

# MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Seventy-Seventh Legislature

OF THE

STATE OF MAINE

1915

**SENATE.**

Thursday, February 4, 1915.

Senate called to order by the President.

Prayer by Wylie E. Smith of Hallowell.

Journal of previous session read and approved.

The PRESIDENT: The Chair Will call the Senator from Cumberland, Senator Murphy to the Chair.

(Senator Murphy in the Chair.)

The PRESIDENT: Mr. Chairman, I ask the unanimous consent of the Senate that I may speak on a question of the highest privilege from the desk of the Secretary of the Senate.

(Unanimous consent was granted.)

The PRESIDENT: Fellow Senators, matters have arisen in the Legislature which have been brought to your attention in an official manner. Last Tuesday morning your President from the Chair laid before the Senate what he conceived to be a matter for the Legislature to settle in regard to its business: A conflict between two departments of state, the executive and the legislative. The Chair intended to express no opinion at that time in regard to that question which had arisen, but to lay before the Senate and before the House the exact condition of affairs.

The President took pains to very carefully prepare the statement he made, submitting to your consideration that certain public printing of this Legislature had been held up by the Governor and Council; that two certain orders of this Legislature which the President quoted, had been held up by the Governor and Council. And the Chair submitted to this Senate the question of authority, as to which had the authority for the legislative printing, the executive department or the legislative department, for you to settle.

The Chair had no opinion to offer you and nothing to do with your duties except the duties of a senator with you. In the office of the President, in the office of the secretary of the Senate and his assistants, in the office of the clerk of the House and his assistants, and Speaker of the House, this

question was vital to our welfare and business.

It could not be expected, you ought not to have expected that the Speaker of the House in his position would have brought before this Legislature a matter that involved the executive department of the State.

The secretary of the Senate who sits here at my left, a man efficient and honest in his work, could not be expected to bring before this Legislature in any way, himself, the matters that concerned the progress of the work of his office, and the question came fairly up to the President of this Senate whether he had the courage to perform his plain duty and lay before the Senate the facts and let the Legislature act. If I had been unfaithful to that duty and shrank from it I would have been unworthy to sit in this honorable body.

After I had presented that matter, the Senate—and I am proud of every one of you for doing it—you unanimously passed an order saying that you were the judge of your own printing and the conduct of your own business, and that no other department had charge of the legislative printing. That order went to the House. You remember what happened. Yesterday morning in the House the order was tabled.

In the House the statement was made that the executive department had abandoned its position by the advice of the attorney general of the State, and acknowledged that the legislative department had charge of its own printing, and that the position taken in the Senate was right. It was said that everything would go on as usual.

Now had it stopped there the Chair would not have said a word this morning; had that ended the matter. But something else took place, and I regret that the exigencies of any department in this state require that certain things should be done, but someone, I don't know who, outside of the Legislature was responsible for it, and there was placed in the hands of the Senator from Lincoln, Senator Boynton, who gave the Senate certain extracts, so-called, through interviews in the executive chamber

with the public binder, and the same thing in the record of the House by the gentleman from Houlton, (my own town), Mr. Pierce, to read and they were simultaneously read in the Senate and in the House, and those extracts, unexplained, would have a tendency to deceive the people and put into the record of our Legislature; that the President of this Senate was responsible for the holding up of the public printing of this Legislature, and not the executive department.

Now that I may not be wrong in the matter, which you know went through the Legislature yesterday, I want to read to you from the *Water-ville Sentinel* of today.

"The order passed by the Council relating to over-time on legislative printing has been modified to conform better to the law and custom. What causes most satisfaction, however, is the fact that the official scalp of President Hersey, who was chiefly responsible for the whole muss, is nailed to the wall in the executive department."

"The scalping of President Hersey was done in a cool, matter-of-fact way by Senator Boynton, Democratic leader in the upper branch, this morning, who, by unanimous consent of the Senate, got into the official record testimony showing that the State binder had delayed the delivery of legislative printing at the request of President Hersey, thus making it plain to the senators that all of the force of the President's carefully prepared statement might have been lost had the printing not been interfered with but allowed to go along in the regular way."

"In the House, Pierce of Houlton succeeded in having the Senate order relating to the legislative printing tabled, principally on the ground that there was no possible good that it could do. He, too, quoted the interesting testimony regarding President Hersey's movements in the affair, thus robbing the upper branch of much of the sympathy it might have secured in the lower body in its clash with the Executive Council."

