

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Seventy-Sixth Legislature

OF THE

STATE OF MAINE

1913

SENATE.

Friday, April 11, 1913.

Senate called to order by the President.

Prayer by Rev. Henry E. Dunnack of Augusta.

Journal of previous session read and approved.

Papers from the House disposed of in concurrence.

From the House: Resolve in favor of A. T. Hayes, assistant messenger of the House.

In the House, under suspension of the rules this bill was given its several readings and was passed to be engrossed.

Mr. BOYNTON of Lincoln: Mr. President, I have nothing further to say in regard to these matters. No doubt this resolve is in line with all this other stuff.

Mr. STEARNS of Oxford: Mr. President, I move that the rules be suspended and the resolve take its several readings at the present time, and be passed to be engrossed.

The motion was agreed to, and the resolve was given its two readings and was passed to be engrossed.

Passed to Be Enacted.

An Act to regulate the sale of morphine and other hypnotic and narcotic drugs.

An Act defining the term veterans of the Civil War in the service of the State.

An Act to legalize and confirm the action of the Litchfield Plains Cemetery Association at its annual meeting on the seventh day of December, 1912.

An Act for the better protection of automobile garage keepers and owners.

An Act to amend section 50 of chapter 50 of the Revised Statutes as amended by chapter 165 of the Public Laws of 1911, relating to duties of the railroad commissioners.

An Act to amend sections 13, 14 and 15 of chapter 4 of the revised statutes as amended, relating to the appointment of road commissioners by the selectmen.

An Act amendatory of and additional to chapter 37 of the Public Laws of 1909, relating to the issuance of mileage books by railroad corporations.

Finally Passed.

Resolve in favor of Cassie K. Turner for stenographic services rendered the committee on salaries and fees.

Resolve in favor of C. A. Gage for services as clerk and stenographer to the committee on banks and banking.

Resolve in favor of Donald Gates page to the Press room.

Resolve in favor of H. D. Maxwell for expenses incurred in the employment of stenographic services to committee on public health.

Resolve in favor of Fred D. Lawrence for services as stenographer to the joint special committee on public utilities.

Resolve amending chapter 235 of the Resolves of 1913, being a resolve for laying county taxes.

Resolve relating to amendments to the constitution providing the time of election for adopting said amendments.

This resolve providing an amendment to the constitution required the affirmative vote of two-thirds of all the members present and voting.

A rising vote was had, and eighteen senators voting in the affirmative and none in the negative, the resolve was finally passed.

From the House: An Act to amend Section 11 of Chapter 116 of the Revised Statutes as amended by Section 1 of Chapter 55 of the Public Laws of 1905, as further amended by Chapter 183 of the Public Laws of 1907, relating to the salaries of officers of Senate and House of Representatives.

In the House this bill, under suspension of the rules, was given its several readings and was passed to be engrossed.

On request by Mr. Hersey of Aroostook, the bill was read by the secretary.

Mr. BOYNTON of Lincoln: Mr. President, as I understand the purpose of this bill, it is simply to legalize the action of the Legislature in the matter of the salaries of many of the officers of the Senate and House.

It may or it may not be understood that for a long period of time, a number of years, the employees here, the messengers, folders, etc., have received

by law \$150.00 by statute. Besides that the Legislature each year doubled that by a resolve making the salaries \$300 if it was \$150. That is, if you look at the proceedings of the preceding Legislature you will see that the messenger received \$150, if that is the amount, and by resolve there is added \$150 more. Now the State auditor very properly objects to the matter of proceeding in this way, and desires that this should be made legal. This, if I understand it correctly, increases no salary except the salary of the secretary of the Senate and the clerk of the House which is increased \$200. The committee on appropriations and financial affairs thought it no more than proper under the present conditions, and I would like to again make it plain that this increases no salary, but legalizes these matters and makes it law.

Mr. MAXWELL of Sagadahoc: Mr. President, I do not wish to oppose this matter other than in this way: It seems to me that if the time has come when the salary of these officers should be adjusted, that there is no reason why the committee that is appointed to adjust all salaries and fees should not have this matter to adjust as well as other matters along this same line. It seems to me that the condition is largely this: When this Legislature convenes the first few days that we are here our lives are bothered out of us by people who want these positions and there are candidates for these various positions from all parts of the State, and they plead and beg with you to support them. When it gets along to the last week or two of the session, the other side of the matter presents itself to you, that they all want an increase in pay. Now they understand when they seek the office, what the salary is, and there never seems to be any lack of candidates. I am not willing to go on record as in favor of this resolve. I say if the rates that have already been established are not enough, let us adjust them, but I believe this is a matter which should be as carefully looked into as these others we have considered and have asked everybody to wait two years until these matters are investigated.

I cannot see any reason why this matter should not be taken up by the same committee and such regulations made as would apply to these matters as well as to other salaries and fees.

Mr. WALKER of Somerset: Mr. President, I wish to enter my protest against this method of procedure. In the closing days of the session, to railroad such a measure as this through seems to me entirely out of the order in which we should proceed, and I see no reason why we should legalize any doings which may have been done in the past.

If these salaries are not sufficient, why shouldn't there be a committee appointed to look into the whole subject matter, not only the officers of the Senate and House, but also the employees around this State House, and I might go further than that and include the clerks of the committees, the joint committees of this Legislature. Because we all know that the salaries paid to the clerks of the different committees is not uniform for the work which they do. The clerks on some committees who have done a large amount of work receive far less pay than the clerks of other committees who have done comparatively nothing. And I think instead of legalizing something that is surely not right, that we should proceed in some orderly manner to regulate the whole method of procedure in this matter of petty graft around this State House. I wish to register my vote against this method of procedure at this late day.

