricting procedures in this Legislature, I do believe that under such a situation no party could do a sensible and a reasonable job of redistricting, and I shall not go along with any provision that carries the two-thirds provision.

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

Mr. JALBERT: Mr. Speaker, I move the previous question.

The SPEAKER pro tem: In order for the Chair to entertain the motion for the previous question, it must have the expressed desire of one-third of the membership present. Will those wishing the entertaining of the motion please rise and remain standing.

A sufficient number arose.

The SPEAKER pro tem: Obviously, more than one-third having arisen, the previous question is entertained. The question now before the House is, shall the main question be put now?

This matter is debatable with a time limit of five minutes only on the question of putting the main question now and not the merits of the bill.

The Chair recognizes the gentleman from Houlton, Mr. Berman.

Mr. BERMAN: Mr. Speaker and Members of the House: Before considering whether you should put the main question now or not, you should not overlook one important factor, and that is, the United States Congressman from

— Mr. JALBERT: Mr. Speaker, point of order.

The SPEAKER pro tem: The gentleman may state his point of order.

Mr. JALBERT: The gentleman is not speaking on the reason why the main question should be put, he is talking on the issue.

The SPEAKER pro tem: The gentleman's point of order is well taken, the gentleman from Houlton, Mr. Berman, is debating the question.

Mr. BERMAN: Mr. Speaker, I didn't finish my sentence and perhaps after I finish the Chair might be better able to rule.

The SPEAKER pro tem: The gentleman may proceed.

Mr. BERMAN: Before considering whether the main question should be put now, you should consider whether the Congressmen throughout the United States are elected at large or elected in districts.

Mr. JALBERT: Mr. Speaker? Point of order!

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

Mr. JALBERT: The gentleman is debating the issue.

The SPEAKER pro tem: The point of order is well taken. The gentleman will not continue to debate the question. Shall the main question be put now? All those in favor will say "yes" and those opposed, "no."

The main question was ordered on a viva voce vote.

The SPEAKER pro tem: For what purpose does the gentleman arise?

Mr. VILES of Anson: When the vote is taken, I request the yeas and nays.

The SPEAKER pro tem: The main question is shall Resolve Proposing an Amendment to the Constitution Affecting the Election, Powers and Apportionment of the House of Representatives

House Paper 1117, Legislative Document 1600 be finally passed? This being a Constitutional Amendment it requires a two-thirds vote of the House.

The yeas and nays have been requested. For the Chair to order a roll call it must have the expressed desire of one-fifth of the members present. Those desiring a roll call will rise and remain standing until the monitors have made and returned the count.

A sufficient number arose.

The SPEAKER pro tem: Obviously, more than one-fifth having arisen, a roll call is ordered. All those in favor of the final passage of this Resolve will answer "yes" when their name is called; those opposed to the final passage of this Resolve will answer "no" when their name is called. The Clerk will call the roll.

#### ROLL CALL

YEA — Albair, Ayoob, Baldic, Bedard, Benson, Bernard, Binnette, Birt, Boothby, Bourgoin, Brewer, Brown, So. Portland; Busiere, Carter, Cartier, Childs, Choate, Cookson, Cottrell, Coulthard, Crommett, Curtis, Denbow, Edwards, Ewer, Foster, Gallant, Gifford, Gilbert, Gill, Gustafson, Hanson, Harrington, Hendricks, Hendsbee, Henry, Hobbs, Hutchins, Jalbert, Jobin, Jones, Kilroy, Knight, Levesque, Littlefield, Lowery, MacPhail, Mathieson, McGee, Meisner, Minsky, Mower, Nadeau, Noel, Norton, Oakes, Osborn, Osgood, Pierce, Pitts, Plante, Prince, Harpswell; Prince, Oakfield; Rand, Rankin, Reynolds, Richardson, Ricker, Ross, Augusta; Rust, Shaw, Smith, Bar Harbor; Snow, Taylor, Thaanum, Thornton, Turner, Tyndale, Wade, Waltz, Ward, Welch, Wellman, White, Guilford; Whitney, Wight, Presque Isle; Wood, Young, SPEAKER pro tem.

NAY — Anderson, Ellsworth; Berman, Bragdon, Brown, Fairfield; Chapman, Cressey, Crockett, Davis, Dennett, Drake, Dudley, Dunn, Easton, Finley, Hardy, Hawkes, Humphrey, Jewell, Kent, Laughton, Libby, Lincoln, Linnekin, MacLeod, Mendes, Oberg,

Pease, Philbrick, Roberts, Sahagian, Scott, Smith, Falmouth; Smith, Strong; Susi, Townsend, Treworgy, Vaughn, Viles, Watkins, Williams.

ABSENT — Anderson, Orono; Berry, Blouin, Boissonneau, Bradeen, Burns, Cope, Cote, Dostie, Hammond, Jameson, Karkos, Kennedy, Lebel, MacGregor, O'Leary, Poirier, Ross, Brownville; Roy, Tardiff, Waterman.

Yes, 89; No, 40; Absent, 21.

The SPEAKER pro tem: The Chair will announce the vote. Eighty-nine having voted in the affirmative, forty in the negative, with twenty-one absent, eighty-nine being more than two-thirds necessary, the Resolve is finally passed. It will be signed by the Speaker and sent to the Senate.

