

# MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Seventy-Fifth Legislature

OF THE

STATE OF MAINE

1911

**SENATE.**

Tuesday, February 14, 1911.

Senate called to order by the President.

Prayers by Rev. Mr. Gibson of Augusta.

Journal of previous session read and approved.

Papers from the House disposed of in concurrence.

The Senate order extending the time for introducing special and private legislation to February seventh, and later amended in the Senate by extending the time from the seventh to the fourteenth of February, came from the House, refused a passage by that Branch. Upon motion by Senator Staples of Knox, the Senate insisted upon its former action and asked for a committee of conference.

The President appointed as such committee, Messrs. Staples, Milliken and Sanborn.

Bill, An Act to authorize the city council of Belfast to grant permission to Manufacturing Real Estate Company to construct a wing to its shoe factory on its own land above and across Pleasant street, came from the House, by that Branch referred to the committee on Judiciary. Tabled by Mr. Staples, pending action of the committee of conference.

Resolve in favor of Unity Plantation, came from the House, by that Branch referred to the committee on legal affairs. Tabled by Mr. Milliken, pending action of the committee of conference.

Petition for an appropriation on Dead River road in Dallas Plantation, came from the House, by that Branch referred to the committee on State lands and State roads. Tabled on motion by Mr. Milliken.

**House Bills in the First Reading.**

An Act to amend An Act entitled "An Act to authorize extensions of the Bangor & Aroostook Railroad in Aroostook, Piscataquis and Penobscot counties," being Chapter 222 of the Private and Special Laws of 1903, as amended by Chapter 70 of the Private and Special Laws of 1907.

The following bills, petitions, etc., were presented and referred:

**Interior Waters.**

By Mr. Kellogg of Penobscot—Bill, An Act to incorporate the Northern Penobscot Water Company.

**Temperance.**

By Mr. Chandler of Washington—Remonstrance of E. W. Shackford and 35 others of Harrington against re-submission.

**Reports of Committees.**

Mr. Fulton for the committee on State lands and State roads, on Petition of Hiram E. Dodge and 16 others, local voters and taxpayers of Plantation No. 14, Washington county, praying that Chapter 150 of the Public Laws of 1909 be amended, reported the same be referred to the committee on legal affairs.

The report was accepted and sent down for concurrence.

Mr. Staples, for the committee on Judiciary, on An Act to incorporate the Clark Power Company, reported a new draft under the same title and that it "ought to pass."

Mr. Foss, for the committee on claims, on a Resolve in favor of the Stockholm Plantation, reported that the same "ought to pass."

The same senator for the same committee, on Resolve in favor of the town of Castine, reported that the same "ought to pass."

The reports were accepted and the bill and resolves tabled for printing under joint rules.

**Passed to Be Engrossed.**

An Act relating to the Southwest Harbor Water Company.

An Act to provide for the purchase of supplies by the State through a system of competitive bids. (On motion by Mr. Milliken of Aroostook, pending second reading, the bill was amended as follows: "By striking out the figures '1900' in the first line and by inserting in lieu thereof the figures '1911.'" The bill as amended then received its second reading and was passed to be engrossed.)

Resolve in favor of Edward E. Chase, Jr.

An Act to incorporate the Sawtelle Brook Dam and Improvement Company.

An Act to repeal Section 2 of Chapter 148 of the Public Laws of 1905, re-

lating to the construction of booths at polling places.

**Passed to Be Enacted.**

An Act granting Eradbury Smith the right to use and maintain a ferry between Sullivan and Hancock.

An Act regulating ice fishing in Rodgers or Ripley pond, so called, in the town of Ripley, county of Somerset.

An Act to empower the county commissioners of York county to act under Chapter 179 of the Laws of 1907, entitled "An Act to provide a way to free toll bridges."

An Act to amend Section 1 of Chapter 169 of the Private and Special Laws of 1903, as amended by Chapter 361 of the Private and Special Laws of 1909, relating to the Young Women's Christian Association of Portland, Me.

An Act to amend Section 3 of Chapter 199 of the Private and Special Laws of 1903, relating to the Brownville and Williamsburg Water Company.

An Act to regulate fishing in Little Lobster lake, so called, in the county of Piscataquis.

An Act to amend Chapter 291 of the Private and Special Laws of 1909, relating to fishing in Indian river stream, in Washington county.

An Act to extend the charter of the Bridgton Street Railway Company.

An Act to amend Sections 12 and 14 of Chapter 131 of the Revised Statutes, relating to private detectives.

