

# MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Seventy-Seventh Legislature

OF THE

STATE OF MAINE

1915

**SENATE.**

Thursday, February 18, 1915.

Senate called to order by the President.

Prayer by Rev. W. H. Brokenshire of Hallowell.

Journal of previous session read and approved.

Papers from the House disposed of in concurrence.

From the House: Ordered, the Senate concurring, that a special joint committee of three on the part of the House and with such as the Senate may join, be appointed to inquire into the tariff rates, rules and regulations, now in vogue among the steam railroads of Maine, etc.

In the House this order was referred to the committee on judiciary. (Tabled on motion of Mr. Walker of Somerset, pending reference.)

**House Bills in First Reading.**

House 120: An Act for the better protection of shell fish within the town of Old Orchard, in the county of York.

House 122: An Act to lessen frauds in the name of charity.

House 124: An Act to prevent pollution of the water of Wilson Lake.

House 132: An Act additional to Chapter 32 of the Revised Statutes, as amended by Chapter 206 of the Public Laws of 1913, relating to fishing in Hooper Pond and its tributaries, in the town of Greene, in the county of Androscoggin.

House 133: An Act additional to Chapter 32 of the Revised Statutes, as amended by Chapter 206 of the Public Laws of 1913, relating to ice fishing in Little Dyer's Pond, so-called, in the town of Jefferson, in the county of Lincoln.

House 134: An Act additional to Chapter 32 of the Revised Statutes, as amended by Chapter 206 of the Public Laws of 1913, relating to fishing in the tributaries to Pattee's Pond and a portion of Wilson Brook, a tributary to the outlet to said pond, in Kennebec county.

House 174: An Act to repeal Chapter 53 of the Private and Special Laws of 1907, relating to the driving of auto-

mobiles on the Turnpike Road in the towns of Camden and Lincolnville.

House 175: An Act to prohibit the fishing for herring in Sheepscot river and its tributaries by use of purse or drag seines within 2000 feet of any trap or weir.

House 176: An Act conferring jurisdiction to grant judgments declaring citizenship, residence and domicile.

House 177: An Act to amend Chapter 359 of the Private and Special Laws of the State of Maine for the year 1897, relating to paupers and minors.

House 178: An Act to amend Section two of Chapter 32 of the Revised Statutes as amended by Chapter 206 of the Public Laws of 1913, relating to ice fishing in certain ponds in Oxford county.

House 180: An Act to amend Section two of Chapter 32 of the Revised Statutes, as amended by Chapter 206 of the Public Laws of 1913, relating to ice fishing in Androscoggin Lake, in the county of Androscoggin and in the county of Kennebec.

House 181: An Act additional to Chapter 32 of the Revised Statutes, as amended by Chapter 206 of the Public Laws of 1913, relating to fishing in Island Pond and its tributaries, in the towns of Harrison and Waterford, in the counties of Cumberland and Oxford.

House 182: An Act to amend Section two of Chapter 32 of the Revised Statutes, as amended by Chapter 206 of the Public Laws of 1913, relating to ice fishing in Lake Hebron, in Monson, in the county of Piscataquis.

House 183: An Act to amend Section two of Chapter 32 of the Revised Statutes, as amended by Chapter 206 of the Public Laws of 1913, relating to fishing in Jimmy Pond in Litchfield, in Kennebec county, and in the outlet stream of said pond.

House 118: Resolve in favor of Herbert W. Stevens.

House 125: Resolve in aid of navigation on Lewys, Long and Big Lakes in Washington county.

House 126: Resolve in favor of the Bangor State Hospital for sleeping rooms for night nurses.

House 127: Resolve in favor of the

Bangor State Hospital for sun parlors wards C-1 and E-1.

House 128: Resolve in favor of the Bangor State Hospital for renovation of Wards C-3 and E-3.

House 129: Resolve in favor of the Bangor State Hospital for dining rooms.

House 130: Resolve in favor of the Bangor State Hospital for maintenance, 1915-1916.

House 131: Resolve in favor of the Bangor State Hospital for stone crusher.