And the same gentleman in the House in his remarks quoted the testimony of Mr. Reid, and said: "If

there has been any delay you have the testimony of the State binder to the effect that he was requested to hold it up by the President of the Senate. (Applause)"

I came into this Legislature in 1909 and have been here since then; this is my fourth term. I came here with Senator Boynton of Lincoln. I was drawn to Senator Boynton by those things that draw men together that stand for noble things. I respect him and have always respected him, and shall always respect him for the sterling honesty of his character and the grand way he has stood for the State of Maine in the Legislature. I have been his friend; we have been friends, and we have talked over political matters, although of different parties, and most of the time we have agreed, and when we have not agreed I know that I have believed in his honesty and integrity. I want to remain his friend, and I know he wants to remain my friend. I know that Senator Boynton would not be guilty of doing a little mean thing against any Senator. I believe that, and I do not believe in what he did yesterday that he was conscious that he was engaged by anybody else to injure and humiliate the President of the Senate, or that by the use of these garbled extracts, he would put the President of the Senate in a wrong light before the people of Maine. But he was chosen by somebody to humiliate the President of the Senate, and he did it. I think he regretted it, I think he will always regret it, but we are friends and he is an honorable man.

But that is not all. Somebody selected the gentleman from Houlton, Mr. Pierce, one of the dearest friends I have on earth and an honorable man, a boy that I saw grow up from the cradle. He has lived beside me, and he would lose his right hand before he would knowingly injure any man, or injure me. But he was deceived, and garbled things were put into his hands that through the gentleman from my own town, my dearest friend, the President of the Senate might be crucified.

Now what was there to it? All there was to it was this: That on last Monday the public binder came into the office of the President of the Senate in the presence of our secretary and asked

whether he should bring certain printing that was already done, and not involved in this controversy,—that was not held up by the Governor and Council,—whether he should bring that up on Tuesday morning or Tuesday afternoon. It was the printing of bills that would go to committees, and not to either branch of the Legislature, but directly to the committee. And we said, I do not know but the President might have expressed the opinion that it would be just as well to bring them up in the afternoon as in the forenoon when the Legislature would be in session. In the afternoon the secretary of the Senate sends this printed matter to the committees. Mr. Reid saw the clerk of the House and he said that he would rather have them in the afternoon. It came up in the afternoon and when Mr. Reid was before the Governor and Council he was asked a question whether the President of the Senate asked him to delay the sending up of the printing, and he said that he understood that he was not to have the printing come up in the forenoon, but in the afternoon.

That is the reason given why they charge that this hold-up of the Legislature is the President's fault.

I further read from the Waterville Sentinel of this morning the statement of Mr. Reid. Mr. Reid evidently made two statements yesterday. I do not know except about the one I am reading; I have not consulted him, but I understand this is the last statement he made: "Mr. Reid at two thirty-five P. M. stated that the wording is correct, with the exception that he meant the clerk of the House instead of the Secretary of the Senate. He also reiterates that he said that the printing was already to be delivered at 8 o'clock, and was held up at the request of the President of the Senate.

HARRY W. REID.

(Signed)  
Witness.

I. C. Marks.

A true copy,

Attest: OSCAR H. DUNBAR.

Justice of the peace.

A few moments before he made that statement, if he made that—it is evidently a statement of somebody else—he

made this statement and signed it:

"Wed., Feb. 3, 1915.

To the Public:

I understand that in debate in the Senate and House this morning in the matter of State Printing and binding, certain statements were made distorting what I said yesterday to the Governor and Council, to make it appear that I claimed the President of the Senate was responsible for the hold-up in certain orders of the Legislature in the matter of printing and binding. In justice to the President I desire to state that any holding or suspension of the orders of the Legislature in the matter of the printing and binding, as far as the Public Binder is concerned, has been due solely to the vote and orders of the Governor and Council, that the only talk I had with the President was in regard to the delivery of certain printed matter already done, as to whether it should be delivered in the forenoon or afternoon of Tuesday last, and, after consulting with the Clerk of the House, I concluded it would make no difference. The President of the Senate has been very insistent that the work of the Printer and Binder should be promptly done and delivered and that the orders of the Legislature should be executed, even in spite of the orders of the Governor and Council. The Binder would like the question of authority settled and the President promised the Binder to bring that matter before the Legislature the first thing Tuesday morning and as far as I know the President should not be criticized in anything he has done and that he is not responsible for the present condition of the public printing and binding.