An Act additional to and amendatory of Chapter 424 of the Private and Special Laws of 1907, entitled "An Act to incorporate the Kittery Water District within the limits of the town of Kittery, for the purpose of supplying the inhabitants of said district, likewise the remaining portion of said town, with pure water for domestic and municipal purposes.

An Act to regulate fishing in Clarkson's pond, so called, situated in the town of Kittery, county of York.

An Act to change the name of Horse Island and the name of Horse Island Harbor.

**Finally Passed.**

Resolve in favor of Stephen B. Lord.

Resolve in favor of F. Ray Neal.

Resolve in favor of F. G. Farrington.

Resolve in favor of James F. Ashford.

Resolve in favor of Leon S. Lippincott.

Resolve in favor of Albert W. Buck.

Resolve in favor of Clyde B. Scribner.

Resolve in favor of Patrick Hayes.

Resolve in favor of M. Kierney.

Resolve in favor of Wilmot C. Lippincott.

Resolve in favor of Chapin Lydston.

Resolve to the members of Congress to promote the efficiency of the life saving service.

Resolve in favor of L. Ernest Thornton.

Resolve in favor of James A. Chase.

Resolve in favor of Joseph H. Dickson.

Resolve in favor of a monument at Annapolis in memory of the late Commodore John Paul Jones.

**Orders of the Day.**

On motion by Mr. Boynton of Lincoln, the majority and minority reports of the committee on temperance, on Resolve providing for an amendment to the constitution, relating to the manufacture and sale of intoxicating liquors, was taken from the table.

MR. IRVING of Arcostock:

Mr. President and senators:

In my opinion no argument, no matter how forcible, nor oration, however eloquent could change one vote on the matter we are about to consider; namely, the resubmission of the fifth Amendment to the Constitution.

But as a member of the temperance committee who signed the minority report "ought not to pass," I want to give a few reasons for so doing:—

First, I firmly believe that the use of intoxicating liquors as a beverage is a distinctive and pronounced evil, that it stands at the head of all evils, that men and women becoming abnormal and inflamed by its use rush headlong into every kind of crime. It is sure to assume that intoxicating liquors are at the bottom of, and instigate seventy-five per cent. of all the crimes committed, therefore I am emphatically against its use.

Secondly, I think the best way to handle this evil is by State prohibition, that the prohibitory law (even though poorly enforced) is better for the people and the State than license in its very best form, and I am led to believe this by living for the past few years, for part of the time, in licensed states and I saw the evils

under license multiplied and magnified to an extent I never witnessed in prohibition territory. I visited prohibition Kansas and interviewed business men there and it was the consensus of opinion that the prohibitory law had done much to advance business interests along all lines in that state. The prohibitory law has been enforced in Kansas, I believe it can be in Maine. In talking with men as I meet them in regard to the best way of handling liquors, Massachusetts, or particularly Boston, is held up, with its stringent regulations, and extremely high license as the ideal way to handle the question.

I will give you a few statistics showing the difference between license in Boston and prohibition in Maine.

Boston arrests 426 persons out of every 10,000; Portland, Me. arrests 84 persons out of every 10,000; Boston pays \$3.00 per capita for police; Portland, Me. pays \$1.05 per capita for police; Boston pays .29 per capita for jail expenses; Portland, Me. pays .2 per capita for jail expenses; Boston has 33 criminals per 10,000; Portland, Me. has 13 criminals per 10,000.

Old prohibition Maine has only one-third of the criminality of Massachusetts, according to population. I am sure that whenever comparisons are made between license and prohibition, statistics will prove conclusively that all forms of evil and crimes are greatly minimized under prohibition, therefore I am decidedly opposed to licensing the sale of intoxicating liquors and pronouncedly in favor of prohibition.

Lastly, I am free to confess I am afraid of resubmission, I am not afraid of the rank and file of the Republican nor Democratic party. I believe the large majority of the best men of both parties will, (if the question be resubmitted) vote to retain the law, but I am afraid of the man who stands on our street corner and whose vote is a purchasable quantity and I believe you will agree with me, gentlemen, that there is scarcely a hamlet in Maine that does not contain such votes, and I can assure you that the money to buy them will

be forthcoming. Every Brewers Association in the United States will, I am sure, contribute the necessary funds to defeat the old prohibitory law in Maine. All over the Union they are looking with a great deal of interest to see what we are going to do with this question. Here in Maine today, we are doing the same thing that Vermont and New Hampshire did a few years ago. In those states a great cry went up for resubmission and the cry became so insistent that good men, as good men are doing here, came to the conclusion that the best way to settle the matter was to resubmit the question, believing that the prohibitory law would be reaffirmed.

