

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Seventy-Seventh Legislature

OF THE

STATE OF MAINE

1915

SENATE.

Tuesday, February 2, 1915.

Senate called to order by the President.

Prayer by Rev. Henry E. Dunnack of Augusta.

Journal of previous session read and approved.

The PRESIDENT: Before we proceed with the usual order of business, as a question of the highest privilege, the Chair lays before the Senate a matter that demands the immediate attention of the legislature.

The State by virtue of a statute, and under competitive bids has a contract for the state printing and binding that expires next July. Under that contract the Kennebec Journal Company of Augusta are the state printers, and the Maine State Bookbinding Company of the same place are the state binders. This contract fixes the price for all work, both usual, extra and "overtime," so called.

During the session of the legislature the legislative printing and binding, of necessity, has always been under the charge of the legislature and its regular officers. The legislature has always considered itself to be the sole constitutional judge of the necessity, character, quantity, and time limit of its printing and binding, and its determination of these questions has always been deemed to be final, and not subject to the review of any other department of government.

The State printing and binding is the most important part of the machinery necessary to carry on the prompt work of the legislature. The proceedings of today, in both houses, must be printed, and in the hands of the legislature tomorrow. All important public bills presented are printed before they go to the committees. All reports of committees received must be printed before they can be further considered, and reports received today should be printed and on the desks of the members tomorrow morning. Re-printing of bills, documents and measures are being constantly demanded, and these must be printed and delivered promptly to be of use to the legislature.

This great mass of printing and binding necessitates, not only that the state printer and binder shall work their whole force during the usual hours, but frequently the work of the legislature demands an additional force and extra over-time, so-called, and work sometimes through the night, and even Sundays. Later on in the session, the state printer and binder must work their whole force twenty-four hours out of the day, Sundays included, which means thereby that the legislature saves two or three days of time in its work.

The present legislature is very fortunate in having for its clerk and secretary two men of prior legislative experience in their offices. They are very efficient, and keep constantly in touch with the legislative printing and binding, and have an actual knowledge of all the extra work and over-time, and see to it that all orders of the legislature are correctly executed, and that the printing and binding is properly and promptly done and delivered. The present Speaker of the House and the President of the Senate take no vacation. They are at their post every day, and have a pardonable pride and personal ambition that the clerk and secretary and their assistants promptly and without delay execute the orders of the legislature and keep the state printer and binder to the strict and prompt performance of their duties.

Early in the present session, the State Auditor, who is a new man in his office, very properly requested that in the matter of extra work or over-time of the state printer and binder, he should have some authority or knowledge as to the amount of over-time to be allowed; as he was not in a position to know the amount of time that should be allowed, and to protect him in the discharge of the duties of his office, the legislature on the 28th day of January, and on motion of the Senator from Cumberland, Mr. Moulton, it was

"ORDERED, the House concurring, that all 'overtime' work in the printing office and bindery, necessary to advance the business of the legislature be authorized in writing by the President of the Senate or the Speaker of the House and that the State Auditor certify for payment only such bills for 'overtime' in

printing and binding as are accompanied by such written authorization or certified copies thereof."

This order received a unanimous passage in both houses.

On last Thursday, January 28th, in the House, on the motion of the gentleman from Clinton, Mr. Besse, it was

"ORDERED, the Senate concurring, that there be 1500 more Senate and House Registers printed."

This order received a unanimous passage in both houses. After the morning session on Friday last, the legislature adjourned over until today, and it was the desire and expectation of the officers of this legislature that the printing and binding on all matters then ordered should be completed and delivered to the members on their return today, but we regret that without fault on our part, and without fault of the printer and binder, certain matters have transpired that have precipitated a conflict of authority between the legislative and executive departments of State, and which have necessarily resulted in suspending and deadlocking the work of the legislature.

On last Thursday the Governor and Council transacted the following business as by their record.

"Council Chamber, Augusta, Maine,
January 28, 1915.

At a meeting of the Governor and Council, held this day, the following vote was passed:

VOTED: That the Messenger of the Governor and Council be directed to notify the parties doing the printing and binding for the legislature, under contract with the State, that no claim for extra pay in connection with said work would be allowed unless the work for which such claims are made is authorized by order of the Governor and Council.

A true copy,
ATTEST:

JOHN E. BUNKER,
Secretary of State."

On last Friday after the legislature had adjourned the Secretary of the Senate received the following communication.

"Kennebec Journal Company
Printing and Publishing.
Augusta, Maine.

January 29, 1915.

Dear Sir:

We acknowledge receipt of order for 1500 additional copies of Senate and House Registers, pursuant to joint order of the House and Senate, finally passed today.

We beg to inform you that the printing on this order has been suspended by order of the Governor and Council.

Sincerely yours,

KENNEBEC JOURNAL CO.

W. E. LAWRY, ESQ.,
Sec. of the Senate, Augusta, Maine."

The state printer and binder, under the circumstances, cannot be expected to carry out and execute the orders of this legislature. They cannot serve two masters, and the work is at a standstill, awaiting the decision of this question between the legislative and the executive departments of State. If they obey the orders of the legislature they meet the threat of the Governor and Council that they will not be paid. On the other hand, unless this legislature has full control of its legislative printing and binding, it cannot further proceed with its work, and all business at this session must necessarily cease.

