

# MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Seventy-Fifth Legislature

OF THE

STATE OF MAINE

1911

# LEGISLATIVE RECORD

## SEVENTY-FIFTH LEGISLATURE

### SENATE.

Wednesday, January 4, 1911.

Pursuant to the provisions of the constitution and laws of the State of Maine, the senators-elect to the 75th Legislature convened in the Senate Chamber and were called to order by F. G. Farrington, Secretary of the Senate of 1909.

Prayer was offered by Rev. Mr. Boothby of Augusta.

The following communication was read by the Secretary:

#### STATE OF MAINE.

Office of Secretary of State.

To the Secretary of the Senate:

In compliance with Section 26, Chapter 2 of the Revised Statutes, I hereby certify that the following are the names and residences of the senators-elect to the 75th Legislature, as appears by the report of the Governor and Council under date of October 28, 1910:

First Senatorial District—George H. Smith, Waterboro; Edward F. Gowell, Berwick; Benjamin F. Hamilton, Dayton.

Second Senatorial District—Nathan Clifford, Cape Elizabeth; Howard Winslow, Portland; Henry M. Moulton, Cumberland; Ira C. Foss, Scarborough.

Third Senatorial District—Albert J. Stearns, Norway.

Fourth Senatorial District—Merton O. Edwards, Lewiston; Horatio G. Foss, Auburn.

Fifth Senatorial District—F. N. Blanchard, Wilton.

Sixth Senatorial District—Lewis M. Fulton, Bowdoinham.

Seventh Senatorial District—Reuel J. Noyes, Augusta; Henry Farrington, Gardiner; Howard W. Dodge, Clinton.

Eighth Senatorial District—Albert F.

Donigan, Bingham; W. M. Osborn, Pittsfield.

Ninth Senatorial District—John H. Sanborn, Dover.

Tenth Senatorial District—James B. Mullen, Bangor; W. Scott Kellogg, Patten; Francis W. Hill, Exeter.

Eleventh Senatorial District—Leslie Boynton, Jefferson.

Twelfth Senatorial District—Lindley M. Staples, Washington.

Thirteenth Senatorial District—Winfield S. Pendleton, Islesboro.

Fourteenth Senatorial District—Byron H. Mayo, Southwest Harbor; Burke Leach, Bucksport.

Fifteenth Senatorial District—Herbert H. Allan, Dennysville; Fred A. Chandler, Addison.

Sixteenth Senatorial District—Carl E. Milliken, Island Falls; Athill E. Irving, Presque Isle; Dana L. Theriault, Fort Kent.

In testimony whereof I have caused the seal of the State to be hereunto affixed at Augusta, this 2d day of January, A. D. nineteen hundred and eleven and of the Independence of the United States of America the one hundred and thirty-fifth.

(Signed)

A. I. BROWN,

(Seal)

Secretary of State.

The roll being called, the following named senators-elect responded to their names: Messrs. Herbert H. Allan, F. N. Blanchard, Leslie M. Boynton, Fred A. Chandler, Nathan Clifford, Howard W. Dodge, Albert F. Donigan, Merton O. Edwards, Henry Farrington, Horatio G. Foss, Ira C. Foss, Lewis M. Fulton, Edward F. Gowell, Benjamin F. Hamilton, Francis W. Hill, Athill E. Irving, W. Scott Kellogg, Burke Leach, Byron H. Mayo, Carl E. Milliken, Henry M. Moulton, James B. Mullen, Reuel J. Noyes, W. M. Osborn, Winfield S. Pendleton, John H. Sanborn, George H. Smith, Lindley M.

Staples, Albert J. Stearns, Dana L. Theriault, Howard Winslow—31, and 31 senators-elect having answered to their names, a quorum was declared present.

Mr. Moulton of Cumberland moved that a message be sent to the Governor and Council informing that body that a quorum of senators-elect of the 75th Legislature is present in the Senate chamber, ready to take and subscribe the oaths of office to qualify them to enter upon their official duties. The motion being duly seconded prevailed, and Senator Moulton of Cumberland was appointed to convey such message and thereafter reported that he had delivered the message with which he was charged.