House 172: Resolve in favor of Bryant Libby of Kennebunk.

House 173: Resolve in favor of John S. Gaddis of Kennebunk.

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From the House: Report of the committee on ways and bridges, "ought not to pass," on An Act to amend Chapter 130 of the Public Laws of 1913, to provide for a more equitable distribution of funds for State aid roads.

In the House the report of the committee was accepted. (Tabled on motion by Mr. Burleigh of Aroostook, pending acceptance of the report.)

From the House: Report of the committee on ways and bridges "ought not to pass," on An Act to amend Chapter 130 of the Public Laws of 1913, to provide for a more equitable distribution of funds for State aid roads.

In the House the report of the committee was accepted. (Tabled on motion by Mr. Cole of York, pending acceptance of the report.)

From the House: Senate 80. An Act to repeal Chapter 4 of the Private and Special Laws of 1913, relating to the taking of smelts in the waters of Egypt Bay, Franklin Bay, Taunton Bay and River and their tributaries, in the towns of Hancock, Franklin and Sullivan, in the county of Hancock.

In the House this bill was recommended to the committee, in non-concurrence.

The Senate voted to concur with the House in recommitting the bill to the committee.

### Messages and Documents from the Heads of Departments.

#### STATE OF MAINE

Office of the Secretary of State,  
Augusta, Feb. 17, 1915.

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

I have the honor to herewith transmit the Labor Laws of Maine, as compiled by the Department of Labor for 1914.

Very respectfully,

Your obedient servant,  
JOHN E. BUNKER,  
Secretary of State.

Referred to the committee on labor and sent down for concurrence.

#### STATE OF MAINE

Office of the Secretary of State,  
Augusta, Feb. 18, 1915.

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

I have the honor to herewith transmit the 33rd report of the Commissioner of Sea and Shore fisheries, for the years 1913 and 1914.

Very respectfully,

Your obedient servant,  
JOHN E. BUNKER,  
Secretary of State.

Referred to the committee on sea and shore fisheries and sent down for concurrence.

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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. Colby of Somerset: Petition of Clarence H. Dow and fifteen others in favor of W. C. T. U. Temporary Home for Children at Gardiner.

#### Claims.

By Mr. Dugin of Piscataquis: Resolve in favor of the town of Cornville, with statement of facts.

#### Education.

By Mr. Walker of Somerset: Remonstrance of F. E. Winslow and 43 others against furnishing Aid to a School in which any religious instruction is given or any religious garb worn.

#### Placed on File.

By Mr. Burleigh of Aroostook: Peti-

tion of W. C. T. U. of Houlton against House Bill Number Three, relating to the observance of the Lord's Day.

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

By Mr. Brice of Sagadahoc: An Act additional to Chapter Thirty-two of the Revised Statutes, as amended by Chapter 206 of the Public Laws of Nineteen Hundred and Thirteen, relating to the protection of Fish, Game and Birds on the Southerly Point of Swan Island, in the town of Perkins, in the county of Sagadahoc.

#### **Interior Waters.**

By Mr. Burleigh of Aroostook: Resolve in favor of an appropriation to improve the navigation of Eagle Lake in Aroostook county.

#### **Judiciary.**

By Mr. Swift of Kennebec: An Act to consolidate and revise the laws relating to State printing and binding. (Ordered printed and referred.)

By Mr. Durgin of Piscataquis: An Act to incorporate the Harmony Water Company. (Ordered printed and referred.)

By Mr. Fulton of Aroostook: Petitions of F. Harold Bickford and 32 others, of Mrs. Ernest Crawford and 26 others, of J. E. Tarbell and 24 others, in favor of Suffrage for Women.

#### **Legal Affairs**

By Mr. Weld of Penobscot: An Act to extend the Charter of the Penobscot Valley Gas Company.

By Mr. Colby of Somerset: An Act to amend Section 5 of Chapter 383 of the Public Laws of 1897, relative to the incorporation of the South Branch Improvement Company.