The PRESIDENT: The Chair will state that if the bill is to be acted upon without reference to a committee, that it will require a two-thirds vote of the Senate, for it may not be done except under suspension of the rules.

Mr. RICHARDSON of Penobscot: Mr. President, I feel somewhat as though the action of the committee on appropriations and financial affairs is, I will not say attacked, but perhaps not considered in quite the right light. This has been well explained by the senator from Lincoln. We are not suggesting or recommending any increase of salaries excepting to two officials who

have borne very heavy labors this past session. Those two are the secretary of the Senate and the clerk of the House, and they came before us and we thought presented good arguments for increases in their salaries. They asked for \$400 increase each. We gave them \$200 increase each.

Now for years it has been the custom, as has been explained, the various committees on appropriations and financial affairs believing that these officials throughout the State house were not receiving proper compensation, to double the pay. We found that practice well established here, it has been a practice for years, and we did not see our way clear to go back of it, and I cannot quite see how this can be thought to be railroaded through. It came up in the usual procedure, and the only thing unusual is the increase of the two officials which your committee on appropriations and financial affairs recommended.

Now then if it is thought best to overhaul this whole question of salaries—and I believe there is very much merit in the suggestion, especially as to the clerks of the various committees.—I cannot see why the committee will not have just as much authority to go into this whole matter if this Legislature authorizes the action of the committee, and I do not believe this Legislature at this time wants to go on record as cutting in half the payment for the work which has been well done in our corridors and our ante-rooms here, and putting off for two years more this action to legalize what has been done so long.

I hope the bill as it has been drawn will be allowed to pass.

MR. BOYNTON of Lincoln: Mr. President, I want to say just a word. The only result of not passing this resolve will be this: I understand not officially but from very good authority that the state auditor will refuse to audit the bills for this extra amount. For instance, if the salary bill is \$75.00, the man always got \$75.00 more, as in the case I think of the pages, he will not audit the amount of the extra \$75.00 claiming that there is no authority by law, for him to do so, and the amount that they have received for years will

simply be cut in two, in half, until such time in the future as no doubt some legislature will see that they get this pay.

The matter of adjusting these salaries should have been done long ago and I have not the slightest doubt but that the committee who meets to adjust the salaries during the vacation will take this matter, as all other matters, up and adjust it.

MR. HERSEY of Aroostook: Mr. President, I rise for an inquiry. I do not understand this bill would go into effect until next July anyway, simply applies to the future. I can not understand the question about legalizing the past. This bill could not do that anyway if I understand it, Mr. President.

MR. WING of Franklin: Mr. President, it seems to me that it would be inconsistent at this time, to say the least, for us to pass a bill of that kind. This special committee has been provided for and there has not been a single rise in salary passed upon by this Legislature. They have all gone over to the special committee. Now, outside, of course, of one exception, which came up early in the session after turning down so many, it seems unwise that we should make a change, and I cannot understand why if it is to affect any officer who has served in this Legislature, why we could not make a temporary arrangement to cover this particular case. I do not understand why there would be any difficulty in auditing; and then let the main question go to the special committee.

MR. ALLEN of Kennebec: Mr. President, I dislike very much to disagree with my friend, the Senator from Somerset, but I believe that we want to be careful, first what we agree to do and then again be careful that we carry out those agreements, for instance, I see the page walked along there. I recall his case first. I want to ask if any member of this Senate expected when he chose Mr. Crane for one of our pages that we would pay him \$75 when two years ago, two years before that, and two years before that, and so on and so on, in fact I don't know how far, you will see on the pay

roll, it is \$75 salary and then another \$75 under that. Now when he was chosen as page, when these others were, it was well understood I suppose by every one of us, it was by me, that their salary was to be \$150 the same as it always has been, half of it was a straight salary and the other was a tossing. Well, now we are simply legalizing the tossing, as the Senator from Lincoln suggests, making it plain and straight figuring and I allow that every one of these applicants understood what that salary was to be, \$150.00—\$75 straight and then another under of \$75 to make \$150. I believe that we should not go back of that. It is not raising any salaries; it is making a straight forward and honest way of presenting and paying the same. When we come to our secretary and assistant, I believe that we have the right as senators to hire good and efficient help. I believe we have the right to pay them respectable wages. I want to ask some of these senators when you go out in the document room and look how the carpenters have been working all winter there enlarging it to take care of the documents which the secretary and assistant have had to handle all winter, what they think about the hire. I believe, gentlemen, we should pay them a reasonable salary. We should not, because we are obliged to stay here all winter and all summer not getting money enough to pay our board, we should not use our help that way.

Mr. WALKER: Mr. President, the Senator from Kennebec cannot speak too highly of our pages or the secretaries of this Senate, because they surely have been as efficient secretaries I believe as this Senate ever had. But this resolve does not apply to them as I understand.

Mr. STEARNS: Mr. President, I assume that this matter which is now under discussion was not one of those matters which the Senator from Lincoln referred to—when he referred to the salary of the messenger in the House—as one of those being in a slipshod manner. I presume this matter has his approval. But by having just a word with the auditor I am inclined to think there is a little mis-apprehension as to his position, at least, and I

move that the matter lie upon the table.

From the House: Resolution relative to tariff legislation in Congress.

In the House this resolve was read and passed and sent up for concurrence.

