

MAINE STATE LEGISLATURE

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Legislative Record

Seventy-Fifth Legislature

SPECIAL SESSION

STATE OF MAINE

1912

SENATE.

Saturday, April 6, 1912.

Senate called to order by the President.

Prayer by Rev. Mr. Livingston of Hallowell.

Journal of previous session read and approved.

Papers from the House:

The PRESIDENT: This Resolve on the pay roll of the House, comes from that branch having had its several readings and passing to be engrossed, under suspension of the rules, without any action on the part of the Senate.

Without objection the resolve then was given its first reading, under suspension of the rules.

Under further suspension of the rules the resolve was given its second reading and was then passed to be engrossed without reference to the committee on engrossed bills.

The resolve was then finally passed, a rising vote being taken and all senators voting in favor of its passage.

Orders.

Mr. MILLIKEN of Aroostook: Mr. President, I have an order that I wish to present, but I think the senator from Lincoln wishes to present a matter first.

Mr. BOYNTON of Lincoln: Mr. President, I ask unanimous consent to present the following Resolve on the pay roll of the Senate.

I will say that this is the pay roll of the Senate and employes for the days, Wednesday, Thursday and Friday. I move that this resolve be received and without reference to any committee receive its several readings at this time.

Under suspension of the rules the resolve was given its two readings and was passed to be engrossed without reference to any committee, and was then sent down for concurrence.

Mr. Milliken of Aroostook presented the following order:

Ordered, The House concurring, that a joint special committee of three on the part of the Senate with such as the House may join be directed to investigate forthwith the nullification of the prohibitory law which is reported

to be going on in certain counties of the State, and to report to the Governor and Council.

Ordered, Further that for the purpose of conducting this investigation the committee be empowered to sit after the adjournment of the Legislature, and to be given full authority to summons witnesses, compel the production of books and papers, and to employ counsel and all other necessary assistance.

Mr. MILLIKEN: Mr. President, I said a few days ago, and I suppose there would not be any serious disagreement with that suggestion, that wherever in this State there is open, notorious, continuous and flagrant violation and nullification of the prohibitory law, there some official, at least one official, is either a crook or a coward, or both. We have had in the past few days some evidence relating to the situation in one county in the State, and particularly referring to the violations of the prohibitory law in one particular part of that county; bringing in its entirety a situation which the attorney general has rightly characterized as disgraceful to the State.

The Governor in the special message presenting this matter in relation to York county for our consideration, has properly taken the ground that charges reflecting upon the official character of officers in any county, were sufficiently grave and important so that if this Legislature had not been in session he would have deemed it his duty to have called the Legislature together to consider those charges. Now the Legislature has decided, as in its wisdom it has seen fit, who it thought was responsible for the conditions in that particular county. I have waited to see if anything was to be done about any other county in the State. I assume, from the fact that no message from the Executive has called our attention to conditions of similar nature, either that he does not know that any such condition exists in any other county, or does not consider it of sufficient importance to call it to our attention.

I confess that at this time, under

the circumstances which we all understand, the urgent desire of members to go home, and in view of other things that I will not discuss here, I do not feel like requesting the consideration of the impeachment of any other officials in this State. I do wish to say here that in my judgment wherever there is the kind of nullification I have referred to,—and I mean by that the flagrant, notorious and continuous violation of the law with the knowledge and consent of the officials,—I say wherever in this State there is that kind of nullification, that either the county attorney or the sheriff, or both of them, are either grossly incompetent or are crooked, one or the other.

As it does not seem feasible to move at this time for specific consideration of any other official, feeling as I do that we ought not to adjourn this session with the implied understanding that York county is the only county that is an offender in this respect, and I see nothing left for us but to have a committee of the Legislature make a fair, and I hope, a thorough investigation.

Without taking too much time of the Senate I wish to refer briefly to some things that seem to warrant such an investigation. I find in the Lewiston Journal a list of places recently found in the city of Lewiston to be selling intoxicating liquors. It is on page 11 of the Lewiston Journal. Here is Number 1—I shall not read the whole list:

No. 1.—The Tavern, No. 103 Main street, Lewiston. E. N. Billings, proprietor, paid a U. S. retail liquor dealer's tax of \$25 at this number, on July 25, 1911. The bar is located in the basement, reached by a stairway leading from the office, on the left hand side, opposite the desk. The bar room is fitted up with a bar, with mirrors behind it, bottled goods displayed all along the shelf. One bottle of lager beer, costing 15 cents, and a half pint of whiskey, costing 35 cents, were purchased. The Tavern was visited later, on a Sunday, when the inspector purchased a glass of whiskey but was refused a half-pint.