#### **Military Affairs.**

By Mr. Thurston of Oxford: Resolve in favor of the construction of the Perry's Victory and International Peace Memorial, in conjunction with the national government and the States of the Union, and providing for the appointment of commissioners.

#### **Pensions.**

By Mr. Conant of Waldo: Resolve in favor of Susan E. Dawson, Monroe, Maine.

By Mr. Peacock of Washington: Re-

solve providing a state pension for Charles H. Kelly.

#### **Portland Delegation.**

By Mr. Murphy of Cumberland: An Act to abolish the office of city solicitor of the city of Portland, and to create the office of corporation counsel of the city of Portland, and to determine his duties, tenure of office and salary.

#### **Public Health.**

By Mr. Weld of Penobscot: An Act regulating the sale of morphine and other hypnotic and narcotic drugs. (Ordered printed and referred.)

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

By Mr. Bartlett of Kennebec: An Act to fix the amount of clerk hire in the office of register of deeds for Kennebec County.

#### **School for Feeble Minded.**

By Mr. Garcelon of Androscoggin: An Act to amend Section five of Chapter one hundred and forty-four of the revised statute; as amended by Section one of Chapter one hundred of the Public Laws of nineteen hundred and seven, relating to the transfer of patients from one insane hospital to the other, and to provide for the transfer of patients from the insane hospitals to the Maine School for Feeble Minded, and for the transfer of inmates from said School to either of said Hospitals. (Ordered printed and referred.)

#### **Sea and Shore Fisheries.**

By Mr. Peacock of Washington: An Act to establish a close time on lobsters in the town of Cutler, Washington County.

#### **State Lands and Forest Preservation**

By Mr. Colby of Somerset: An Act to secure information relating to the yearly cut of the timber from the wild land townships. (Ordered printed and referred.)

By the same Senator: Resolve in favor of the Highland Plantation, in Somerset county and to quiet the title to certain lands therein.

By Mr. Hastings of Androscoggin: Resolve in favor of the cooperative survey of the boundary lines between the state of Maine and the state of New Hampshire.

### State School for Boys and Industrial School for Girls.

By Mr. Allen of Kennebec: Resolutions of Androscoggin County Medical Association of Current Events Club, of the Associated Charities of Portland, in favor of a reformatory for women.

By Mr. Dunton of Penobscot: Petition of Winifred H. Hubbard and seventeen others in favor of a Reformatory for women.

By Mr. Fulton of Aroostook: Resolve of the W. C. T. U. of Mapleton in favor of a State Reformatory for women.

By Mr. Swift of Kennebec: Petition of Norman L. Bassett and forty-eight others for the establishment of a Reformatory for women.

### Ways and Bridges

By Mr. Scammon of Hancock: Resolve in favor of constructing a bridge across Taunton River between the towns of Hancock and Sullivan, Hancock County.

By Mr. Leary of Penobscot: Resolve in favor of the town of Hampden.

By Mr. Peacock of Washington: Resolve in favor of bridge between the towns of Dennisville and Edmonds.

### Reports of Committees.

Mr. Dunton for the committee on banks and banking, to which was referred Senate 16, An Act additional to Chapter 48 of the Revised Statutes, relating to Savings Banks and Institutions for savings, reported same ought to pass.

The same Senator from the same committee to which was referred Senate 15, An Act to amend Section 21 of Chapter 48 of the Revised Statutes, as amended by Chapter 69 of the Public Laws of 1907, relating to deposits in savings banks and institutions for savings in the names of married women and minors, reported same ought to pass.

Mr. Murphy from the committee on education, to which was referred Resolve in favor of the Western State Normal School at Gorham for furnishing the new dormitory at said school reported same ought to pass.

The same Senator from the same committee to which was referred Resolve in favor of the Western State Normal School at Gorham for the completion of the partially constructed dormitory at said school, reported same ought to pass.

The same Senator from the same com-

mittee to which was referred Resolve in favor of the Western State Normal School at Gorham for purchasing and installation of equipment for the industrial department of said school, reported same in a new draft under the same title and that it ought to pass.