Mr. MOREY of Androscoggin: Mr. President, there is a matter before this Body, the same subject matter, introduced yesterday by the senator from Aroostook, Senator Hersey, and now on the table. I move that this matter lie on the table, as it will certainly provoke some discussion before it reaches a vote, and that it be taken up immediately after the convention.

The motion was agreed to.

The PRESIDENT: The first matter on the calendar today is the report of the committee on appropriations and financial affairs "ought not to pass" on resolve in favor of the State House employees for extra work incurred during the session of the Legislature.

The pending question is the suspension of the rules, and reconsideration of former action.

Mr. DUTTON of Kennebec: Mr. President, I do not care to discuss this matter at length this morning. I am glad, however, that we have an opportunity to further consider it. I would like to have the members of the Senate understand what these men are doing. They are working 12 hours a day and get on an average \$1.62 per day—these men included in this resolve. It has, as I stated the other day, been the custom to pay them this additional amount for services during the Legislature and that custom has existed for more than 20 years in this State. Now when this matter came up the other day, the Senator objected to it because it was in the nature of a gratuity. Now since that time, our genial senator from Lincoln has changed his state and shared his estate, and it has been the custom since the beginning of English history whenever there was a marriage in the royal family by any lord or baron or prince or potentate, for the baron, lord or the royal prince to call about

him the entire retinue of his servants and present them with a present in honor of his marriage.

And now, Mr. President, I want my fellow senators to be not less in their gratuities than the lords and barons of England, and I am going to ask every senator here this morning, in honor of the marriage of the senator from Lincoln, to stand up and give what he calls this gratuity to the employees around this State House in honor of his marriage.

Mr. WALKER of Somerset: Mr. President, just a few observations on this matter. It seems the other day when the senator from Kennebec argued in favor of giving the employees around the State House an addition of \$25.00, that the principal reason he gave for that was the fact that they had to procure a uniform, as may be found in his speech of April 3rd.

Now I understand, Mr. President, that that objection must be entirely eliminated as the State furnishes the uniform for these employees. Therefore, we could not vote to increase their salaries for the purpose of giving them money to buy a uniform. I suppose that most of these employees are from the city of Augusta or at least the county of Kennebec, and that this is their first entry into political life.

I do not know whether it has been the custom heretofore to appoint a great many people from the county of Kennebec setting them up in office, at least they have found it a proper thing to proceed in order to become great statesmen, to start in and get a job at the State House and then proceed a little farther and get a little more salary, a little more graft, and then later on they will get their job down to perfection. I am going to object to the passage of this bill notwithstanding the fact that I tender my congratulations to the senator from Lincoln.

The PRESIDENT: The time having arrived for forming a joint convention, the Senate will now proceed to the Hall of the House.

Thereupon the Senate retired to the Hall of the House.

After Recess.

Senate called to order by the President at 11.35 A. M.

The PRESIDENT: Proceeding under the terms of the resolve adopted by the two branches of the Legislature, it is now the duty of the Senate to consider the adoption of an address to the Governor in the following form:

STATE OF MAINE

SEVENTY-SIXTH LEGISLATURE ADDRESS TO THE GOVERNOR

The Senate and House of Representatives in Legislature assembled present this address to the Governor and request the removal from office of Wilbert W. Emerson, sheriff of Penobscot county for the causes following:

"Because the said Wilbert W. Emerson who is now holding the office of sheriff for the county of Penobscot and who has held said office continuously since the first day of January, A. D., 1913, wilfully or corruptly refuses or neglects to perform the duties required of him as such sheriff by Section 69 of Chapter 29 of the Revised Statutes of this State as amended by Chapter 41 of the Public Laws of 1905, and particularly his duties as said sheriff in the enforcement of the law against the illegal sale of intoxicating liquors and the keeping of drinking houses and tipping shops."

The vote when it is taken will be taken by the yeas and nays, and so many as are in favor of the adoption of the resolve will vote yes, when their names are called, and so many as are opposed will vote no. Is the Senate ready for the question?

Mr. WING of Franklin: Mr. President, I move the previous question.

The motion was agreed to. And the secretary called the roll.

Those voting yea were: Messrs. Allen, Burleigh, Chase, Colby, Conant, Hersey, Maxwell, Milliken, Murphy, Patten, Reynolds, Richardson, Smith, Stearns, Walker. Wing—17. Those voting nay were: Messrs. Bailey, Boynton, Flaherty, Hagerthy,—4. Absentees: Allan, Clark, Dutton, Emery, Hastings, Jillson, Mansfield, Moxey, Moulton, Packard—10.

Seventeen having voted yes and four having voted no, the address to the Governor was adopted.

The PRESIDENT: When the Senate retired to the Hall of the House for the purpose of forming a convention, there was under discussion a resolve in favor of the employes of the State House.

Mr. STEARNS: Mr. President, as that is a matter in which the senator from Kennebec was interested, and as he is absent and also Senator Allen, I think the matter should lie on the table, and I so move.

The motion was agreed to and the resolve was tabled.

The PRESIDENT: The Chair will state that under the rules prevailing, the next convention will be formed at 2.30 o'clock for the trial of the first Androscoggin case. If there is any other business under orders of the day, it will be taken up now.

Mr. SMITH of Penobscot: Mr. President, I wish to ask unanimous consent to introduce a resolve out of order, a resolve authorizing the Governor and Council to use any unexpended balance in the treasury for renovating and preserving the buildings at the Insane hospital at Augusta.