After the Governor and Council had passed this vote, which the Chair has read, and held up and suspended the orders of this legislature, as to its printing and binding, they adjourned, and went to their homes; when they have their next meeting the Chair has not been informed. The condition of the business of this legislature as to its printing and binding at the present time is intolerable. A great mass of legislation has been presented, on which printing and binding has been ordered, and a large number of bills and measures are ready to be presented, on which printing and binding must necessarily be had. It is useless for this legislature to receive bills or reports and to pass further orders in relation to its printing and binding, or to proceed further with the business of this legislature until it has determined and defined its powers and duties, and settled the question whether the legislature has charge of its own printing

and binding or the executive department of the State.

Under the constitution, the legislative and executive departments of the State are separate and distinct, neither has any right to interfere with or attempt to perform the duties of the other. If this legislature in its orders for printing and binding has encroached upon or interfered with, or usurped the powers, privileges and prerogatives of the executive, then we should immediately retire from our position and do this promptly and without delay in justice and respect to the high and exalted office of the executive. If, on the other hand, we are satisfied that in what we have done, and in the orders passed by this legislature, we are clearly and strictly within our constitutional rights and powers, and plainly engaged only in the performance of our usual legislative duties, we ought at once to assert that right in no uncertain manner. If we confess our inability to meet this present condition, and to settle this question, and find ourselves helpless to carry on the work of this legislature, then our duty to the people who sent us here demands that we at once adjourn and go home.

The Chair awaits the pleasure of the Senate.

On motion by Mr. Chatto of Hancock, it was

ORDERED, the House concurring, that the Secretary of the Senate be directed and instructed to inform the state printer and the state binder that this legislature is the sole constitutional judge of the necessity, character, quantity and time limit of its printing and binding; that its determination of these questions is final and not subject to the review of any other department or government, that the legislature now in session has not delegated to any person or department, outside of the legislature, any authority or control over its legislative printing and binding, and that in the matter of legislative printing and binding, the state printer and the state binder are expected to promptly respect, obey and execute the orders of the legislature.

Sent down for concurrence.

Papers from the House disposed of in concurrence.

From the House: An Act to amend Chapter 121 of the Private Laws of 1911, relating to Board of Overseers of the Poor of the City of Portland.

In the House this bill was referred to the committee on legal affairs.

On motion by Mr. Flaherty of Cumberland the bill was tabled.

From the House: An Act amendatory of Sections 27 and 28 of Chapter 129 of the Public Laws of 1913, relating to corporations for the operation of telegraphs or telephones and other public utilities.

In the House this bill was referred to the committee on telegraphs and telephones.

On motion by Mr. Cole of York the bill was tabled.

The following bills, petitions, etc., were presented and on recommendation of the committee on reference of bills, were referred to the following committees:

Inland Fisheries and Game.

By Mr. Hastings of Androscoggin: Bill, An Act to amend Sections 8 and 9, of Chapter 206 of the Public Laws of 1913, relating to the fish and game laws.

Interior Waters.

By Mr. Hastings of Androscoggin: Bill, An Act to provide for a commission to be known as the People's Water Rights and Power Commission of the State of Maine. (Ordered printed and referred.)

Judiciary.

By Mr. Chatto of Hancock: Bill, An Act to require the setting of permanent bounds at the angles of lands conveyed. (Ordered printed and referred.)

By Mr. Durgin of Piscataquis: Bill, An Act to amend Section 71, Chapter 83 of the Revised Statutes, as amended by Chapter 24 of the Public Laws of 1913; (Ordered printed and referred.)

Labor.

By Mr. Colby of Somerset: Bill, An Act to Amend Chapter 40 of the Revised Statutes as amended by Chapter 46 of the Public Laws of 1907 and Chapters 70 and 257 of the Public Laws of 1909, relative to the employment of women and children. (Ordered printed and referred.)

State Lands and Forest Preservation.

By Mr. Thurston of Oxford: Bill, An

Act to amend Section 1 of Chapter 35 of the Public Laws of 1911, relative to the better protection of forests from fire. (Ordered printed and referred.)

Orders of the Day.

On motion by Mr. Flaherty of Cumberland the vote whereby the Senate concurred with the House in referring bill, An Act relating to holidays, to the committee on education, was reconsidered.

On further motion by the same Senator the bill was tabled.

On motion by Mr. Hastings of Androscoggin the rules were suspended by unanimous consent and that Senator presented Bill, An Act to complete the rec-

ords in the Registry of Deeds in Androscoggin County.

(Referred to the Androscoggin County Delegation.)

On motion by Mr. Boynton of Lincoln, the bill tabled by him Friday, An Act to provide for retiring and pensioning employees of State Insane Hospitals and School for Feeble Minded, was taken from the table.

On further motion by the same Senator, the bill was referred to the committee on pensions in concurrence.

On motion by Mr. Hastings of Androscoggin,

Adjourned.