Gentlemen you all know the result. The question was resubmitted, the prohibitory law was lost, and I believe, and I think the best thinking people believe, and statistics go to prove that when the people of New Hampshire resubmitted the question they made the big mistake of their lives. Is it wise for us to follow in their footsteps? I think not—by resubmitting the question we have nothing to gain and all to lose. Gentlemen let us give careful thought to this matter before we record our vote that may imperil the best interests of our beloved State.

Mr. President, I move you that when this vote be taken that it be taken by yea and nay vote.

Mr. STAPLES of Knox: Mr. President and Gentlemen of the Senate: I am here today, not in behalf of the saloons, if there are any in the State; I am not here in behalf of the wholesale liquor dealers that are pouring their liquor into this State; I am not here for any rum class; but I am here in behalf of the people of Maine. I stand here in behalf of 73,000 voters who expressed their belief at the polls last September, and I think I represent upon this issue the best element of both political parties in the State of Maine. I do not regard this as a dead issue. No issue where the people demand a right to vote upon a question can ever be a dead issue. And I wish to say right here, that no great question—and this is a great moral

question—is ever settled until it is settled right and the people of this State have time and time again asked that they have a right to vote upon this amendment.

I stand here in behalf of temperance; I stand here in behalf of the young men of the State of Maine; in behalf of good morals; in behalf of the Democratic party, who are willing to do anything that they can to elevate and refine the people of the State of Maine, and to give us something with regard to temperance which will not be a farce and a hypocrisy. Why are you afraid, my Republican friends, to submit this to the people and to the great wave of temperance which is passing over the country? Have you any doubt that the people will reaffirm the constitutional amendment? Why are you afraid to submit it to them? I am willing to trust the people upon this question, and you ought to be. They demand the right, and I say that the last election in this State showed it conclusively. I admit that that was one of the great issues, the question of resubmission, upon which this State voted last fall. Why not submit it to the people of the State and let them vote on it? If they reaffirm their belief in the prohibitory law, then we will all be satisfied and it will take it out of politics.

This matter will continue to come here before the Legislature just so long as you keep the prohibitory law upon the statute books and keep it in politics. I understand the position of my friends upon the other side, that they are afraid of the liberal element of the State of Maine, if they do not submit it, and they are afraid of the temperance element if they do submit to it. I pity them and sympathize with them for the very peculiar situation in which I find the Republican party of the State of Maine.

If I was talking politically I should say don't submit it; but I am talking in the interests of temperance. I am frank to say, Mr. President and fellow senators, that one of my reasons for wishing to submit this to the people is that I do not believe in the prohibitory law. You have tried it 50 years in the State of Maine and it has not prohibited; and we have

given you all the laws that you have asked for on the statute books to enforce it; and you know, as I know, that in the State of Maine today there is sold more than there has been for the last 50 years.

You cannot enforce the law—there is another reason why I want to see it submitted—you cannot enforce any law upon the statute books unless you have public opinion behind you; and you know that the public opinion in the State of Maine is not in favor of the prohibitory liquor law—a few fanatics are, but the common-sense and conservative element of the State of Maine, who have seen it tried for 50 years, do not believe in it because it does not prohibit; and I frankly say to you I want to see a way proposed in which to regulate this matter. If we have got to have rum among us, let's for heaven's sake govern it in the best possible way. And the best way is not by the prohibitory liquor law; and you have evidence right here in the State of Maine today to make you blush to know how many saloons are running, while the Sturges Commission and every other commission you have had upon the statute books in regard to the liquor question have been floating around the State—and you have got more rum all over the State of Maine today than ever before.

I am very glad to say I am in favor of local option. I believe in local option because, I submit, you can get more prohibition out of it. Let the people of the towns and cities manage it in their own way. I would have a local option law surrounded by such laws and such restrictions as would keep it from making our young men drunkards every day. I tell you that the Prohibition party in the State of Maine and the prohibition liquor law have got something to answer for. I stand here to plead in behalf of young men of the State, in which the prohibitory liquor law is making drunkards every day of the year. You cannot prohibit it, because public sentiment is against it—I believe the people ought to have a right to decide that question. I think you ought not to stand here, and say to the people, like the Pharisee of old as he wrapped his cloak around him: "I thank God I am not like other men." That is the effect of the fanatics of this State—"Or, you must not discuss it; Oh, no it

is sacred; Mrs. Stevens says you must not discuss it;" and you follow on after these fanatics. But I tell you that the people demand it. The vote of last fall in the State of Maine shows how the people demand the resubmission of this amendment. Why have not they a right to vote upon it? They haven't voted upon it for 24 years, why should they not have an opportunity now?