On motion by Mr. Stearns of Oxford, the resolve in favor of the employes of the State House was taken from the table.

I move that the rules be suspended and the resolve take its two several readings at the present time without reference to a committee and without printing.

The resolve was read by the secretary and was given its first and second readings.

Mr. MAXWELL of Sagadahoc: Mr. President, I move that this resolve lie on the table pending its passage to be engrossed. I think it is a matter we should consider. There seems to be a move to clean up any little unexpended balances that may be left. It seems to me, right on the spur of the moment, that it would do any harm if there was a little left that was not cleaned up.

Mr. BOYNTON of Lincoln: Mr. President, of course there is some objection, but I believe this to be a most excellent resolve, for if the administration of Governor Haines finds itself with suffi-

cient funds on hand, then the resolve permits him to renovate and put into condition, or in other words, renovate and better the deplorable condition that now exists in our hospital across the river. If there are no funds available, then the resolve amounts to nothing.

I ask you if there should be a quarter of a million dollars in the hands of the administration at the last end of the term—I ask you if a better use could ever be made of it than to put those buildings at the hospital in proper condition to handle the increasing number of unfortunate people who come there every year? I cannot conceive of any.

Mr. COLE of York: Mr. President, I certainly hope the members of the Senate will give this matter due consideration. I know of no better way that any unexpended balance in the treasury may be spent than in repairing our public buildings that need to be repaired. Now this resolve is not going in with the intention of looting the State treasury in any way, or creating any deficit, or taking any funds that are needed for any other appropriation, but it is left wholly to the discretion of the Governor and Council to whom, I believe, it may wisely be left. I believe that this matter coming, as it does, so late in the session, when perhaps it is not possible to have full consideration of all its details by committee hearings, etc., may well be left to the judgment of the Governor and Council, as many such matters are left by Legislatures for the expenditure of money, and that it would better be left this way than go over with nothing done. Because we are very sure that if we pass by this Legislature and make no appropriation for repairs or renovation at the Insane hospital, two years must pass before the next Legislature meets, another period of time after the meeting of the Legislature must elapse before anything can be done, and probably three or four years will go by before the work can be completed. And it seems to me not only unwise but unjust to those who are inmates at that institution, to allow such a period of time as that to elapse, if we have the funds with which to do the business.

And if we have not the funds, then no harm will be done if we pass this

resolve. But if we have the funds then we will get the material benefits that are so much needed by the State.

Mr. MAXWELL: Mr. President, I do not wish to be misunderstood in this matter. My position is this, that if it is necessary to spend \$100,000 or \$75,000 over there at that institution, I haven't any objection to the matter being properly taken up, and we raise and expend the money. My idea is we should have met it when the matter was properly before the committee. I have never stood up here and opposed an appropriation for money that come here properly recommended by a committee after an investigation and it was considered necessary; I have voted in every instance in favor of it, and I am ready to do it now if it is necessary. But I say this, that I believe this Legislature should meet these matters in a business method, and, as I say, if it is in the interests of that institution, or any other institution, to appropriate and spend the money, let us appropriate it in the regular way and meet it. But I do not believe in the very last minutes of this session that matters—not only this matter but several matters that have been coming along here in this same way are justified. It seems to me a very peculiar proceeding and I am not in favor of doing business that way.

The pending question being on the motion of the Senator from Sagadahoc that the resolve lie on the table, a viva voce vote was taken, and the motion was lost.

The PRESIDENT: The pending question is now on the passage of the bill to be engrossed.

Mr. BURLEIGH of Aroostook: Mr. President, I am heartily in favor of this resolve, and after hearing the condition that they are in over at the Maine Hospital, I am also in favor, if necessary, of increasing the State tax in order to put that hospital in a respectable condition. That is all I have got to say.

Mr. SMITH of Penobscot: Mr. President, just a word: I want to say that the committee, or some of the

committee have had it in their mind all the time that if there was any money available that it ought to be appropriated to renovate the buildings of the Insane hospital. The committee was over there and the committee was unanimous that they ought to have that money, but at the time that we had our last committee meeting it was thought at that time that there would not be any money available, and if there should be any available the committee was unanimous that it should be spent in renovating the buildings over there and making them more comfortable, more sanitary, more wholesome, the better to take care of the inmates of the Insane hospital, and I sincerely hope this measure will take its two readings.

Mr. RICHARDSON: Mr. President, I want just to quote a few lines from a letter addressed to me by Dr. Gordon, chairman of the board of trustees and written but a few days ago.

He says, "The trustees have begged in vain for money to repair those old wards, sixty or seventy years old, and the Legislature has turned us down and spent it on general hospitals. We are simply doing the best we can with the amount of room we have. We number nearly one thousand patients, with the number constantly increasing. Unless something is done to those old wards soon, we must crowd still more."

I am heartily in favor of this resolution.

Mr. PATTEN of Hancock: Mr. President, I just want to call the senators' attention to the fact that we have turned down other appropriations for other needed hospitals. I refer to the refusal of the Senate to act upon the question of a tubercular hospital, even to the amount of \$50,000 to start with. I recognize as much as any one here the necessity of renovating the hospital across the river. I also recognize the needs of the tubercular patients in this State and I want to call your attention to this fact, that an insane person is not, except in the way of violence, a menace to his fellowmen; a tubercular patient is. I think that this resolve

should be used, if it is passed at all to cover the tubercular situation as well as the insane situation in the State.