HARRY W. REID."

After this Legislature has adjourned and we have gone home—this is my last term, I have had all the honors you can give me, and I thank you for them—I want the record to be such that my friends can look back upon it as I do with pride.

In days to come, senators, when this little drama that has been enacted by small politicians on the stage of life has gone and they have retired, only the truth remains and that will be eternal.

I thank you for your attention.

(The PRESIDENT in the Chair.)

Papers from the House disposed of in concurrence.

From the House: Resolve in favor of Alfred Yankauer, with the statement of facts.

In the House this resolve was referred to the committee on claims.

In the Senate the resolve was referred to the committee on appropri-

tions and financial affairs in non-concurrence.

On motion by Mr. Boynton of Lincoln the resolve was tabled.

From the House: Petition of M. L. Hopkins and 16 others of Lincoln County asking for a law to prohibit the throwing of saw-dust and other mill waste into Dyers River, in Lincoln County.

In the House this petition was referred to the committee on interior waters.

The Senate concurred in the action of the House, but subsequently on motion by Mr. Boynton of Lincoln, the vote whereby the petition was referred in concurrence was reconsidered.

On further motion by the same Senator the petition 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:

#### **Appropriations and Financial Affairs**

By Mr. Murphy of Cumberland: Resolve in favor of St. Elizabeth's Roman Catholic Asylum of Portland, Me.

#### **Claims**

By Mr. CONANT of Waldo: Resolve in favor of Gorham P. Grant of Winterport for refund of money paid in lieu of Military Service in the late war of the Rebellion.

#### **Inland Fisheries and Game**

By Mr. MURPHY of Cumberland: Resolve in favor of the Raymond Fish Hatchery to provide for additional feeding pools.

By Mr. ALLEN of Kennebec: Resolve for the purpose of operating the Fish Hatcheries and Feeding Stations for Fish and for the protection of fish, game and birds and for printing the report of the Commissioners of Inland Fisheries and Game.

By Mr. BOYNTON of Lincoln: Resolve in favor of the Maine State Museum.

#### **Insane Hospitals**

By Mr. COLE of York: Resolve in favor of Augusta State Hospital, to appropriate five thousand dollars for the purchase of cows.

By Mr. COLE of York: An Act additional to Chapter One Hundred and Forty-four of the Revised Statutes in Relation to the Voluntary Admission of Patients to State Hospitals.

#### **Interior Waters**

By Mr. HERRICK of Rangeley: Resolve in aid of Navigation on Rangeley Lake, Mooselucmeguntic Lake and Cupsuptic Lake.

#### **Legal Affairs**

By Mr. PRICE of Sagadahoc: Petitions of Adeline B. Blair and ten other Trained Nurses of Sagadahoc County, of Karl Buckenridge, M. D., and sixteen other physicians of Sagadahoc County for passage of an Act to procure State Registration for Nurses.

By Mr. Butler of Knox: Petitions of W. M. Spear and 24 other physicians of Knox county, of Katherine Donovan and 11 other nurses of Knox county for passage of an Act to Procure State Registration for Nurses.

#### **Pensions.**

By Mr. Murphy of Cumberland: Resolve Providing a State Pension for Frances T. Orrok.

By Mr. Butler of Knox. Petitions of C. E. Gregg and 14 others of Glen Cove; of Charles A. Simmons and 14 others of South Hope in favor of the Act for the Relief of the Blind Residents of Maine.

#### **Public Buildings and Grounds**

By Mr. Murphy of Cumberland: Resolve in favor of Purchasing a Portrait of Major General Joshua L. Chamberlain, former Governor of the State.

#### **Public Health**

By Mr. Bartlett of Kennebec: An act to amend Section 7 of Chapter 211 of the Public Laws of 1913, Regulating the Sale of Morphine and other Hypnotic and Narcotic Drugs. (Ordered printed and referred).

By Mr. Moulton of Cumberland: Resolve Providing for a Laboratory Building for the State Board of Health.

#### **Salaries and Fees.**

By Mr. Bartlett of Kennebec: An act to Fix the Salary of the Treasurer of Kennebec County. (On motion by

Mr. Bartlett, tabled pending reference.)

By Mr. Swift of Kennebec: An Act Providing for Additional Clerk Hire for the Clerk of Court's Office in Kennebec County. (On motion by Mr. Swift, tabled pending reference.)