Let's look at the matter just as it is. We find today that there is more liquor imported into the State of Maine than there ever was before. The express companies are loaded with it. And what have you done by the prohibitory liquor law? You have driven the young men and boys of your cross-roads and country towns to send to Boston and other places to get gallons of liquor and carry it home by the wholesale and drink it; and therefore, we have in our country towns—and I live in the country—far more debauchery from that cause than we had when it was sold openly. And it is growing upon you. It is our duty to the young men of the State to do something.

The people will take care of the rum question in the best possible way; but just as long as you keep it in politics, you cannot enforce the law. You have tried it for 50 years. You have spasms of enforcement just before elections, I notice—not just before elections, but just after election. Just before election there is not any enforcement in this State. Everybody knows it. And the majority of the politicians of this State in the Republican party dare not to undertake to enforce the law. You are playing with it upon the one hand one way, and upon the other hand another way, and just as long as you do that, just so long the young men will be driven to ruin and you have got to be responsible for it somewhere.

I believe if you have a local option law believe if you have a local option law that you can cover it in the best possible way. I will admit that this rum curse is the greatest curse that is known to humanity today. I admit it is doing more injury to the home and fireside, and that

it causes more aching hearts and scalding tears than any other law in the statute books; and the prohibitory law is responsible for it in my honest judgment.

If you have local option under such restrictions as I conceive it may be had, the young men who now send to Boston for rum will get a glass of beer and we shall not have these drunken debaucheries that we see all over the State, which are a disgrace to the State of Maine. Let the people rule. The Democratic party will frame such a law as will subserve temperance.

Mr. STEARNS of Oxford: Mr. President, I am well aware that I cannot add anything to the weight of the argument as presented by the senator from Aroostook. But I cannot smother the desire to say just a few words upon this question. I do not know that I speak for the Republican party, at least, I do not presume to do that, but I can speak my own sentiments and perhaps the sentiments of the majority of those whom I here represent.

I would not presume to answer the argument of the senator from Knox, for, as he says, he has been making this same argument for a great many years, and it would certainly be presumptuous upon my part to undertake to answer it here. While it seems to me that the relative order of consideration of the question now under discussion has been somewhat reversed since last fall, I nevertheless wish to congratulate you, Mr. President, and the senator from Knox, who introduced this measure, and the senator from Lincoln, chairman of the committee on temperance, for giving us this early opportunity for discussing this vexed question.

As I say, the relative order of consideration has been somewhat reversed because, last fall during the campaign, you went up and down the State of Maine, you of the other party, and your orators, proclaiming the good old Jeffersonian doctrine, and did not attempt to convince the people of the State of Maine—nor did you convince 73,000 of them—upon the argument first, of resubmission. How did you do it? You began first, not

with resubmission, but with the high cost of living. Second, with resubmission? Oh, no, taxation. Third, resubmission? No. Waste and extravagance in high places. Finally, in well-chosen communities, particularly in our smaller towns and villages, a whispered word here and there for resubmission. That is how you did it, Mr. President, not by going out to the people first, last and all the time with loud voices shouting for resubmission. In other places it was carefully explained that after the high cost of living had been brought down to a reasonable basis, and taxes had been lowered, and waste and extravagance had been done away with, that then just one thing more was necessary to bring about the millennium, and that one thing was resubmission. About the first bill to be introduced and reported, however, is resubmission, and this, I think, altogether wise and wholesome in the interest of good business, and I congratulate the senator upon this changed program. I congratulate the Senate that the order has been reversed. Why do you urge resubmission? The senator from Knox says that he wants to vote upon it, and he says now very frankly that he is in favor of local option. Others say in order to re-affirm the prohibitory law. I have no doubt that the adroit and crafty gentleman who leads the forces of the majority at the other end of the corridor, has such a holy horror of politics that he would agree with the senator from Knox and that he, too, would resubmit in order to place the liquor question above and beyond the contaminating influence of politics. And so you would get it out of politics? Resubmission to nine of every 10 of those who are clamoring for it, means a license system, local option or something of that nature. And do you think to get the liquor question out of politics by a license system or local option? We all know, and you all know, that under a license or local option law the liquor question becomes the very football of politics kicked out of this place into that, passed here and there, a bone of contention for the meaner element of all parties. That is what

you would get by local option or a license law, or whatever you would substitute in the place of the prohibitory law, or in place of constitutional prohibition.