The same Senator from the same committee to which was referred Resolve in favor of the Western State Normal School at Gorham for permanent improvements and repairs, reported same in a new draft under the same title and that it ought to pass.

Mr. Walker from the same committee to which was referred Resolve in favor of the State Normal school at Presque Isle, for repairs, reported same ought to pass.

The same Senator from the same committee to which was referred Resolve in favor of the Farmington State Normal school for the construction of a suitable building for the household arts department, reported same ought to pass.

The same Senator from the same committee to which was referred Resolve in favor of the Farmington State Normal school for building and furnishings at the dormitory of said school, reported same ought to pass.

The same senator from the same committee to which was referred Resolve in favor of the State Normal school at Castine for permanent improvements, reported the same in a new draft under the title of a Resolve in favor of the State Normal school at Castine for the construction of a gymnasium building and repairs, and that it ought to pass.

The same senator from the same committee to which was referred Resolve in favor of the Madawaska Training school for the construction of a suitable dormitory building, reported same in a new draft under a new title and that it ought to pass.

The same senator from the same committee to which was referred Resolve in favor of the Madawaska Training school for permanent improvements, reported same in new draft under the same title and that it ought to pass.

Mr. Cole from the committee on judiciary to which was referred an Act to regulate the practice of the system, method or science of healing known as

osteopathy, creating a board of examination and registration for those desiring to practice the same and providing penalties for the violation of this act, reported same in a new draft under the same title and that it ought to pass.

Under suspension of the rules, Mr. Ames from the committee on education to which was referred Resolve in favor of the Washington State Normal school at Machias for the completion of the partially constructed dormitory at said school and furnishings for the same, reported same ought to pass.

The same Senator from the same committee to which was referred Resolve in favor of the Washington State Normal school at Machias for removing and remodeling the O'Brien House, so called, at said school, reported same ought to pass.

The reports were accepted and the several bills and resolves tabled for printing under the joint rules.

Mr. Ames from the committee on education to which was referred Resolve in favor of the Washington State Normal school for completion of the construction of the normal school building at said school, reported (under suspension of the rules) that the same be referred to the next legislature.

The report was accepted and sent down for concurrence.

Mr. Leary from the committee on pensions, to which was referred Resolve in favor of Michael B. Daly of Portland, reported same ought to pass.

Mr. Dunton from the committee on banks and banking, to which was referred An Act to amend Section 26 of Chapter 48 of the Revised Statutes, relating to the deposit by savings banks and institutions for savings of collateral for loans made without the State, reported the same ought to pass in a new draft.

Mr. Colby from the committee on State lands and forest preservation, to which was referred An Act to amend Section 1 of Chapter 35 of the Public Laws of 1911, relative to the better protection of forests from fire, reported same ought to pass in a new draft.

The reports were accepted and the sev-

eral bills and resolves were tabled for printing under the joint rules.

Mr. Murphy from the committee on education to which was referred Resolve in favor of the Western State Normal School at Gorham for the construction of a central heating plant, reported same ought not to pass.

The same Senator from the same committee to which was referred Resolve in favor of the Western State Normal School at Gorham for enlargement and improvement of the Normal School Building, reported same ought not to pass.

The reports were accepted and sent down for concurrence.

#### Passed to Be Engrossed.

Senate 61. An Act for the relief of the needy blind residents of Maine.

#### Bills in the First Reading.

Senate 101. Resolve in favor of Lord Bridge over Marsh Stream in the town of Franklin.

Senate 102. Resolve in favor of aid in repairs on highways in the town of Otisfield.

Senate 103. Resolve in favor of a bridge across the easterly part of the west channel of Sebec river in the town of Milo, county of Piscataquis.

Senate 104. Resolve in favor of bridge in the town of Montville.

#### Passed to Be Enacted.

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

An Act to amend Section two of Chapter 279 of the Private and Special Laws of 1880 entitled "An Act incorporating the Dead River Log Driving Company," as amended by Section two of Chapter 233 of the Private and Special Laws of 1903, relative to the number of directors.

An Act construing Chapter 93 of the Public Laws of 1907, relative to the retirement of veterans of the Civil War in the service of the State.