#### Senators Take the Oath.

The Governor and Council thereupon came in, before whom the senators-elect took and subscribed the oaths required by the Constitution, and the Governor and suite then withdrew.

On motion by Mr. Staples of Knox, that senator and Messrs. Noyes of Kennebec and Gowell of York were appointed by the secretary a committee to receive, sort and count votes for President of the Senate. The committee reported 27 votes cast and Nathan Clifford of Cumberland received 19, Edward F. Gowell of York received 8.

The report was accepted and Nathan Clifford of Cumberland was declared elected President of the Senate for the political years 1911 and 1912.

Messrs. Staples of Knox and Gowell of York were appointed to conduct the President to the Chair.

Mr. STAPLES of Knox: Gentlemen of the Senate: It gives me great pleasure to introduce to you Hon. Nathan Clifford of Portland, who has been duly elected President of this Senate.

#### THE PRESIDENT:

Fellow Senators—You do not imagine how I appreciate the honor you have conferred upon me today. To be chosen your presiding officer is one of the greatest honors that can be conferred upon any man. And I only hope that I may be able to carry out the duties as they should be carried out. I assure you this, though, that I will treat all

men fairly and impartially and shall expect the same return from members of the Senate.

Gentlemen, the President awaits your further orders.

On motion of Mr. Donigan of Somerset, that senator with Messrs. Foss of Cumberland and Fulton of Sagadahoc were appointed a committee to receive, sort and count votes for Secretary of the Senate. The committee reported 30 votes cast. William C. Hanson had 21, Frank G. Farrington had 9.

The report was accepted and William C. Hanson was declared Secretary of the Senate. Senator Allan of Washington was appointed by the Chair to conduct the secretary-elect to the Council Chamber to take and subscribe the necessary oaths of office before the Governor and Council. Subsequently that senator announced that Mr. Hanson had taken and subscribed said oaths of office, and the secretary of the Senate thereupon entered upon the discharge of his official duties.

On motion by Mr. Moulton of Cumberland, that senator with Messrs. Sanborn of Piscataquis and Farrington of Kennebec were appointed a committee to receive, sort and count votes for Assistant Secretary of the Senate. The committee reported 26 votes cast. Harry M. Thurlough had 17, Scott C. W. Simpson had 9.

The report was accepted and Harry M. Thurlough was declared Assistant Secretary of the Senate. The Assistant Secretary of the Senate thereafterwards took his oath of office.

On motion by Mr. Boynton of Lincoln, that senator with Messrs. Hamilton of York and Foss of Androscoggin were appointed a committee to receive, sort and count votes for messenger. The committee reported 30 votes. Charles H. Lovejoy had 39.

The report was accepted and Charles H. Lovejoy was declared elected messenger of the Senate.

On motion of Mr. Farrington of Kennebec, that senator with Messrs. Smith of York and Hill of Penobscot were appointed a committee to receive, sort and count votes for assistant messen-

ger. The committee reported 30 votes cast. Julius B. Potter had 21, James H. Ashford had 9.

The report was accepted and Julius B. Potter was declared duly elected assistant messenger.

On motion by Mr. Foss of Cumberland, that senator and Messrs. Milliken of Aroostook and Fulton of Sagadahoc were appointed a committee to receive, sort and count votes for folder. The committee reported 29 votes cast. Solar B. Cahill had 20, Harry Smith had 9.

The report was accepted and Solon B. Cahill was declared duly elected folder.

On motion by Mr. Winslow of Cumberland, that senator with Messrs. Sanborn of Piscataquis and Edwards of Androscoggin were appointed a committee to receive, sort and count votes for assistant folder. The committee reported 30 votes cast. William K. Fairclough had 21, Leon S. Lippencott had 9.

The report was accepted and William R. Fairclough was declared duly elected assistant folder.

