

# MAINE STATE LEGISLATURE

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Legislative Record

Seventy-Fifth Legislature

SPECIAL SESSION

STATE OF MAINE

1912

**SENATE.**

Saturday, March 23, 112.

Senate called to order by the President.

Prayer by Rev. John Gibson of Augusta.

On motion by Mr. Boynton of Lincoln a recess was taken subject to the call of the President.

**After Recess.**

Papers from the House disposed of in concurrence.

The following order came from the House passed by that body:

Ordered, The Senate concurring, that the sum of \$25 be appropriated and paid to Ethel M. Wade for services as clerk and stenographer to the legal affairs committee at the special session.

Mr. MILLIKEN of Aroostook: Mr. President, I must confess that I do not have much sympathy with appropriations for clerks of committees, as far as I understand the situation. I would like to know if more are coming. Everybody knows that no committee had any meeting, and as far as I know no clerk has done any work for any committee. It does seem to me that, considering the fact that the State is to pay members and officers of this Legislature for next week when we do not work that we might economize in this matter of clerks for committees who have not worked. I suppose this may be introduced following the statement made by the chairman of the judiciary. I am not captious about it, but do make a little protest.

Mr. FARRINGTON of Kennebec: Mr. President, I wish to explain this. Everybody that had any business with the legal affairs committee, last winter, realizes the situation we were in. We had a clerk. When we found out about this special session of the Legislature, we took means to keep that fellow at home. This young lady who was the person who did all the work that was necessary for the clerk to do before the legal affairs, last session, was in a situation so that she could aid us, and to keep that fellow out, and to be prepared to do work, as we

naturally supposed the committee would have some work to do, I took the liberty to engage this young lady, for I knew if we had anything to do we must have somebody, and somebody to keep that fellow out. The young lady has been in attendance every day ready to do anything the committee wanted done. We did not know for two or three days but there would be something necessary for her to do.

Mr. MILLIKEN: Mr. President, the explanation of the senator from Kennebec makes the situation more than clear. It makes it luminous and I withdraw any objection to the payment of this trifling sum. I cannot think of any investment that would give better results than to pay \$25 to keep the former clerk of the legal affairs committee away from the property of the State during this session.

The order was given a passage in concurrence.

Mr. Boynton presented an order authorizing the committee on appropriations and financial affairs to make up the pay roll of the Senate.

The order was adopted and sent down for concurrence.

From the House: An Act to apportion representatives to Congress.

An Act to provide for the use of uniform ballot boxes and for the preservation of ballots cast at elections.

Resolve amending Section 15 of Article of the Constitution relating to a bond issue for State Roads.

Mr. MILLIKEN: Mr. President, at the proper time I would like about five minutes on each of these matters, if the Senate pleases. Perhaps not more than three minutes on each.

The PRESIDENT: The senator from Aroostook has the privilege of speaking on the bill relating to the apportionment of representatives to Congress.

Mr. MILLIKEN: Mr. President. On this matter I do not know that there should be any objection to the provisions of the act itself, although I have not read it and only know in a general way what its provisions are. I do want to call attention briefly to the

utter absurdity of presenting that measure as a part of the program in this special session.

The act goes into effect Jan. 1, 1913. The first election upon which it can have any effect is the election held in the fall of 1914. The next Legislature of course convenes on the first Wednesday, in January, 1913, having thus nearly two years of time before the first election which can be affected by this bill.

That is plenty of time for the next Legislature to redistrict the State. So in view of the form this measure has taken it becomes apparent that there was no good reason for including it in the program of this session, unless it is a political reason.

It seems to me there are many things that might have been properly included in this session.

A message was received from the House inquiring if there was any further business to be transmitted to that body.

Mr. MILLIKEN: (Continuing) There are certain things, Mr. President, that might have been properly included in the program of this special session which constitute a greater emergency, and for which there is a much greater need than this act. I might mention Presidential primaries, and a law for the recall of unfaithful officials. Such a bill was prepared, I understand, with the idea of introducing it here if any bills outside of the program of the administration had been admitted. The State highway money was left out of the bill last session. That certainly ought to have been presented at this session. In this bill I wish to say that it is an unnecessary part of the program of this special session.

The bill, An Act to apportion representatives to Congress, was then passed to be enacted without objection.

Mr. MILLIKEN: Mr. President, on the act to provide for the use of uniform ballot boxes and for the preservation of ballots cast at elections I have very little to say. I know practically nothing about the bill. I ven-

ture to say that not one member of this Legislature has read it. We may get home and find things in it we never heard of. We had no public hearing. I know just one thing about the bill, that it compels officials of towns to forward ballots to the secretary of State within 24 hours after the election. I believe that provision is unwise, and that the towns should manage their affairs as far as possible. I believe it will result in inconvenience to candidates who desire to inspect ballots. They can do it now conveniently and without expense. Under the new arrangement they must go to Augusta. If the town officials can be trusted to keep the ballots over night and 24 hours, they can be trusted for a longer time, to allow inspection by candidates.