The Chair recognizes the gentleman from York, Mr. Rust.

Mr. RUST: Mr. Speaker, Ladies and Gentlemen of the House: Having voted on the prevailing side, I now move that the House reconsider its action whereby this bill was passed to be enacted and request a roll call. I hope those who voted against the enactment will support me in my motion.

The SPEAKER pro tem: The gentleman from York, Mr. Rust, moves we reconsider our action whereby we finally passed this Resolve to be enacted and requests a roll call. All those in favor of a roll call will rise and remain standing until counted to see if we have the necessary one-fifth.

Twenty-six members arose.

The SPEAKER pro tem: Twenty-six members having arisen for a roll call, there being one hundred and twenty-one members present, a roll call was ordered.

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

Mr. RANKIN: Mr. Speaker, Ladies and Gentlemen: I believe I may speak to the question now, or may I?

Mr. PEASE: Mr. Speaker, point of order.

The SPEAKER pro tem: The gentleman from Wiscasset, Mr.

Pease, may state his point of order.

Mr. PEASE: The gentleman from Lewiston, Mr. Jalbert, had previously moved the previous question, and under former ruling of the Chair, I suggest the gentleman from Southport, Mr. Rankin, is out of order.

The SPEAKER pro tem: The gentleman's point of order is well taken.

The question before the House is the reconsideration of the passage of this Resolve to be enacted. If you are in favor of reconsidering the action you have just taken on this roll call, you will vote "yes," if you are opposed, you will vote "no." The Clerk will call the roll.

#### ROLL CALL

YEA — Anderson, Ellsworth; Berman, Binnette, Bragdon, Brown, Fairfield; Chapman, Cressey, Crockett, Davis, Dennett, Drake, Dudley, Dunn, Easton, Finley, Hardy, Hawkes, Humphrey, Jewell, Kent, Laughton, Libby, Lincoln, Linnekin, MacLeod, Mendes, Oberg, Pease, Philbrick, Roberts, Roy, Rust, Scott, Smith, Falmouth; Smith, Strong; Susi, Townsend, Treworgy, Viles, Watkins, Williams.

NAY — Albair, Ayoob, Baldic, Bedard, Benson, Bernard, Birt, Boothby, Bourgoin, Brewer, Brown, So. Portland; Bussiere, Carter, Cartier, Childs, Choate, Cookson, Cottrell, Coulthard, Crommett, Curtis, Denbow, Edwards, Ewer, Foster, Gallant, Gifford, Gilbert, Gill, Gustafson, Hanson, Harrington, Hendricks, Hendsbee, Henry, Hobbs, Hutchins, Jalbert, Jobin, Jones, Kilroy, Knight, Levesque, Littlefield, Lowery, MacPhail, Mathieson, McGee, Meisner, Minsky, Mower, Nadeau, Noel, Norton, Oakes, Osborn, Osgood, Pierce, Pitts, Plante, Prince, Harpswell; Prince, Oakfield; Rand, Rankin, Reynolds, Richardson, Ricker, Ross, Augusta; Sahagian, Shaw, Smith, Bar Harbor; Snow, Taylor, Thaanum, Thornton, Turner, Tyndale, Vaughn, Wade, Waltz, Ward, Welch, Wellman, White, Guilford;

Whitney, Wight, Presque Isle; Wood, Young, SPEAKER pro tem.

ABSENT — Anderson, Orono; Berry, Blouin, Boissonneau, Bradeen, Burns, Cope, Cote, Dostie, Hammond, Jameson, Karkos, Kennedy, Lebel, MacGregor, O'Leary, Poirier, Ross, Brownville; Tardiff, Waterman.

Yes, 41; No, 89; Absent, 20.

The SPEAKER pro tem: The Chair will announce the vote. Forty-one having voted in the affirmative, eighty-nine having voted in the negative with twenty absent, the motion to reconsider does not prevail.

At this point, Speaker Kennedy returned to the rostrum.

SPEAKER KENNEDY: The Chair would thank the gentleman from Vinalhaven, Mr. Maddox, for serving as Speaker pro tem.

Thereupon, the Sergeant-at-Arms escorted the gentleman from Vinalhaven, Mr. Maddox, to his seat on the Floor, amid applause of the House, and Speaker Kennedy resumed the Chair.

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

Mr. WELLMAN: Mr. Speaker, I move that all items that we have passed to be enacted be sent forthwith to the Senate.

The SPEAKER: The gentleman from Bangor, Mr. Wellman, moves that all matters that have been enacted, be sent forthwith to the Senate. Is there objection? The Chair hears none. It is so ordered.

#### Passed to Be Enacted

An Act relating to the Admission of Attorneys to the Bar of the State of Maine (S. P. 62) (L. D. 112)

An Act Providing for Trade-marks under Maine Sardine Tax Law (S. P. 189) (L. D. 488)

An Act relating to Work on Shade and Ornamental Trees (H. P. 240) (L. D. 308)

An Act Providing for Separate Voting Place for Connor (H. P. 728) (L. D. 1057)

Were reported by the Committee on Engrossed Bills as truly