An Act to extend the charter of the Eastern Maine Railroad.

An Act to extend the charter of the Monson Water Company.

#### Finally Passed.

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.

This Resolve carrying an emergency clause required a two-thirds vote of the members present. A rising vote was taken and thirty having voted in favor of the final passage of the Resolve and none voting against, the Resolve was finally passed.

Resolve appropriating money to assist the town of Whitefield in building a bridge across the Sheepscot river.

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

#### Special Assignment.

The PRESIDENT: The Chair lays before the Senate the divided report of the committee on legal affairs, reports A and B on An Act to repeal Chapter 221 of the Public Laws of the year 1913, entitled "An Act to provide for nomination of candidates of political parties by primary elections," and amendments thereto. Report "A," ought to pass, is signed by Messrs. Hill, Garcelon, Bartlett, Clifford, Greenleaf. Report "B," ought not to pass, is signed by Messrs. Walker, Lewis, Hanson, Thombs, Perkins.

The question before the Senate is upon the acceptance of either report.

Mr. WALKER of Somerset: Mr. President: The Direct Primary Law which this bill seeks to repeal was initiated by the voters of Maine in 1911. On Feb. 6 of that year the following communication was received in the Senate:

"To the President of the Senate and Speaker of the House":—"I have the honor to herewith transmit the petition filed in the office of the Secretary of State, Feb. 3, 1911, signed by not less than 12,000 Electors as provided by Section 18 of Part Three of Article Four of the Constitution proposing to the Legislature for its consideration a bill entitled "An Act to provide for nomination of candidates of political parties by primary elections."

Very respectfully,

Your obedient servant,

CYRUS W. DAVIS, Secretary of State.

This bill was carefully drawn by How-

ard Davies of Yarmouth and was known as the Davies Bill because of its author. It was referred to the Committee on Judiciary. From this Committee came a divided report. Those who signed the report favorable for the Bill were:

HOWARD DAVIES,  
ALBERT J STEARNS  
IRA G. HERSEY,  
E. T. GOWELL.

Those who signed the report unfavorable for the Bill were:

FREDERICK BOGUE.  
L. M. STAPLES.  
GEORGE B GOODWIN,  
JOSEPH WILLIAMSON.  
JOSIAH CHASE,  
HERBERT W. TRAFTON.

You will recognize your name, Mr. President, as one of those who signed the report "Ought to Pass." while the present Speaker of the House signed the report "Ought Not to Pass." All the Republican members of the Committee signed the report favoring the Bill, while all the Democratic members of the Committee signed the report against the Bill. In the House the Bill was defeated 76 to 15. In the Senate it was indirectly defeated 19 to 5. Being an Initiatory Bill it went to the people and at the election held Sept. 11, 1911, 65,810 votes were thrown for the Bill and 21,774 votes against the Bill. There being a majority vote of 44,036 in its favor. It thus became the law of the State and under this law we have held two Primary Elections. One occurring in June 1912 the other in June 1914. In the former election many of us were nominated for the House or Senate. In the latter election all of us were nominated for the Senate. In the election of 1916 some of the fellows who failed in 1914 may win. I see no reason why this Senate should put its stamp of disapproval on the law. I always found it good policy and good politics to speak well of the bridge which has taken me in safety across the stream. Gratitude is said to be "the fairest flower which sheds its perfume in the human heart." We should not condemn the law because of a few imperfections, which it may contain; rather we should amend it, in such a way that the imperfections will not exist.

It would seem evident that the voters



of Maine were not satisfied with the caucus and convention system, as it was worked out. Many of the caucuses were a farce. The work of the convention was made to order the "night before" in some room of the hotel where the party candidates and the party bosses were assembled, making nominations not alone for the morrow but years ahead, in some instances. It would seem that the voters did not have entire confidence in their Representatives and Senators to remedy the matter, hence the initiative measure which in due course of time became law. Are we to repeal this law after giving it but two trials? I submit to you, Mr. President, that this Primary Election Law has not had a fair and sufficient trial and that the people do not want its repeal. No petitions, letters or resolutions have been received from them, by our committee asking for its repeal.