MR. COLE: Mr. President, if we follow the policy that we have been following for a number of years, we will have nothing in a few years because we are allowing within our State institutions not to be kept up to date. Only last night the warden of the State prison was complaining about the terrible conditions at the State prison and how much an appropriation is needed there to renovate that State prison and bring it up to date. And I presume every Legislature has gone on the principle that this Legislature has, that it must be an economical Legislature and an economical administration. We all know that when we started in here at the first of this session the talk was to keep our assessment down to four mills and all the earlier appropriations were founded on the basis of a four mill State tax, but as time went on the demands became greater upon the Legislature and they felt that the four mill tax would not cover it; and I believe that the people of the State of Maine would be better satisfied to pay a reasonably decent State tax and get some reasonably decent returns from it than they will be to pay a little low, niggardly 4 mill State tax and have nothing to show for it. So far as the remarks of the senator from Hancock are concerned regarding the hospital for tubercular patients, it seems to me that it would be a very nice thing. But it would also be a very nice thing to properly take care of what public institutions we have before we impoverish ourselves with half a dozen more which we are unable to keep up and maintain. But let us take care of what we have and put them in good condition and then in a few years we will have the funds so that we can build other State institutions and have them modern, up-to-date buildings. But I am not in favor of having any more half-completed public institutions which are half doing their work because we are too poor to maintain them properly.

MR. BOYNTON: Mr. President, just a word. The senators in voting on this question should bear in mind this one

thing, that they are not appropriating a cent, they are not increasing anything. They are simply saying to the Governor and Council if he finds himself with money in his hands sufficient, to go ahead and fix this thing as it should be.

MR. REYNOLDS of Kennebec: Mr. President, I wish to say a few words about this matter. We have had a call over there for \$65,000 for a nurses' home. I believe that we need some kind of a building to take care of those tubercular patients over there. I think we ought to have some kind of a building for those patients. The doctors inform us that those tubercular patients spread this disease. And you see them over there sitting out on the veranda trying to get some fresh air, and if we are going to put up new buildings, I think we had better take care of these poisonous patients and then clean the thing out.

MR. COLE of York: Mr. President, I would like to inquire through the Chair if there was not an appropriation made for a piazza for those tubercular patients.

MR. SMITH of Penobscot: Mr. President, I will say that there was an appropriation for that purpose over there. I will also say that this appropriation is not for a new building, unless they have plenty of money. This is for renovation, and then for a new building when they have the money to do it.

MR. REYNOLDS: Mr. President, I believe that Senator Smith will bear me out in saying that if we are to build a hospital, I am in favor of raising \$75,000 or \$100,000, but let us raise money to take care of those who are already infected. It has been said that there was no money in the treasury to build any of these buildings, this year, and that we must let them go. If there is money to build a \$75,000 building, let us make it a \$150,000 and have the building.

The pending question being the motion of the senator from Penobscot, Senator Smith, that the rules be suspended and the resolve take its two several readings and be passed to be engrossed at this time, the motion was agreed to.

The bill was then given its two readings and was passed to be engrossed.

MR. DUTTON: Mr. President, I have nothing more to add to what I said, this morning. I was a little surprised at the attitude of the Senator from Somerset, Senator Walker, and on reflection I am reminded that he comes from the town of Skowhegan, the home of Gov. Coburn, the only bachelor Governor of the State of Maine has ever had. I heard that Gov. Coburn once late in life made a remark in the Fremont campaign that has been handed down ever since. You know Fremont was accused on the campaign issue of stealing his wife, and eloping with her and running away, and at a rally in Somerset county, some one in the audience called his attention to it. Gov. Coburn got up and said if he had had his life to live over again he should steal one. Now if the senator from Somerset had had it in his mind, I don't think he would have interfered with these services, this morning, because the remark was very inappropriate.

MR. WALKER: Mr. President, I surely didn't intend to cast any reflections on the senator from Kennebec or any of the other senators who come from Kennebec county—if I did, I beg his pardon. In conversation with Mr. McFadden, the superintendent of the building, he informs me that the employees around the State House receive \$50 a month; that there are 23 at the present time. Now, in as much as the report of the committee is unanimous, and in as much as two years ago they decided to cut this matter out with the exception of the eight who perhaps were deserving it, I shall still hold to the opinion which I did from the first that we do not grant this increase.

The pending question was the suspension of the rules for the purpose of giving this resolve its two several readings and passing it to be engrossed.

A viva voce vote was taken and the motion did not prevail.

On motion by Mr. Stearns of Oxford the Memorial to Congress from the 76th Legislature of Maine, protesting against the putting on the free list of agricultural products and the manufactured goods of the State, was taken from the table.

MR. HERSEY of Aroostook: Mr. President, I presented a memorial, yesterday, not knowing there was anything of the kind coming from the House, or would be coming from the House. The like matter having passed the House and coming in here, I ask that the House matter be treated and I move that we concur with the House in the adoption of the resolution from the House, and that the Senate give the House resolution a passage in concurrence.

MR. BOYNTON of Lincoln: Mr. President, inasmuch as we are now about opening a tariff discussion, wouldn't it be well to limit the time for debate? And I move that five minutes be allowed each member to discuss the tariff question.

The motion was agreed to.

MR. COLE of York: I move that the whole matter be indefinitely postponed.

MR. MOREY of Androscoggin: I second the motion.