I have the greatest respect, Mr. President, for the senators here who do not agree with me upon this proposition, but to those who would vote for resubmission in order to re-affirm the prohibitory law I ask you, acting for yourselves and your constituents, when and where will you have a better opportunity to re-affirm the prohibitory law than now?

But, you say, we want the people to vote upon it. Now, as I say, the great majority, in my opinion, of the people who are clamoring to vote upon it are doing so not that they want to reaffirm the law, but because they are in favor of rooting out the prohibitory law from the Constitution and substituting something else in its place. Men do not dig a well in a dry and thirsty land simply to make a hole in the ground. This is, or may be, of somewhat doubtful application since no one would expect that resubmission would result in any great increase in the water supply of the State of Maine. But, as I say, I believe that nine-tenths of those clamoring for resubmission are doing it because they would root out the prohibitory law from the Constitution and substitute a license or local option law, and that is consistent; it is entirely consistent for those men who do not believe in the prohibitory law, who are out of sympathy with the prohibitory law, to stand here in favor of resubmission. It is entirely consistent for men who believe in license or a local option system, or believe in the open law or the gilded saloon, whatever you may see fit to characterize the legalized liquor traffic in Maine, as you would have it under your changed system, it is consistent for those men to urge resubmission. Finally they say, almost tauntingly, "Don't you dare to trust the people?" I say, yes, we can trust the people. If you foist this thing upon us we can trust the people to deal with it honestly, intelligently and manfully. But I say to you that the people of Oxford county have trusted me; they have entrusted into my care and keeping their vote upon this question in the Senate of the great State of Maine, and I



shall not betray their trust either for party policy, political gain or any other reason. When I vote upon this measure I shall vote not only according to the dictates of my own conscience but in accord with what I believe is the sentiment of my own people and for the greatest good of the entire people of the State of Maine.

Mr. President, I second the motion of the senator from Aroostook to substitute the minority report for the majority report.

Mr. MILLIKEN of Aroostook: Mr. President, I have spent nearly seven weeks here during this session, most of the time waiting as a humble member of the minority party for the announcement, from time to time, of the party in power, of their policy upon important public questions. I have been waiting especially with a great deal of interest for an authoritative announcement from the party in power as to their policy upon the question involved in the resubmission resolve before us today. From time to time I have seen in the newspapers, and it has been common knowledge about the State House, that caucuses have been held, that the leading members of the majority party had convened, and that there these matters and others of interest to the State have been discussed. I heard about a week ago a rumor that a new plan had been devised, that a new system for handling the liquor traffic had been proposed and had met with favor and was to be suggested. I waited with great interest for some announcement from the distinguished senator from Knox along those lines. The fervid temperance sentiments of the senator from Knox need no repetition or announcement upon this floor. They are familiar and well known. But I did hope to hear from him some answer to this question: After resubmission, what? He says here that he does not speak for the Democratic party. Who does? We, in the State of Maine, Mr. President and gentleman of the Senate, before we take this leap in the dark await some authoritative statement from some source as to what the policy of the majority party in this State is to be after resubmission.

The senator says frankly that he favors local option. Assuming that

resubmission passes this Legislature, and assuming that the vote of the people in September abrogates and annuls the amendment to the Constitution, commonly called the Prohibitory Amendment, what provision has the Democratic party suggested, what provision embodied in the report of this committee for handling the question then? Do you propose to leave this State between November, 1911, and July, 1913, the earliest time that legislation passed by the next Legislature can take effect, do you propose to leave the State during that time, assuming the vote was negative, without any provision under the Constitution in regard to handling the liquor traffic? Is it proposed to call a session of the Legislature to handle it? If so, what is the attitude of the Democratic party? What scheme is proposed, what method advocated?

I submit, as members of the minority party, we have a right to hear from some source what plan the majority has made. Can it be possible that the senator from Knox has been so long upon this floor, eloquently defending the minority party, that he has grown so used to viewing the situation with alarm, that he has overlooked the responsibility now upon him as a leading member of the majority party, to advance upon this floor some constructive policy? The senator says that 73,000 voters in this State at the last election declared for resubmission. I do not know just what those 73,000 voters did declare for. They declared against the policy of the party that was in power in this Legislature two years ago, undoubtedly. What feature of that policy they declared against, what they objected to most, I am not prepared to say. How many voted as they did because of resubmission, or how many voted as they did because of other questions suggested here, I cannot say. I know of one man in my town who was arrested and sentenced to jail, less than a year ago, for selling liquor—we send them to jail up there sometimes when they sell liquor. He had voted the Republican ticket. Just before the last election he declared his intention to change his mind. Some of the faithful among the Republican

party went to see him about it. They came back and reported that he had decided to vote against us because in his opinion the Republican party in this State was taxing the railroads too heavily.