The bill, An Act to provide for the use of uniform ballot boxes and for the preservation of ballots cast at elections was then passed to be enacted without objection.

Resolve amending Section 15 of Article 9 of the Constitution relating to a bond issue for State roads.

Mr. STEARNS of Oxford: Mr. President at the time I reserved an opportunity to speak upon this resolve I had had no chance to examine the amendments which had been presented, and it was only with that in view that I did so, because I am not here to oppose any proposition which has in view the betterment of our highways and the roads of the State. It is only a question of how it is best to proceed in order to accomplish that purpose.

I am not going to attempt any opposition to the bill, but it does occur to me that the provision of the amendment may in the future confront not only the proponents of the measure, but also those who are opposed to the general provisions which will grow out of this proposition. I feel that we would be better satisfied, everyone would be better satisfied, that the proponents of the measure and those who may not be in entire sympathy with it would be better satisfied, if the wording were not so ambiguous as it is. It seems to me the wording of the

amendment in regard to the distribution of the money among the counties equitably may not meet with such a construction as we all would agree upon.

We have not had time to consider this matter in the manner in which I think it should have been considered, and I have no desire to obstruct the general purpose; it is for the betterment of our roads, and the adoption of some measure that will work out that purpose. I have no desire to make any further remarks upon the question.

Mr. MILLIKEN: Mr. President, there should be no politics about good roads, and a good roads measure should not be a political measure. Those of us that remember the difficulty with which a reasonable appropriation was obtained for good roads at the session of this Legislature certainly did not expect that the present administration was as enthusiastic as it is apparently now. Of course we all understand the origin of this bill. The subject was not mentioned in the Governor's first announcement of his proposed special session. He was invited to Portland to a good roads meeting. He caught the idea there that day. There is going to be a considerable amount of money in the state for good roads at the end of the year. I pointed out a year ago that the tax of six mills for the current year was excessive. The excess will be on hand at the end of the year. That might be a nucleus for good roads. None of us wish to oppose any move for good roads. I think it is one of the best economic moves before the state, and a candidate for governor has been interested in this subject for years, and has done as much as any man in Maine to foster good roads throughout the state.

I speak of this now to point out again the inconceivable folly of putting an important measure like this through this special session without giving an opportunity for full hearing and discussion, and for the presentation of views upon this subject by men outside of the Legislature. The wisdom of the state on good roads is not confined to members of the Legislature, nor to the executive department. It is said that because this matter is going to the people there is no need for considera-

tion; that the people will consider it when they vote upon it. It is precisely because it is going to the people why it should have consideration here. I wish to point out here that there is serious danger in submitting an important matter like this to the people of Maine, without taking pains to see that it is fully discussed in advance and presented to the people in proper form. I have doubt whether the amount is large enough if we are to embark upon a good roads campaign. Presented to the people in a half-baked stage it is possible that many who might favor it if they understood it thoroughly, would not favor it when it came to a vote.

I supposed when we started in on this session that we would have a fair amount of time for committee hearings, and I sent out a hundred letters to representative men in the county and state, asking their opinion upon this matter and others. The letters I have already received in reply show that the feeling is general towards good roads, but there is great doubt and lack of information as to what this measure means, how this money will be expended, as to how fast it will be used, where the roads will be built, and all that sort of thing. We do not perhaps realize here how much a series of committee meetings, held here while we are all together, where men can gather; how much hearings of that sort tend to clear matters under discussion.

We are all for good roads. We hope since this thing has gone through and is to be submitted to the people that it is in the best form. I really fear we shall find that the lack of information on the part of the people throughout the state will illustrate to us again the folly with which we have been guilty. I venture to predict now that when the average plain citizen of the state finds out and really comes to know that this Maine Legislature, meeting in special emergency session, upon what the Governor has deemed to be a solemn occasion, and of sufficient urgency to authorize him to call a special session, and to bang through this great measure in a few days, and deliberately leave a week open when we will draw our pay; I believe then we will hear a roar of laughter from Kittery to Ft. Kent.