On motion by Mr. Foss of Androscoggin, that senator with Messrs. Leach of Hancock and Blanchard of Franklin were appointed a committee to receive, sort and count votes for doorkeeper. The committee having attended to its duty reported 28 votes cast. Alonzo G. Dennis had 21, Stephen D. Lord had 7.

The report of the committee was accepted and Alonzo G. Dennis was declared duly elected doorkeeper.

On motion by Mr. Fulton of Sagadahoc, that senator with Messrs. Dodge of Kennebec and Gowell of York were appointed a committee to receive, sort and count votes for postmaster. The committee reported 30 votes cast Harold M. Edwards had 21, Albert W. Duck had 9.

The report of the committee was accepted and Harold M. Edwards was declared duly elected postmaster.

On motion of Mr. Smith of York it was Ordered: That the President of the Senate be authorized to appoint two pages for the Senate.

The President announced the appointment of Brooks Newbert of Au-

gusta and Arno Capen of Capens as pages.

On motion of Mr. Mayo of Hancock it was Ordered: That the secretary of State be directed to furnish for the use of the Senate four copies of the Revised Statutes of the State, one copy each of the Holy Bible, Webster's International, Worcester's Unabridged and Standard Dictionaries, Lippencott's Pronouncing Gazetteer, Reed's Rules and Cushing's Law and practice of Legislative Assemblies.

On motion of Mr. Milliken of Aroostook it was Ordered: That Fred W. Lee of Augusta be appointed official reporter of the Senate with the compensation fixed at the same amount as that of the official reporter at the last session.

On motion by Mr. Irving of Aroostook it was Ordered: That a message be sent to the House of Representatives informing that body that the Senate is duly organized by the choice of Hon. Nathan Clifford of Cumberland as President; William C. Fanson as secretary, and Harry C. Thurlough as assistant secretary, and that senator was appointed to convey said message. Subsequently that senator reported that he had delivered the message with which he was charged.

On motion by Mr. Hill of Penobscot it was

Ordered: That a message be sent to the Governor and Council informing that body that the Senate is duly organized by the choice of Hon. Nathan Clifford of Cumberland as President; William C. Hanson of Machiasport as secretary, and Harry C. Thurlough of Pittsfield as assistant secretary. And that senator was appointed to convey said message and subsequently reported that he had delivered the message with which he was charged.

On motion by Mr. Milliken of Aroostook it was

Ordered: That the secretary of the Senate prepare the usual register of the Senate and that 800 copies of the same be printed for the use of the Senate.

On motion of Mr. Moulton of Cumberland it was

Ordered: That a committee of seven

be appointed by the President, to whom the returns of the votes for senators for the political years of 1911-12 shall be forwarded for examination and report.

The President thereupon appointed as such committee Messrs. Staples, Mullen, Mayo, Winslow, Theriault, Smith and Blanchard.

On motion by Mr. Gowell of York it was

Ordered: That returns of votes for Governor given in the several cities, towns and plantations of the State for the political years of 1911 and 1912 be referred to a joint select committee of seven on the part of the Senate with such as the House may join.

The President appointed as the committee on the part of the Senate to whom the votes for Governor shall be referred, Messrs. Farrington, Foss of Cumberland Hill, Allan, Moulton, Hamilton and Milliken.

On motion of Mr. Osborn of Somerset it was

Ordered: That the rules and orders of 1909 be the rules and orders of the Senate until otherwise ordered.

On motion of Mr. Chandler of Washington it was

Ordered: That the secretary of the Senate be authorized to secure the services of a stenographer and typewriter operator during the present session of the Legislature.

On motion by Mr. Noyes of Kennebec it was

Ordered: That the secretary of the Senate be directed to furnish each member and officer of the Senate one copy of the Daily Kennebec Journal and two other daily papers published in the State, such as each member and officer may select.

On motion by Mr. Beynton of Lincoln this order was tabled.

On motion by Mr. Sanborn of Piscataquis it was

Ordered: That the secretary of the Senate be directed to invite the clergymen of Augusta, Hallowell and Gardiner to officiate as chaplains of the Senate in rotation during the present session.