MR. HERSEY of Aroostook: Mr. President, I have five minutes, I presume. That is more than I want. I think that we should treat the matter seriously even if it is at the close of the legislative session. It is a very serious matter for the State of Maine. Congress is now in session and the tariff bill is presented to Congress without reference to a committee, without a public hearing outside of the floor of Congress, and that tariff bill that is proposed puts on the free list, as I understand it, the agricultural products, lumber and the manufactured goods of Maine. If it passes as now contemplated, it means serious, irreparable injury to all the industries of Maine. It ought not to be a political question here. I notice, this morning, the Bangor Daily Commercial, what we call our Democratic paper in my section of the State, says editorially, last night, speaking of the attitude of the people of Maine toward this tariff, that the people of Maine especially by reason of their position as residents of a border state have the right to protest against the proposed placing on the free list of everything that the farmers raise. And further on, it says that the tariff-making powers in Washington should consider that ours is a government of the people and the

rights of the people of this country should be considered first.

It seems to me, regardless of party, Mr. President, sitting here in the Legislature of Maine, that the Legislature should be unanimous in asking our representatives in Congress to vigorously protest as best they can against this attempt to sacrifice the interests of the people of Maine for the benefit of the South and that regardless of party, we should attempt to protect our own homes against this attempt to ruin the industries of Maine. If this bill is passed as now contemplated it means something besides strikes in Maine, it means lock-outs in Maine.

I think my five minutes is up.

THE PRESIDENT: The senator has one minute and a half more.

MR. MOREY of Androscoggin: I will take it for him, Mr. President.

MR. HERSEY: Mr. President, I surrender the balance of my time to the senator from Androscoggin.

MR. MOREY: Mr. President, gentlemen of the Senate, it was only yesterday that a letter from Hon. Seth Carter was sent to a prominent Democrat in the East asking him to have some Democrat introduce into the House a resolution requesting Hon. Charles F. Johnson to use his influence against proposed tariff legislation.

I saw the letter and read it, and the gentleman requested did not introduce the resolve. Here we are with a national administration whose declared purpose has been in ante-campaign proceedings to revise the tariff in a certain way, and they have after most painstaking work on the part of the committee in charge of the matter, presented a bill to Congress representing the wishes of the majority of the government of the United States, and they are the views expressed by the majority party now in control of the nation.

And to ask the Legislature of Maine, that is, those of the minority party considered nationally, to address a memorial to a member of the Democratic party requesting his influence to disregard his party ties and a party measure, seems to me would be absolutely futile and unavailing. And I can assure the senator from Aroostook without going into any detailed discus-

sion—of course it is impossible owing to the wisdom of the senator from Lincoln, in appropriately limiting the time—that it is absolutely impossible to expect the minority party in this Legislature to unite in an address which would entirely disregard their party platform and party policies as outlined now in the nation. I can not see that the passage of this by the gentlemen who are now in the majority of the Senate and possibly of the House, would have the slightest influence upon the proposed legislation and so, because it has got to be a party matter, absolutely and entirely, I think the senator from York county was entirely wise in his motion that the entire matter be indefinitely postponed, and I second his motion that such be the disposition of the matter.

MR. WING of Franklin: Mr. President, I ask for the yeas and nays.

THE PRESIDENT: The question being on the motion of the senator from York that the matter be indefinitely postponed, the senator from Franklin asked for the yeas and nays.

MR. COLE: Mr. President, in support of my motion, I simply want to say that it seems to me to be the most ridiculous position that the Legislature could find itself in as members of the majority party in the Legislature. If we are in the majority, we who call ourselves Republicans, after the vote of the people of even our own State that it believed in the change of policy in the tariff matter, that the first time the party in power in Washington puts out a proposed schedule that it intends to act upon, for us to proclaim that we represent the people of the State of Maine when the people of the State of Maine spoke, last November, and sent by their votes a message to their representative at Washington and to the representative of the Democratic party at Washington that they expected a change in schedules—for us, I say, in the face of that to protest against anything, seems to me the most incongruous and ludicrous position that we could find ourselves placed in.

I cannot understand why this Legislature, as a Republican Legislature, should attempt to protest against Dem-

ocratic legislation in Washington, when Maine, today, is in line for that reduction, when it cast its electoral vote for a Democratic President and the policies of the Democratic party. And as one of the minority party of the nation and the majority party of this representative body of the State of Maine, I believe that we ought to keep the two things apart. We are here, not legislating for Democrats or Republicans in national matters. We are here trying to conduct the business of the State of Maine, and the people who elected us in September elected us to come here to do one thing, and the people who voted in November instructed their representatives in Congress to do an entirely different thing, and I see no reason why the two should have any connection or why we should pass any such memorial as this, or why we should ask our Democratic friends who are in power to make any changes on account of the policy which we as individuals, and that is all we are speaking as, the people of the State of Maine spoke in November, and we are only passing our individual ideas here.

The PRESIDENT: The pending question is upon the motion of the senator from York that the resolution be indefinitely postponed. The secretary will call the roll.

The roll was called. Those voting year were: Messrs. Bailey, Boynton, Colby, Cole, Conant, Flaherty, Morey, Murphy, Packard, Patten, Reynolds, Smith—12. Those voting nay were: Messrs. Allen, Burleigh, Chase, Dutton, Hersey, Milliken, Richardson, Stearns, Walker, Wing—10. Absentees: Messrs. Allan, Clark, Emery, Hagerthy, Hastings, Jillson, Mansfield, Maxwell, Moulton—9.

Twelve having voted in the affirmative and 10 in the negative, the motion of the senator from York prevailed and the resolution was indefinitely postponed.

Mr. HERSEY: Mr. President, there is only one disposition that I can make of the memorial I introduced. I move that it be indefinitely postponed.