That list continues, Mr. President,

from No. 1 to No. 66, each one of them being a particular and careful description in the city of Lewiston of places where liquor is being sold.

Now, with the publication of that list—if any person has been wrongfully accused of selling liquor his remedy is obvious—if after the publication of this list the officials of the city of Lewiston and of the county of Androscoggin do not close up those places they are either incompetent or corrupt, and the conditions of the city of Lewiston as revealed here is a proper subject, as I view it, for investigation.

In another county in this State it is commonly reported that the county attorney is in league with certain lawyers who habitually defend rum sellers. One case occurred within a year where a rumseller was convicted in the lower court, sentenced to jail and appealed. He was defended in the upper court by an attorney who makes a practice of defending cases of that kind, who advised his client that the county attorney was likely to insist upon a jail sentence. He asked him how much money he could raise. He found he could raise \$700. That sum was paid over to his counsel and the case was never heard of again, at least, the man was never brought up for trial that I know of. Is there such a condition existing and are those reports true? That is for the committee to consider, and we should deem it our duty to our constituents that these reports should be investigated, and have the truth known.

I find in this morning's issue of the Kennebec Journal the following resolution passed Friday, by the Eastern Maine Conference of Methodists, which is in session at Rockland. Now it is becoming quite the fashion in the last few days about this State House to refer to those who regard the enforcement of the prohibitory law as important, as fanatics. I suppose that among the Methodists who were in session in Rockland there may be some fair-minded men; there may be some men whom the members of this Legislature would not call fanatics, and

those men in Convention adopted the following resolution:

"We deplore the open nullification of the law in so many portions of the State and insist that present conditions of nullification and violation are largely made possible through the attitude of our leading State officials, who have deliberately broken their pledges to give to the people of Maine an honest enforcement of the law and to have become the misrepresentatives and perjurers of the prohibitory law.

"And we further hold the sheriff of Kennebec county and the mayor and police force of the city of Waterville responsible for the shameful nullification and violation of the prohibitory law in that city which made possible the brutal and cowardly attack upon the officers of the Maine Civic League while in the lawful discharge of their duties by request of an officer of the law, during the current week."

Mr. President and Gentlemen: That resolution passed while this Legislature is in session by a body of men who are entitled to the respect and confidence of every member of this Legislature, demands some notice at our hands.

What is the condition in the city of Waterville? Saloon keepers say that they are paying for protection in the city of Waterville. I do not know whether they are among those who have been called by our attorney general "decent men," and whether they are telling the truth or not. That ought to be inquired into and decided by some authority whether that is the truth. If that is the truth, who is getting the money? It is said that a deputy sheriff habitually drives around a white horse belonging to a Waterville rumseller, every Monday and collects dues for that week. Is that true? If it is true there is a condition there that needs investigation. If it is not true the report should not be allowed to be circulated without being denied.

Mr. President, I have no desire to weary this Senate at great length. I have quoted from a couple of newspapers. I suppose that I may be accused of partisanship from the fact that I have selected two Republican papers.

Something has been said by some Democratic papers along these lines. Here is something, not very recent, but pertaining to this case. The Lewiston Sun of November 20, 1910, urged that the prohibitory law should be enforced. And the Biddeford Record on November 30, 1910, announced that the Democratic party leader agreed that the only course was to give Maine "the strictest enforcement it has ever known."

Again, the Eastern Argus of December, 29, 1910, says: "The dictum has gone forth that any man or woman who sells liquor after January 1st does so at his or her peril, and they will be regarded as enemies to the public order and dealt with wherever and whenever they are found."

The Waterville Sentinel of December 9, 1910, says: "The time has come for a thorough, determined effort to enforce all along the line, that the prohibitory law may stand or fall upon its merits. So enforce from January 1, 1911, to January 1, 1913, all the time whatever the result may be. Make the State as dry as it is possible by honest and thorough enforcement to make it. If the people like that sort of thing, they will endorse it and if they do not like it, they will have the privilege of voting the prohibitory system down and out. There is no other alternative for the Democratic party. Pledges must be kept among honest folks."