Mr. STAPLES of Knox: Mr. President, I should like to be able to conceive of some Democratic legislation that the Senator from Aroostook would not object to. I understand perfectly well, and I think everybody else does, that he is doing this for political buncombe. I do not blame him. The issue that we have made here is the only issue the Republican party has to find fault with Democracy. For a great many years the Republican party of the State of Maine has had control of the Legislature. And you have not originated a piece of legislation that has been in the interest of the common people of the State of Maine. I have no doubt but what the voters of the State of Maine having three months to examine the road bill or any other bill of this session, are bright and intelligent enough to know what that bill means. I am glad that this Legislature has shown the people of the state that the Democratic party is a progressive party, and that we have passed legislation here for the whole people.

Now I should not have spoken here, but I found that the effort made by the Senator from Aroostook, when he talks so much about the bill, is an insult to the voters of the state; when he says that they are not intelligent enough to comprehend what the bill is. I have no doubt that having three or four months to look it over, they are intelligent enough to understand it, and if they are not let us appropriate money and send the Senator from Aroostook over the state to instruct them.

As far as the ballot box is concerned and the election law, I think that the amendment put in there, that the ballots be sent to the Secretary of State within twenty-four hours is a wise provision, and surely there can be no suspicion that the ballots are tampered with by anybody.

As far as the good roads bill is concerned, we are all in favor of good roads. I opposed the bill until the amendment was put in that the money raised should be equitable divided in the counties of the State. I tell you when we go home to our constituents

they will thank us for that piece of legislation.

If you oppose all this progressive legislation you will be buried, next fall, so deep that you never will be resurrected.

Mr. MILLIKEN: Mr. President, perhaps I did not make myself entirely clear. I wished to point out this danger; it is entirely feasible that a constitutional amendment can be submitted to the people of Maine that they can accept if it had been made plain here just what was behind the whole thing; while not understanding it they may reject it. Suppose this matter is presented to the people and not understanding it thoroughly they do reject it; I suppose the senator would feel somewhat embarrassed, but undoubtedly he will present the matter every session, whether or no.

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On the final passage of the resolve a rising vote was taken.

The vote in favor of the passage of the resolve was unanimous and the President announced that the resolve was finally passed.

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Resolve providing for an amendment to the Constitution relating to the sale and manufacture of intoxicating liquors, came from the House, endorsed "House of Representatives, March 23, 1912. Seventy-one voted for the passage of the resolve, 64 against. The two-thirds vote required not obtained. Resolve failed of final passage."

Mr. STAPLES: Mr. President, if in order I move you that the Senate insists upon its former action.

Mr. SANBORN of Piscataquis: Mr. President, when this bill was voted upon, the other day, there were some of us that always objected to the bill, that thought it would be as well to pass on to the other branch, and then after passing there, when it came in here for a two-thirds vote it could be voted down or we could vote to finally pass it, as we saw fit. As of course it only took a majority vote to carry it through this branch, and you will remember if present that I made

a request to be heard a few moments before the vote was taken on the final passage.

I came here, three years ago, from Piscataquis county, the first Democratic representative for some 30 years. I told them when I was nominated, it was unexpected by me, that I would support the Democratic platform, otherwise than that I would vote for what I thought right regardless of party politics. And if they wanted me to run on those conditions I would. They said that was all they asked of me. I came here and tried to carry out what I had promised. Resubmission was in the Democratic platform and I supported it because it was there and because I thought it was time that the people should vote upon it. The Hastings bill came up and I voted for that. You remember the Governor vetoed it. I voted to pass it over the Governor's veto. I voted to remove the Sturgis commissioners. I voted to remove the State liquor agency, for I believed it a State rum shop of the worst kind. And I voted for everything, I thought—I may have been mistaken—that I thought would benefit the cause of temperance. I went home not knowing whether I had given satisfaction or not, but when two years rolled around I was sent for to meet the county committee and they said they wanted me to run for Senator.

That was something I never dreamed of, but I finally told them there was no prospect of electing me, for it had always been a Republican county and the Republican candidate, two years before, was elected by a large majority, but as they used me so well, the year before, I allowed myself to be sacrificed that year. To my surprise I was elected. I accepted the nomination on the same ground as before and carried out the same plan, last year. Some of the same bills were up and I supported them the same. I knew some two years before that were very anxious for the Hastings bill, but they weakened when it came to the Governor's veto, or we would have had something that we could have accomplished something with.

I didn't know whether I gave satisfaction, last winter, or not, until a short time ago they wanted me to run again. I made up my mind, last year, when the resubmission bill came up that when the time came I should vote no. I did so and am free to say I have done what I could on that side. I have been criticized but that makes no difference. I would rather have a clear conscience and do what I think is right. I know of good people in my town that never touched a drop of liquor and are strong temperance men that voted yes because they were so disgusted with the way liquor had been handled that they thought, and they may be right, that it could be handled better under the local option plan. Under the present conditions I differ with them. A short time ago they came to me and asked me to run again, and I finally told them after finding they had a petition out and signed, that I would stand my hand. To show you how opposed I am to local option I will say that as soon as I found that local option was in the Democratic platform I told them to hold back those petitions as I could not run on that platform and come here knowing I would vote on local option.