By Mr. Allen of Kennebec: An Act to Fix the amount of Clerk Hire in the Office of the Register of Probate for the County of Kennebec. (On motion by Mr. Allen, tabled pending reference.)

By the same Senator: An Act to Regulate and Fix the Salary of the Judge of Probate for the County of Kennebec, in the State of Maine. (On motion by Mr. Allen, tabled pending reference.)

#### Sea and Shore Fisheries.

By Mr. Butler of Knox: An Act to Repeal the Provisions of Chapter 87 of the Special Laws of 1903, relating to the Taking of Lobsters within Three Miles of the Islands of Matinicus and Cribhaven. (Ordered printed and referred.)

By the same Senator: Petitions of J. W. Anderson and 12 others, of E. H. Young and 31 others for the Repeal of Chapter 87 of the Special Laws of 1903, relating to Lobster Fishing.

#### State Prison.

By Mr. Colby of Somerset: Petition of Mrs. Lillian C. Tobey and 21 others in Favor of a Resolve in Favor of a State Reformatory for Women. (On motion by Mr. Murphy of Cumberland, tabled pending reference.)

#### Ways and Bridges.

By Mr. Peacock of Washington: Resolve in Favor of the Town of Trescott to Aid in Repairing its Highways.

By Mr. Burleigh of Aroostook: Resolve in Favor of Aid in the Construction of a Highway bridge across the Allegash river in the Plantation of Allegash.

#### Senate Bills on First Reading.

Senate 23. Resolve appropriating money to assist the town of Whitefield in building bridge across the Sheepscot River at North Whitefield.

Senate 35. An Act to amend the Charter of Dead River Log Driving Com-

pany, as amended by Chapter 233 of the Private and Special Laws of 1903.

Senate 41. Resolve in favor of the repair of bridges in the town of Dresden.

#### Passed to Be Engrossed.

Senate 27. An Act to appropriate moneys for the payment of salaries fixed by law for the year 1915.

Senate 23. Resolve in favor of preserving the life of the fish in the several fish hatcheries and for the temporary operation of the hatcheries and feeding stations for fish, in this State and for the protection of fish, game and birds.

Senate 24. An Act construing Chapter 53 of the Public Laws of 1913 relative to the retirement of veterans of the Civil War in the service of the State.

The PRESIDENT: The Chair wishes to announce that the Act to repeal Chapter 221 of the Public Laws of 1913, entitled "An Act to provide for nomination of candidates of political parties by primary elections, and amendments thereto (Senate 34)", has been printed and without objection will stand referred to the committee on legal affairs.

The bill was so referred and sent down for concurrence.

On motion by Mr. Conant of Waldo, it was

Ordered: That the Secretary of the Senate prepare and have printed the usual daily calendars for the Senate, and the number to be printed to be 250 copies for each legislative day.

Mr. Allen of Kennebec, under suspension of the rules, presented out of order, report of the joint special committee on State School for Boys and Industrial School for Girls and the establishment of a Reformatory for Women.

The report was accepted, and on further motion by the same Senator was tabled for printing pending reference to the committee on State Prisons.

Mr. HASTINGS of Androscoggin: Mr. President, as this is quite an important matter I suggest that an extra number of copies be printed, as I presume each Senator will have calls for the report from his constituents. I move that 1000 extra copies be printed.

The motion was agreed to.

On motion by Mr. Allen of Kennebec,

under suspension of rules, Mr. Murphy of Cumberland presented, out of order, An Act to establish a Reformatory for Women.

On further motion by the same Senator 1000 extra copies of the bill were ordered printed pending reference to the committee on State Prisons.

Under suspension of the rules Mr. Garcelon of Androscoggin laid before the Senate the report of the State Auditor for the years 1913 and 1914.

On motion by the same Senator the report was ordered printed pending reference to the committee on appropriations and financial affairs, and sent down for concurrence.

Mr. MURPHY of Cumberland: Mr. President, I move that the vote whereby we referred the report of the joint spec-

ial committee in regard to the establishment of a reformatory for women, with the accompanying act, be reconsidered.

The motion was agreed to.

Mr. MURPHY: I now move, Mr. President, that the report and act be referred to the committee on State school for boys and industrial school for girls.

Mr. BOYNTON of Lincoln: Mr. President: I move that the report and bill lie on the table. We already have one bill and that has been referred by the committee on reference of bills to the committee on State prisons. My only idea is to get them together and where they should be.

The motion was agreed to and the report and act were tabled.

On motion by Mr. Clark of York, Adjourned.