On motion by Mr. Leach of Hancock it was

Ordered: That the secretary of the

Senate provide each member and officer of the Senate with a copy of the Acts and Resolves of 1909.

On motion by Mr. Theriault of Aroostook it was

Ordered: That the Senate hold one session a day commencing at 10 o'clock in the forenoon until otherwise ordered.

#### Message from the House.

A message was received from the House of Representatives, conveyed by Mr. Davies of Cumberland, that the House is duly organized for the 75th Legislature, by the election of Frank A. Morey of Lewiston as Speaker, C. C. Harvey of Fort Fairfield as clerk and W. W. Kelley of Gardiner as assistant clerk.

On motion by Mr. Fulton of Sagadahoc it was

Ordered: That the secretary of the Senate prepare and have printed 150 diagrams of the Senate chamber for the use of the Senate.

On motion by Mr. Pendleton of Waldo it was

Ordered: The House concurring, that the joint rules and orders of 1909-1910 be adopted as the joint rules and orders of this Legislature.

The order was sent down for concurrence.

On motion by Mr. Hamilton of York it was

Ordered: That the use of the Senate Chamber be granted to the Maine State Bar Association for the afternoon of Jan. 11, 1911.

The following communication was received from the secretary of State: To the President of the Senate:

I have the honor to herewith transmit the returns of the votes given by the several cities, towns and plantations of this State on the 12th day of September last, for senators.

Your Obedient Servant,

A. I. BRUVIN,  
Secretary of State.

On motion therefor the foregoing communication was referred to the committee on senatorial vote.

The following communication was also received:

To the President of the Senate and Speaker of the House:

I have the honor to herewith trans-

mit the returns of votes given by the several cities, towns and plantations of the State for Governor on the 12th of September last.

Your Obedient Servant,  
A. I. BROWN,  
Secretary of State.

On motion therefor this communication was referred to the committee on Gubernatorial vote. Sent down for concurrence.

Mr. Allen of Washington presented the following petition:

To the Honorable Senate of the Seventy-fifth Legislature of State of Maine.

Respectfully represents Frank W. Burnham of Milbridge in the county of Washington and State of Maine that the Governor and Council, acting under the powers conferred upon them by Article IV, Part Second, Section four of the Constitution of the State of Maine, have determined that Herbert H. Allen of Dennysville and Fred A. Chandler of Addison were elected at the election of Governor, senators and representatives held on the second Monday of September in the year of our Lord one thousand nine hundred and ten, as senators from the 15th Senatorial District, said district being the county of Washington, whereas your petitioner, the said Frank W. Burnham and the said Herbert H. Allen received a plurality of the votes cast for senators for said Senatorial District by the qualified voters thereof and should have been declared as such by the Governor and Council and their summons issued to each of said gentlemen to attend the Seventy-fifth Legislature of the State of Maine on

the first Wednesday of January A. D., 1911 and take their respective seats as senators from said district.

Inasmuch as under the constitution, Article IV, Part Second, Section five, it is provided that the Senate shall on the said first Wednesday of January determine who are elected by a plurality of votes to be senators in each district, your petitioner respectfully represents that he will be in attendance with his witnesses, evidence and proof, and he therefore respectfully prays that in determining who are elected by a plurality of votes to be senators in each district Your Honorable Body will permit him to be heard on said day set apart by the Constitution for the purpose and that, after hearing, Your Honorable Body will determine that he was elected by a plurality of votes to be senator in the 15th District.

Dated this ninth day of December in the year of our Lord one thousand nine hundred and ten.

(Signed) FRANK W. BURNHAM,  
State of Maine.

Washington ss: Dec. 9, A. D., 1910.

Personally appeared Frank W. Burnham and made oath that the foregoing petition by him signed is true in substance and in fact.

Before me,  
(Signed) H. H. GRAY,  
Justice of the Peace.

On motion by the same senator, duly seconded, the foregoing petition was referred to the committee on Senatorial vote.

The Senate adjourned to meet on Thursday, Jan. 5, 1911, at 10 o'clock in the forenoon.