The motion was agreed to and the memorial was indefinitely postponed.

On motion by Mr. Stearns of Oxford, the Senate took a recess until 2.25 P. M.

After Recess.

Senate called to order by the President at 2.30 P. M.

The following message was received from the Executive department:

To the Senate and House of Representatives: Gentlemen:

I am in receipt of the resignation of H. M. Lowe from the office of sheriff of Androscoggin county in the following language:

"Auburn, Maine, April 11, 1913.

To Hon. William T. Haines,
Governor of Maine.

Sir: I beg to herewith tender my resignation as sheriff of the county of Androscoggin for such action on your part as you may determine to be for the interest and welfare of the public.

I have the honor to be

Very respectfully,

Your obedient servant,

H. M. LOWE."

I have answered as follows:

"Dear Sir: Yours tendering your resignation as sheriff of the county of Androscoggin received and I hereby accept the same.

Yours truly,

WILLIAM T. HAINES."

Executive Chamber,

April 11, 1913.

(Signed) WILLIAM T. HAINES."

Placed on file.

Mr. STEARNS of Oxford: Mr. President, I offer an order at this time in relation to the proceedings against Hewitt M. Lowe, and move its passage.

STATE OF MAINE.

In Senate, April 11, 1913.

Ordered, the House concurring, that whereas Hewitt M. Lowe, sheriff of Androscoggin county, having resigned his said office, which resignation has been accepted by the Governor, that the proceedings now pending for his removal be indefinitely postponed.

The order was given a passage.

On motion by Mr. Richardson of Penobscot, unanimous consent was granted and that senator presented out of order an Act to provide moneys for the expenditure of government for the year 1914.

Under further motion by the same senator, the rules were suspended, the

bill was given its two readings and was passed to be engrossed.

The PRESIDENT: There is still before the Senate the Act requiring certain vehicles to carry lights at nights on public highways and bridges.

In this matter the House has insisted upon its former action in passing to be engrossed House bill, 245, as amended by House Amendment A which is House Document 667. The Senate has passed to be engrossed the new draft of the bill as recommended by the committee. The House returns the papers to the Senate insisting upon its action and asking for a committee of conference.

Mr. HERSEY of Aroostook: Mr. President, I move that the Senate insist and join a committee on conference.

The motion was agreed to.

The Chair appointed as the Senate members of the committee on the disagreeing action of the two branches of the Legislature, the senator from Aroostook, Senator Hersey, the senator from Penobscot, Senator Bailey and the senator from Somerset, Senator Colby.

The PRESIDENT: There is only one matter in the possession of the Senate so far as the Chair is aware. That is an Act to amend Section 111 of Chapter 116 of the Revised Statutes, in regard to the salaries of the officers of the Senate and House.

Mr. WING of Franklin: Mr. President, I would like an opportunity to examine that bill and perhaps offer an amendment.

Mr. WALKER of Somerset: Mr. President, I move that the bill be taken from the table.

The motion was agreed to.

Mr. WALKER: Mr. President, I wish to say that I have examined the bill during the recess and find that it is only enacting in to law what has been the custom in relation to the salaries of the different officers, except in the case of the secretary of the Senate and the clerk of the House. I believe that the compensation granted by that bill is no more than reasonable, and I have no objection, so far as I am concerned, to the Act.

Mr. STEARNS of Oxford: Mr. President I think the statement just made by the senator from Somerset is correct, but it would seem to me if it is thought desirable to increase the compensation of the secretary of the Senate and the clerk of the House, on account of their arduous duties and the length of time they have been obliged to serve, that it would be wise to put into different form and enact it into law.

It may be that is what the senator from Franklin has in mind and I therefore move that the bill lie on the table.

Mr. BOYNTON of Lincoln: Mr. President, it may not be clear to all the senators that the resolve allowing the secretary of the Senate and the clerk of the House \$200 extra has gone along and has been passed to be engrossed and is no doubt signed before this time.

Mr. STEARNS: May I ask, Mr. President, of the senator, through the Chair, whether that increased compensation was intended to cover just the point that I have just raised, and that the amendment here is intended to be a permanent increase of salary for future years.

Mr. DUTTON of Kennebec: Mr. President, I do not see as long as a committee on salaries and fees has been appointed to revise fees during the recess of the Legislature, I do not see why this should be held up. This resolve, I understand, has gone through, and it seems to me that we might just as well take care of this now rather than have it lie on the table.

Mr. COLE of York: Mr. President, I would like to ask for information whether this is a bill we are acting upon or a resolve? Is it an act that will become statutory law or is it something to raise money to pay existing debts? One party calls for an act and another for a resolve.

When does it go into effect if we attempt to pass it? If it is put under an emergency clause, what does the senator from Aroostook say about it?

The PRESIDENT: The Chair will state for the information of the senator that the resolve has been passed along through some of its stages. This is a bill amending the statute so that the provisions of the statute in respect to

the salaries of the officers will correspond with the resolve.

Mr. COLE: Mr. President, then I understand that whatever happens to the bill, the officers will get their pay?

The PRESIDENT: The Chair is unable to state just what stage the resolve is in. The Chair is not aware whether it has finally passed or not.

Mr. COLE: I understood from the senator from Lincoln that the resolve had probably been signed.

Mr. RICHARDSON of Penobscot: I just want to suggest that this state of affairs comes up from the fact that for some time certain officers have been receiving doubled amounts provided by the statute law, and the present auditor wishes to have that technical fault corrected, and at the same time provision made for the increase of the salary of the secretary of the Senate and the clerk of the House which the committee voted for. In other words, that he be authorized to pay this increase and this fully established custom of doubled salaries to the minor officers of the Legislature.