Mr. President and gentlemen, I have no desire or wish to inject anything partisan into this discussion. If any member of the Senate objects to the form of this order, or if any member of the majority party wishes to introduce an order to cover the same ground, I am perfectly willing to withdraw this one or make such changes as would not defeat the matter. In this York county matter we have had only a glimpse of the condition that is bothering us. We have had it revealed in that county as it is true in other counties, that the trouble is not the law, but the men behind the law, and I say to you that this Legislature will not discharge its duty to the State, and the members will not properly discharge their duties to their con-

sciences if in the presence of such reports we adjourn without taking some proper means for a fair and full investigation.

I need not say to any member of this Senate that this proposition is anything new, anything unusual. It is the same method that has always followed whenever anything of this sort was sought to be done. We appointed several committees of this kind at the first session of this Legislature, a year ago. One committee is still in session investigating other matters. It is a plain and usual course to be followed. If any member can suggest any better way, I am perfectly willing to fall in with that suggestion, but I believe we ought to do something along this line, for it has been decided that we are to have prohibition in this State, by the vote of the people, last September, and again by the vote of this Legislature. And that is what the people want now, and what they are entitled to have in every county of the State.

Let us have an honest and fair attempt on the part of the officials to enforce this law, and in any county where an honest attempt is not being made to enforce the law, the people of Maine are entitled to know what the trouble is and have the guilty people punished. I move that the order have a passage.

Mr. DONIGAN of Somerset: Mr. President, I would like to ask the senator from Aroostook what he thinks of Judge Cleaves remark that he made there in the convention, yesterday, in regard to the enforcement of the law. And about jail sentences.

Mr. MILLIKEN: Mr. President I am ready to argue the Richardsor case at any length the senator desires.

Mr. DONIGAN: Mr. President I would like to have the senator answer my question. I would like to know what he thinks of Judge Cleaves's remarks, yesterday, in regard to the enforcement of the law, and in regard to his saying that he did not give jail sentences and did not intend to.

Mr. MILLIKEN: Mr. President, I do not intend to express my opinion of any one feature of that case, until I can take up the whole case.

The PRESIDENT: The Chair will rule that such inquiries do not bear upon the statement of the senator from Aroostook.

Mr. STAPLES of Knox: Mr. President, I am surprised at this late hour when a large number of our senators are absent that the distinguished senator from Aroostook should make a stump speech, and endeavor to make political capital. I think he better put his resolve into the next Republican State Convention platform, and not inject it in here, for I don't believe that the senator is genuinely honest in putting in this resolve at this time. I believe it is done for the purpose of making political capital.

I have seen this Senate change from thirty to one, to a large Democratic majority. The senator from Aroostook and the Republican party die hard. There is a gradual dwindling away of the Republican party, and that is what makes you fret so much. It reminds me of something that happened not a great while ago. I was in a hospital and the superintendent was showing me around, and we came to a man who was terribly emaciated. I asked what was the matter with the man, and he said the man had marasmus. I asked him what that was, and he said it was a gradual dwindling away. That is what is the trouble with the Republican party, you have got marasmus and nothing will change its nature.

I am not here to defend the sale of liquor, but I am here to object at this late hour to any committee being appointed for the purpose of political capital. I am willing to leave it to the people of each county. An election is soon coming up and we can trust the people to elect such men as they see fit, and manage their own affairs in their own way and every other county mind its own business.

Now Mr. President, I am not here to defend this matter, but I am willing to leave it with the people. I am willing to leave it to the county and each county will have proper officers. My county has proper officers and we have no nullification of the law there. We are dry as you are in Aroostook coun-

ty, at least. There is no question about that. I object to any committee being appointed and I do not believe the people want it. And when you speak about the Governor of the State of Maine and say that he has not done his duty, I say he has done his duty to the people of the State of Maine, and that is what is the trouble with you today.

A better administration never existed in the State of Maine than has been given by Governor Plaisted. And when you try to cast a reflection upon the county attorney or the sheriff of Kennebec county I say you cannot prove that they are not honorable men and doing their duty as well as they can with the public sentiment that surrounds them.

I do not believe the great body of the sheriffs and the county attorneys in the Democratic counties are corrupt or incompetent. Oh, no, gentlemen; it is a censure upon the sheriffs and upon every county attorney in the State of Maine; it is a censure upon the administration of Governor Plaisted, and I do not believe, and I ask every Democrat in this body to vote against such committee for political capital for the Republicans of the State of Maine.