So I say, Mr. President and gentlemen, that it is a little difficult to say on just what grounds all those 73,000 voters voted for the majority party at the last election. I have so far attempted merely to point out what I think is a reasonable position for the party to take; that we have a right to know what the constructive policy of the majority party is to be. We had to define our position in the past; we were the responsible majority party and we took the position that we believed in retaining in the Constitution of this State the prohibitory amendment; that we believed in its honest and impartial enforcement, and wherever we failed to carry out that policy we deserved criticism.

I say now that we are entitled to some equally definite announcement of the policy of the majority party. Upon this question now, Mr. President and gentlemen, I am not going to argue the merits of the resubmission proposition. I apprehend, as already stated, that no word spoken here would change any vote in this Senate, or would change any sentiment in the State upon this question. But I think it is fitting that we should for a moment give our attention to this question and ask what is the precise legislative and parliamentary situation here. The Constitution of Maine provides in Article 10, Section 2, "The Legislature, whenever two-thirds of both Houses shall deem it necessary, may propose amendments to the Constitution; and when any amendments shall be agreed upon, a resolution shall be passed and sent to the selectmen of the several towns, etc." An amendment to the Constitution, which is called the Prohibitory Amendment, provides that "The manufacture of intoxicating liquors, not including cider, and the sale and keeping for sale of intoxicating liquors, are and shall be forever prohibited. Except, however, that the sale and keeping for sale of such liquors for medicinal and mechanical

purposes and the arts, and the sale and keeping for sale of cider, may be permitted under such regulations as the Legislature may provide. The Legislature shall enact laws with suitable penalties for the suppression of the manufacture, sale and keeping for sale of intoxicating liquors with the exceptions herein specified." That is Amendment 5 to the Constitution of Maine. The resolve before us provides for an amendment to the Constitution by abrogating and annulling the 26th amendment adopted on the eighth day of September, in the year of our Lord, one thousand eight hundred and eighty-four, relating to the manufacture and sale of intoxicating liquor.

"Resolve, two-thirds of both houses of the Legislature concurring, that the following amendment to the Constitution of the State be proposed, viz: "

"The Twenty-sixth Amendment to the Constitution adopted on the eighth day of September, in the year of our Lord, one thousand eight hundred and eighty-four, relating to the manufacture and sale of intoxicating liquors, is hereby abrogated and annulled."

This resolve says, by the way, the "Twenty-sixth Amendment." I don't know what that means; I assume it may be a clerical error. I have always known this as the Fifth Amendment.

This is the situation, Mr. President and gentlemen. We are confronted here with a definite proposition to abrogate and annul a certain amendment to the Constitution of Maine. We have known this question so long under the title of "Resubmission," and have grown so familiar with the many arguments for and against it, that we have strayed a little, in my judgment, from the precise question that confronts us, if this Legislature passes this resolve in the form presented by the committee, then the Legislature by two-thirds vote solemnly declares that this amendment should be abrogated and annulled. Whatever may be said here in argument on the part of any member of this Senate or House in defining his position, the fact remains that if this resolve unqualified by any other statement, passes the Legislature, it

will be construed in the campaign in this State, and it will be so heralded the day following its passage, all over this country and everywhere, the people will be informed that the Legislature of Maine has recommended the annulment of the prohibitory amendment of the State of Maine.

Now, Mr. President, the legislative situation here as I view it is this: We have in this Legislature, reflecting the sentiment in this State, three groups of men; three views upon this question. We have first, the men in the Legislature, who like the senator from Knox, believe that the prohibitory amendment to the Constitution should be annulled and some other method substituted. Those men consistently favor resubmission. We have a second group of men in this Legislature who believe in the prohibitory law; who believe that it should remain in the Constitution, but who honestly believe that the best method for insuring its enforcement is to resubmit the question and allow the people to vote upon it. We have in the third place a group of men who are opposed to annulling the amendment and are opposed to resubmission, because, in their opinion, the people of the State do not want the amendment annulled, and to resubmit it to them would be merely to subject them to the sort of campaign that we all know would end soon.