As Chairman of the Committee to which this Bill was referred, I endeavored to be absolutely fair and impartial. The hearing was extensively advertised and held five weeks after the bill was introduced by Senator Hastings of Androscoggin. Every man in Maine had an opportunity to be heard in some way. If there was a widespread demand for the passage of the bill, I had no doubt but the people "would speak up in meeting", if given the opportunity. That there is no demand, that the people are not ready for the proposed change the lack of interest at the hearing demonstrated. Only four men were present who spoke for the passage of the bill. I hardly thought myself justified in subscribing to the faith which was in them, rather I felt like standing for this "Law of the People for the People and by the People" until it had been given a fair and sufficient test and the people by petition or otherwise asked for its repeal.

The people now have the opportunity of voting directly for whom they please. When there is no contest for a nomination and the candidate who presents himself is a good man for the position it is no fault of the law because votes are not thrown. I know of no objection to the present system which does not apply in greater degree to the caucus and convention systems. Under the old regime the political boss had powers far

in excess of his deserts. Under the new regime the people are supreme, the political boss having been shorn of his old time prestige. Obviously he is chafing under the restraint. He now has influence only as his ability and standing give him prestige. No one who deserves to be a candidate for any office thinks of abiding by his verdict if it is unfavorable. But he makes his appeal directly to the people; if the candidate has their confidence and respect he is likely to win, if he has not that confidence and respect he deserves to lose.

Some men may have sufficient power to manipulate a convention and in very rare instances a Legislature, but to manipulate the entire electorate is too big a job for any one man, hence the desire of the old "political glory boys" for the repeal of the law.

To admit that the Direct Primary Law is a failure is admitting that our present form of government is a failure. It may be that the law needs amending; if so, doctor it, but do not kill it for you would then go back to the old system with its party boss and its "night before."

In behalf of the 44,000 people of the State of Maine who made the Direct Primary Law, in behalf of the thousands who believe the law has not had a fair and sufficient trial; in behalf of every elector who wants an opportunity to vote directly for the candidate of his party; in behalf of all candidates who desire to enter upon their official duties, unhampered by any obligation, save his duty to the people, I ask you to sustain our report.

Mr. FLAHERTY of Cumberland: Mr. President: I am in favor of retaining the Direct Primary because it is in line with progressive legislation and it is in accord with the principles of the party which I have the honor to represent in this branch of the Legislature. As far as I am able to learn there is no great demand for the repeal of this measure, and what there is comes from the professional politicians and bosses who find their occupation gone, and are anxious to return to the conditions which gave them their political prestige. Hand-

picked candidates no longer rule in Maine, as the people through the Direct Primary have taken matters in their own hands, and now say who they want to vote for, and not have thrust upon them only such candidates as the bosses and the so-called party leaders want in office. The present Legislature is proof of the efficacy and wisdom of the Direct Primary. I doubt if there ever was a Legislature of this State so free of boss influence as is this one. We are here as representatives of the people in the broadest sense. Nominated by the people, and elected by the people, we are answerable only to them, and are under no obligations to politicians of high or low degree. In its present form the Direct Primary may fall short of perfection, but it is so far superior to the old system, it seems to me the height of folly to change to former conditions. Let us improve it if possible, but never repeal the law until there is a promise of something better. It is a law that came direct from the people and they can be trusted as they are always honest, while politicians and bosses seldom, if ever are. Maine is a progressive State and we do not want it heralded all over the country that she has taken a backward step in legislation such as the repeal of this law would indicate. Keep the good old State of Maine in the vanguard of progress and live up to its motto "DIRIGO."

Mr. HASTINGS of Androscoggin.  
Mr. President and Fellow-Senators:

The bill before the Senate for consideration is Senate Document No. 34. It calls for a referendum of the so-called Primary Law to the people, and was introduced by me to fulfill a promise made to my constituents in Androscoggin county, after the primary election in June but previous to the September election. The history of the enactment of the Primary Law dates back to the 75th Legislature, in which Honorable Body I was a member of the House, and I am frank to admit that I voted for the Primary Law with one hand, and would have done so with both had it been legal so to do.