Mr. MILLIKEN: Mr. President, I said at the beginning that I had waited, and had a right to wait to see if anything were to be done by those in control, the majority party. I see no special force in the suggestion of a few senators being present. If I am not mistaken there are 21 or 22 of us, and here I take it for the very good reason that we could not get our pay until this morning.

Political capital! The senator says that this is injected for the purpose of making political capital. I say to him frankly that any poor efforts I might put forth, or any other Republican senator, in the way of political capital have been far surpassed in this session by what our Democratic friends have been kind enough to do for us.

If there is anything more, Mr. President, that we of the minority would have liked to have done for the sake of political capital, if that was all we were after, if there was anything you, the majority, have omitted to do, it is something none of us yet have been bright enough to think of.

I am not going to take any issue with the senator from Knox as to whether my motives are honest or not. If he has any opinion to the contrary he is entitled to keep his opinion and cherish it to his heart's content. What he said about Knox county is such a joke that I cannot help referring to it. He says it is dry in Knox county. There was an occurrence the other day with which the senator is familiar. A gentleman for some time has been carrying on a wholesale liquor place, under the protection, it is alleged, of the sheriff of Knox county. At any rate he has been maintaining it there. In some way the wires got crossed. An honest man, or a man not in sympathy with the sheriff's program, got in as city marshal, and my friend Senator Mayo, ex-sheriff of Hancock county, whom I have complimented before as one of the finest officials Maine ever had, told me a few days ago, and I think I am not violating any confidence, that he happened to be in Rockland when the seizure was made, and the officer consulted Mr. Mayo as to some of the details, and they hauled over 30 loads of stuff away from that wholesale establishment—\$7000 worth, I have heard—and filled up the rooms and had to get other rooms in order to keep the stuff in safety.

Now, Mr. President and Gentlemen, the question of the honesty of these various officials has been raised here. The senator has been very indignant because I said anything to you about Kennebec county officials. I have not begun to say about them here what is being said everywhere. It is common talk and that talk may have basis or not, but the fact that it is common talk seems to require some investigation there.

Mr. STAPLES: Mr. President: Knox county—I said that the officers were honest. The suggestion of the senator from Aroostook that the officers of Knox county were not honest; when they found out there was bottling of beer—most of what they seized was beer, way down to the South end—they seized it. And that shows that they can take care of their own business.

I know the sheriff, Mr. Tolman, and a greater libel was never uttered on the floor of this Senate than to say

that he directly or indirectly knew or had any connection with that establishment down there. Anybody who knows A. J. Tolman would say that he is an honorable man and that he has been an efficient officer. And I stand here that it may be made public to say that the aspersion of the charges which the senator has made whether rumor or otherwise, against A. J. Tolman, is unworthy to be answered really by anybody that well knows A. J. Tolman, the sheriff of the county of Knox.

Now we can vote in a short time on the question of prohibition or local option. You have a chance to go before the people, as we shall have the chance to go before the people, and the Democratic party in the State of Maine is willing to leave it to those people.

I believe the good people of Androscoggin county will take care of matters there. If officers have been derelict they will take care of it. We can trust them in every county, but don't have a committee going around over the State, mousing around for political capital. We have had our Sturgis Commission and those things. God deliver me from seeing another. Let the people take care of this thing and they will. The people of the State are law-abiding citizens, and if an officer does not do his duty the polls is the place to take the matter up and put another officer in. I should hate to see in a Democratic administration a committee going over this State investigating this or that. Let the people investigate it and by their ballots decide what they want. That is the only Democratic way. Get on the Democratic band wagon and you will not be so nervous. We will baptize you with the holy water of Democracy, and if you cannot stand the shock of the baptism we will give you a dose of prohibition rum.

Mr. BOYNTON of Lincoln: Mr. President, I move that the vote be now taken, and by the yeas and nays.

A sufficient number having arisen it was so ordered.

The roll was called. Those voting in favor of the passage of the order, voting yes as follows: Messrs. Gowell,

Irving, Milliken, Smith, Stearns, Theriault—6.

Those voting no were: Messrs. Allen, Boynton, Clark, Clifford, Dodge, Farrington, Fulton, Hill, Leach, Noyes, Osborn, Reynolds, Sanborn, Staples, Winslow—15.

So the motion was lost.

Mr. SANBORN of Piscataquis: (At the time he voted on the preceding order spoke as follows): Mr. President, just one word if I may be allowed. If this question had come up a few days ago I would gladly have voted for this committee, but since I have seen my Republican friends vote to impeach a Democratic sheriff, and the same day line up to vote to acquit a Republican county attorney, I have changed my mind and shall vote no.