At this stage of the proceedings it is not competent to offer any amendment to this resolve, and the President would doubtless rule, if an amendment was offered, that until some report of the committee were accepted, the resolve could not be amended. But for the sake of discussing the question at once, I will now read an amendment I wish to offer to the resolve, assuming that the majority report is accepted. I shall offer it for the purpose of giving each of those three groups of men a chance to record their especial ideas:

"Whereas we believe in the principle of prohibition as embodied in the so called Prohibitory Amendment to the Constitution, and yet recognize among the people of Maine a

demand for the privilege of voting upon this question.

Therefore, for the purpose of giving the voters of Maine an opportunity to register their opinion upon the question of constitutional prohibition, be it."

Now, gentlemen, I submit that that amendment embodies the view of those men in this Legislature, whether Democrats or Republicans, who favor resubmission for the purpose of having a vote upon the question, but who believe in retaining the law in the Constitution. I submit, also, that it may fairly represent the views of those of us who oppose resubmission, because from our point of view, if resubmission is to pass this Legislature at all, it ought to pass in this form, and not in the form of a distinct, unqualified proposition for the abrogation of the amendment. I say to you, gentlemen, who favor resubmission for the purpose of re-affirming the law, who believe in the enforcement of the law, it is unjust to you to let this resolve go through the Legislature and have you vote side by side with men who believe in resubmission for a different reason, for if the resolve once goes through in its original form, without any qualifying phrase, you who believe in the law, and vote for resubmission for the purpose of having the law re-affirmed, are yet doing by your act and sanctioning all that those who believe in the repeal of the law can do. You are voting for the annulment of the prohibitory amendment.

In the meantime, I hope the motion of Senator Irving, that the minority report be substituted for the majority, will prevail.

Mr. STAPLES: Mr. President, I move that when the vote be taken it be taken by the yeas and nays.

The question being, shall the minority report of the committee on temperance be substituted for the majority report, the yeas and nays were ordered.

Those voting yea: Messrs. Blanchard, Gowell, Irving, Milliken, Smith, Stearns, Theriault—7. Those voting nay: Messrs. Allan, Boynton, Chandler, Clifford, Dodge, Donigan, Edwards, Farrington, Foss, of Androscoggin, Foss of Cumberland, Fulton,

Hill, Kellogg, Leach, Mayo, Moulton, Mullen, Noyes, Osborn, Pendleton, Sanborn, Staples, Winslow—23. Absentees: Mr. Hamilton.

So the motion was lost.

Mr. DONIGAN of Somerset: Mr. President, in registering my vote, I would like to say that I thoroughly believe in temperance. But I believe the people should be allowed to vote on this question and anything in the Constitution that the people ask to vote on, I think they should be allowed to vote on. I firmly believe they will re-affirm the amendment, and I say that I will do everything in my power against license. With that explanation, I vote no.

(The preceding remarks were made at the time the senator voted.)

Mr. MAYO of Hancock: Mr. President, in registering my vote I wish to say to the people here present that I am a temperance man and believe in temperance, and believe in the enforcement of the law. I shall vote no on this question, with the feeling that it is the best way to bring this before the people and let them register their votes so that we may have a stronger or better enforcement of the prohibitory law.

(The preceding remarks were made at the time the senator voted.)

On motion by Mr. Boynton of Lincoln, the majority report of the committee was adopted.

Mr. BOYNTON: Mr. President, I move that the rules be suspended and the resolve receive its two readings and be passed to be engrossed at the present time.

The resolve was given its first reading.

Mr. MILLIKEN: Mr. President, I offer the following amendment:

"Amend Senate Document No. 74 by inserting after the title thereof the following:

"Whereas, we believe in the principle of prohibition as embodied in the so-called prohibitory amendment to the Constitution, and yet recognize among the people of Maine a demand for the privilege of voting upon this question,

"Therefore, for the purpose of giving the voters of Maine an opportunity to

register their opinion upon the question of constitutional prohibition, be it."

Mr. STAPLES: Mr. President, this is the most extraordinary amendment that I have ever known to be presented to a legislative body. I do not wonder at the shield that he assumes to throw around certain members of his own party as an excuse why they should vote. That is neither here nor there in this matter; whether they vote believing it will be retained in the Constitution or otherwise, there is only one question, and that is whether this body by a two-thirds vote will vote to adopt the resolve to change the Constitution which is before this Senate. I believe that the amendment is entirely out of order, and I trust that every Democrat of this body will vote against it. It is not a fair proposition. It is a hedge on the part of the senator from Aroostook for those men who have voted upon this question. They have a right to vote. There are but two things about it, yes or no. They have voted yes, the matter is settled, and the amendment offered is out of order.