That is the stand I have taken. Whether right or wrong it is hard to say, but I feel that it is right. Another thing, my county, which went Democratic, last year, for the first time in many years, voted strong against the repeal.

One thing I wish to say to the Senator from Waldo. In his speech, he reflected a little upon the farmer, and I claim to be a farmer. If he will come up, next summer, I will not treat him but I will feed him. He said that some one started from Belfast and went out and called at a dozen places and at 10 he was treated. If he will come to Piscataquis county and drive through the town and if he finds one farmer out of 25 that will offer him a drink I will give him \$25. Piscataquis county voted no.

I wish to say to the senator from

Knox that my idea was to make a motion to concur with the House, unless you persist in your motion to insist. Some may think it singular that these remarks were not made the other day, but under the circumstances some thought it better to wait until it came in here for final action.

Mr. MAYO of Hancock: Mr. President, fortunately or unfortunately I am one of the senators from Hancock county. In 1904 as many of you well know I was elected sheriff of Hancock county on a straight enforcement platform. I had some 2000 or more votes to overcome, which we did. I came out with a majority of 94 votes. The second term I ran and came out after enforcing the law I think to the satisfaction of the temperance people with a majority something like 500. I feel, today, that our county in a sense, is for retaining the prohibitory law. That is only my opinion.

When we voted, last September as to whether we would amend the Constitution or not, my county went 242 majority yes. That places me in the position if I do the will of my constituents that I must vote yes on this question. I say to you here, today, that local option, high license or the licensing of the sale of liquor in anyway, shape or manner is against my principles. It has been against my principles from a boy, and it is, today, and I am far from being a boy.

This is the condition that confronts me, today. I have my petition all right, signers enough to go into the primaries again, today. I presume I shall get the nomination, and feel if I do that there is a chance of election, and a very good chance. I am sorry that the conditions make it so hard for me, and I haven't decided yet whether I shall be a candidate in the primaries. I say to you here, today, in view of the fact that I must represent my constituency, today, that I shall vote yes on this question. I make this statement that you and all may know the stand I take on this question. I rather not get a vote from the county than stand up and vote against

my principles. I vote, today, as I do because I am representing my constituents.

Mr. STAPLES: Mr. President, I withdrew the motion I made a few moments ago that the Senate insist. I now move that the Senate non-concur with the House in its action on the resolve providing for an amendment to the Constitution relating to the sale and manufacture of intoxicating liquors.

Mr. MILLIKEN: Mr. President, I suppose we would all like to have a yea and nay vote. As I understand it, after we get through with this, if the Senate adheres to its position this will leave the measure finally killed between the two bodies, each branch having consistently maintained its former position and its dignity.

The yeas and nays were ordered the question being shall the Senate non-concur in the action of the House. The roll was called. Those voting yes were: Allen, Boynton, Clifford, Dodge, Donigan, Farrington, Foss of Androscoggin, Hanson, Hill, Kellogg, Leach, Mayo, Mullen, Noyes, Osborn, Reynolds Staples, Winslow—18.

Those voting nay were: Chandler, Clark, Gowell, Irving, Milliken, Sanborn, Stearns, Theriault—8.

So the motion to non concur was adopted.

Senator Blanchard announced that he was paired with Senator Moulton, and that he would vote no and Senator Moulton if present would vote yes.

Mr. DONIGAN of Somerset: Mr. President I wish to state that I am opposed to local option but I believe in the people, and believe they will vote right, and so I have voted yes.

Mr. BOYNTON of Lincoln: Mr. President perhaps it is well to state that Senator Moulton was paired with Senator Smith; that he would have voted yes and Senator Smith would have voted no.

Mr. GOWELL of York: Mr. President I think that we tried to arrange the pair with Senator Smith over the telephone, but we could not get him and I did not understand that the pair



was consummated. I think that Senator Milliken was present.

Mr. MILLIKEN: Mr. President I do not remember that part of it, but I suppose it would be hardly well to record a pair unless one of the members was present.

On motion by Mr. Boynton of Lincoln it was

Ordered, the House concurring that

when the Senate and House adjourn they adjourn to meet, on Tuesday, April 2 at 11 o'clock in the forenoon.

Passed and sent down for concurrence. Subsequently the order was returned from the House concurred in by that body.

On motion by Mr. Reynolds of Androscoggin adjournment was taken, until Tuesday, April 2, 1912 at 11 o'clock in the forenoon.