From the House: An Act to provide for the payment of per diem of members of the seventy-fifth Legislature.

This bill came from the House having been passed to be engrossed under suspension of the rules and without reference to a committee.

Under suspension of the rules the bill was then given its two readings and was passed to be engrossed.

Resolve in favor of the witnesses, officers and counsel in the matter of the hearing of Charles O. Emery and Asa A. Richardson resolves.

This resolve came from the House having been read twice in that branch and passed to be engrossed under suspension of the rules and without reference to a committee.

Under suspension of the rules the resolve was given its two readings and was passed to be engrossed.

Resolve on the pay roll of the House. This resolve came from the House having been read twice in that branch and passed to be engrossed under suspension of the rules and without reference to a committee.

Under suspension of the rules the Resolve was given its two readings and was passed to be engrossed.

Resolve on the pay roll of the Senate.

This resolve came from the House having been read twice in that branch and passed to be engrossed, under suspension of the rules, and then finally

passed and signed by the Speaker,

The resolve under suspension of the rules was given its two readings and was passed to be engrossed. The resolve was then finally passed, a rising vote being had, and all senators present voting for the final passage of the resolve.

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

After Recess.

Finally Passed.

Resolve on the pay roll of the House.
Resolve on the pay roll of the Senate.

Resolve in favor of the witnesses, officers and council in the matter of the hearings upon Charles O. Emery and Asa A. Richardson resolves.

Passed to Be Enacted.

An Act to provide for the payment of per diem of members and officers and for other expenditures incident to the special session of the seventy-fifth Legislature.

An order from the House in relation to the printing and distribution of the Legislative record was given a passage in concurrence.

Senator Boynton in the chair.

Senator Clifford in the chair.

On motion by Mr. Hill of Penobscot, it was

Ordered, That a committee of three on the part of the Senate with such as the House may join be appointed to wait upon the Governor and inform him that both branches of the Legislature having acted on all matters before them, are now ready to receive any communication he may be pleased to make.

The President appointed upon such committee Messrs. Hill of Penobscot, Dodge of Kennebec, Clark of York.

Sent down for concurrence.

The committee retired and subsequently reported that they had performed the duty with which it had been charged.

A message was received from the House by Mr. Trafton of Fort Fairfield informing the Senate that the House had

transacted all its business and was ready to adjourn without day.

On motion by Mr. Clark of York, it was

Ordered, That a message be sent to the House of Representatives informing that body that the Senate has transacted all the business before it and is ready to adjourn without day.

Senator Clark was charged with the message to the House. Subsequently he reported that he had delivered the message.

Communication from the Executive department:

STATE OF MAINE.
Executive Chamber.

Augusta, April 6, 1912.

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

I herewith transmit a list of the Acts and Resolves passed during the present session of the Legislature and approved by me, numbering four Acts and six Resolves.

I have no further communication to make.

(Signed) FREDERICK W. PLAISTED.
The list follows:

March 23, 1912.

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.

April 6, 1912.

An Act to provide for the payment of per diem and mileage of members and officers, for expenditures incident to the special session of the 75th Legislature, and for other necessary expenditures of government.

An Act to provide for the payment of per diem to members and officers, and for other expenditures incident to the special session of the 75th Legislature.

March 23, 1912.

Resolve amending Article 9 of the Constitution, so as to provide for a bond issue for State highways.

April 6, 1912.

Resolve on the pay roll of the Senate.

Resolve on the pay roll of the House.

Resolve in favor of the witnesses, officers and council in the matter of the

hearing upon the Charles O. Emery and Asa A. Richardson resolves.

Resolve on the pay roll of the Senate.

Resolve on the pay roll of the House.

The communication was placed on file.

The PRESIDENT: I wish to say to the senators that I have enjoyed this special session very much indeed. I am very sorry to say that I shall not be back again in any capacity, but the friendships I have made during the last session and this session will never be forgotten by me.

Mr. STAPLES of Knox: Fellow Senators, I move you that a vote of thanks

be extended to the President of the Senate and to all the officers of the Senate for the kind and efficient manner in which they have performed their duties.

The motion was seconded by Mr. Winslow of Cumberland.

The motion was adopted by a rising vote.

The PRESIDENT: Is there any further business to come before the Senate? If not, a motion to adjourn without day is in order.

Mr. STAPLES: Mr. President, I move that the Senate now adjourn without day.

Adjourned.