Mr. MILLIKEN: Mr. President, I am deeply touched by the solicitude of the senator from Knox in regard to the members of the minority party. I desire to say, Mr. President and gentlemen, that the minority party are well able to take care of themselves, especially while in the minority. The amendment was introduced with the desire of giving the members of the majority who differ from the views expressed here by the senator from Knox a chance to express that difference, and if they do not desire to take advantage of it, or take as law the suggestion made by the senator from Knox that it is improper to take that opportunity, that is none of my affair.

Mr. STAPLES: Mr. President, the senator from Aroostook need not bother himself about the majority party. They are perfectly able to take care of themselves. If you are in favor of resubmission, say so, and don't go behind that.

The question being on the motion of Senator Milliken, on the adoption of the amendment offered, the yeas and nays were ordered. Those voting yea were: Messrs. Blanchard, Donigan, Gowell, Irving, Milliken, Smith, Stearns, Theriault

—8. Those voting nay were: Messrs. Al-

lan, Boynton, Clifford, Dodge, Edwards, Farrington, Foss of Androscoggin, Foss of Cumberland, Fulton, Hill, Kellogg, Leach, Mayo, Moulton, Mullen, Noyes, Osborn, Pendleton, Sanborn, Staples, Winslow—21.

So the motion was lost.

The resolve was given its second reading and passed to be engrossed.

On motion by Mr. Donigan,  
Adjourned.

## HOUSE.

Tuesday, February 14, 1911.

Prayer by Rev. Mr. Mosher of Augusta.

Journal of yesterday read and approved.

Papers from the Senate disposed of in concurrence.

An Act establishing a municipal court in the city of Belfast, came from the Senate referred in that branch to the committee on judiciary.

On motion of Mr. Morse of Belfast the bill was tabled for printing pending its reference to the committee in concurrence.

An Act for removal of close time on deer in Searsmont, Waldo county, came from the Senate, by that branch indefinitely postponed.

The question being, shall the House recede from its position accepting the report of the committee on inland fisheries and game that the bill ought to pass, and concur with the Senate in its indefinite postponement.

The motion was lost.

The House then voted to insist on its action and ask for a committee of conference.

The following petitions, bills, etc., were presented and referred:

### Judiciary.

By Mr. Williamson of Augusta—An Act relating to Court Procedure.

### Education.

By Mr. Murphy of Portland—An Act to amend Section 34 of Chapter 15 of the Revised Statutes, relative to the election of the Superintendent of schools. (Tabled for printing pending reference on motion of Mr. Plummer of Lisbon.)

Also, An Act to amend Section 96 of Chapter 15 of the Revised Statutes as

amended by Chapter 87 of the Public Laws of 1909.

### Banks and Banking.

By Mr. Woodside of Webster—An Act relating to investments by savings banks. (Tabled for printing pending reference on motion of Mr. Woodside.)

### Inland Fisheries and Game.

By Mr. Andrews of Norway—An Act to regulate the catching of black bass in Pennessewasse Lake, situated in Norway county of Oxford.

By Mr. Libby of Oakland—Remonstrance of E. W. Towle and 53 others against ice fishing in Belgrade system of lakes.

Also, Remonstrance of W. T. Haines and 41 others against same.

Also, Remonstrance of B. F. Charles and 23 others against same.

Also, Remonstrance of Fred C. Hartford and 34 others against same.

By Mr. Porter of Mapleton—Remonstrance of C. C. Libby and 52 others against close time on bull moose.

### Shore Fisheries.

By Mr. Kelley of Boothbay—Remonstrance of L. H. Rowe and 70 others of Georgetown against a close time on lobsters, and against any change in the present measurement of lobsters.

### Towns.

By Mr. Morse of Waterford—An Act to annex Fryeburg Academy Grant to the town of Mason. (Tabled for printing pending reference on motion of Mr. Hastings of Auburn.)

### Reports of Committees.

Mr. Williamson from the Committee on Judiciary reported "ought to pass" on Bill, An Act to amend An Act to revise, consolidate and amend the charter and laws of the city of Augusta, and relating to the tenure of office of the members of the Fire Department of said city.

Mr. Trafton from the same Committee reported same on Bill, An Act to enlarge the limits of the Rumford Falls Village Corporation.

Mr. Goodwin from the same Committee reported same on Bill, An Act to amend chapter 243 of the Public Laws of 1909, relating to the choice of assessors in towns.