Mr. MAXWELL: Do I understand if this act passes that it establishes the salaries of the secretary of the Senate and clerk of the House at \$1,300 instead of \$1,100 as they have been getting, and is \$200 more than they have been receiving.

I have not had any objection to paying these men what they have always had, and to legalize in some way what has always been done. I do not see the necessity, because this has been an extra long session, and because these officers are entitled to this increase now, why we should make a law that the salary should always be \$1,300. Perhaps the next session would be only of ordinary length, and if it was they should have only the ordinary pay. There is no reason for us establishing the salary at \$1,300 under these unusual conditions to apply to usual conditions. I am perfectly agreeable to have something put through to increase their salary for this particular session, but I object to establishing that amount for future legislatures.

Mr. MOREY of Androscoggin: Mr. President, I think Senator Maxwell is absolutely correct in his position. There

has been, as we all know, an extraordinary amount of work. Our secretary should receive his compensation, and so should the clerk of the House. This is the first time there has been such a lengthy session of the legislature, and it may not occur again. There is no reason why, these gentlemen having earned it, that succeeding secretaries and clerks should receive the benefit of their labors. If it can be put in form so that these gentlemen will receive fair compensation no one will object. It is not right that the next officers should come along and get \$200 more than the usual salary.

Mr. WING: Mr. President, this bill provides for an increase in the salary of the secretary of the Senate and clerk of the House, and it amends the present law. It will not accomplish what it is intended to accomplish, for this reason; it does not take effect until 90 days after the legislature adjourns, and you are fixing the salary for the secretary of the Senate and clerk of the House for the next legislature, and not for the present secretary and clerk. As I understand the proposition, it is this: That we want to fix the matter so that it will apply to the present secretary and clerk, and not to future secretaries and clerks.

We have arranged already for a special committee to fix all matters of salary for the future. It is my suggestion that this bill either be amended or a new one offered that will accomplish what you are trying to do by this bill, and that will apply to the present situation. If the matter can lie on the table until tomorrow morning I will prepare and present such a bill.

Mr. HERSEY of Aroostook: Mr. President, I am heartily in favor of the motion to lie on the table until morning, in order that amendments may be offered by the senator from Franklin. I think in the mean time that we can come to some decision upon this matter that will be satisfactory.

I do wish to say, in answer to Senator Cole, that I regret very much that when matters of the payment of the bills of the State to its officials come up that he must put in something in regard to my position on the emergency clause.

The senator cannot seem to get it through his head that the constitutional

amendment of the emergency clause was meant for other things than a "streak of gold"—

Mr. MOREY: "A streak of yellow gold."

Mr. HERSEY: Yes, a "streak of yellow gold" from the county of York to Bar Harbor. He never will get over that. He never can see the object of the constitution in any other purpose than to get automobiles into Bar Harbor. Sometime he may wake up to the fact that there are other things in this world besides helping to legislate for automobiles in Bar Harbor.

The motion was agreed to and the bill was tabled.

Report of Committees.

The committee on appropriations and financial affairs, on Resolve in favor of the Senate postmaster, reported same "ought not to pass."

The report was accepted.

The PRESIDENT: The time having arrived the Senate will proceed to the hall of the House for the purpose of forming a convention in the matter of the removal of the county attorney for the county of Androscoggin.

Thereupon the Senate retired to the hall of the House.

After Recess.

Senate called to order by the president at 3.05 o'clock P. M.

The PRESIDENT: The chair will state that he has suggested to the speaker that the House take action first upon the matter in question, instead of the Senate.

On motion by Mr. Stearns of Oxford a recess was taken subject to the call of the Chair.

After Recess.

Senate called to order by the President at 3.35 P. M.

The following order came from the House:

Ordered, the Senate concurring, that House Document 698, being Resolve in favor of the adoption of an address to the governor for the removal of William H. Hines, county attorney for the county of Androscoggin, be amended by striking

out the words "or corruptly" in the ninth line thereof, so that said Resolve, as amended, shall read as follows:

Resolved, that both branches of the legislature, after due notice given, according to the constitution, will proceed to consider the adoption of an address to the governor for the removal of William H. Hines, county attorney for the county of Androscoggin, for the causes as following:

First, because the said William H. Hines, who is now holding the office of county attorney for the county of Androscoggin, and who has held said office continuously since the first day of January, A. D., 1913, wilfully refuses or neglects to perform the duties required of him as such county attorney by section sixty-nine of chapter twenty-nine of the Revised Statutes of this state as amended by chapter forty-one of the Public Laws of nineteen hundred and five, and particularly his duties as said county attorney in enforcement of the law against illegal sale of intoxicating liquors and the keeping of drinking houses and tipping shops.

Resolved, the House of Representatives concurring, that these resolutions and statements of causes of removal be entered on the journal of the Senate and a copy of the same be signed by the president of the Senate and served on said William H. Hines, by such person as the president of the Senate shall appoint for that purpose, who shall make return of said service upon his personal affidavit without delay, and that the second day of April, at 11 o'clock in the forenoon be assigned as the time when the said William H. Hines may be admitted to a hearing in his defense.

The order was given a passage in concurrence.

The Senate then proceeded to the hall of the House.

After Recess.

Senate called to order by the president at 10.10 P. M.

On motion by Mr. Allen of Washington. Adjourned until tomorrow morning at 9 o'clock.