In the Legislature of 1911 and 1912 there were introduced two bills to enact Primary Law, one styled the Administration Bill and the other, the Davies Bill. The Davies Bill was referred to the people and ratified by them at the following election, and it is this bill that a proposition is made to refer back to the people; and the question is on the referendum to the people, and not on the repeal of the bill that we are to discuss and vote on this day.

It has been stated, and may be again, that the law has not had sufficient trial to demonstrate whether the people want it or not, that the people have not become acquainted or have not familiarized themselves enough with the law to know whether it is for the best interest to continue it or not. I am frank to say that in the county of Androscoggin they have become thoroughly familiar with the law and convinced that, as it has worked out at the polls, it is very bad for the rural sections of the State of Maine, completely cutting them off from all chances for representation in the county ticket. This is class legislation, and good only for the thickly settled portions, particularly such as cities and large towns, as was very well said by Senator Durgin from Piscataquis county in discussing the proposed change of the September election to November yesterday. "We must not do anything to disfranchise the rural vote of the State of Maine in favor of the cities and towns," and that is just exactly what we claim the Primary election does, especially so in the minor county offices. To illustrate: In Androscoggin County this day we have F. K. Belleau, Clerk of Courts, residence, Lewiston; George D. Pottle, County Commissioner, residence, Lewiston; Frank Coffin, County Commissioner, residence, Lewiston; Lewis E. Davis, Sheriff, residence, Lewiston; George Murphy, Register of Deeds, residence, Lewiston; Lewis Chabot, County Treasurer, residence, Lewiston; Bill Fahey, Superintendent of Buildings, residence, Lewiston; James Murphy, Register of Probate, residence, Lewiston. My honorable

colleague, Dr. Garcelon, Senator, residence, Lewiston. In fact, all the outside towns have representatives on the county ticket, is one County Commissioner from Lisbon Falls and one Senator from Auburn, who had no opposition in the primaries.

I submit, fellow senators, that a worse distribution could not possibly have been made by the Tammany Tigers of New York, or, to quote from the Lewiston Journal, "the Penrose Usurpers of Pennsylvania."

Again, on the primary ballot where more than one candidate is voted for, such as representatives for towns or cities that send two or more to the Legislature, the names to be voted for—and I submit there may be a dozen names—as they appear on the ballot from which you are supposed to select, the number specified in the square at the head of the list are arranged alphabetically, and almost invariably the voter begins at the top of the list and marks his cross opposite the first two, three, four or more names, as the case may be, so that the fellow whose name begins with A, or the nearest to the top of the alphabetical list, is the man who receives the vote, although he may be the very man that is least fitted to represent his constituents.

It may be well said that the caucus plan was not an ideal one, that mistakes did happen, which, if granted, must be tempered with the thought that delegates from all towns in the county participated in these mistakes instead of the few from the cities and centers of population, as is the case in the primary election.

Since the introduction of this bill I have had letters of endorsement from every town of any size in Oxford county and from all three political parties, and all claim that, as it worked out, the primary law was not as good as the caucus law. From Franklin County comes the same expressions of opinion, and, strange as it may seem, the greatest uncertainty regarding the referendum on this bill that I have become acquainted with comes from the cities like Portland, Augusta, Bangor, Thomaston, in fact, from counties that have either the Democrat-

ic delegation or mixed, but not from the rural districts of the State.

You will notice in Section 2 of this bill a call for an election to be held the third Monday in June, 1915. This date was inserted so that if adopted the result might be incorporated in the new revision of the Revised Statutes which is to be completed by January 1, 1916, and an election held in September will make it so much more difficult to properly incorporate in the new revision. Should it be deemed advisable so to do, I would be glad to accept the amendment to the above date. The bill has been criticized in regard to the condition that would prevail in future elections should this bill be favorably considered at the referendum; and again I would accept such amendment to this section as would leave no doubt that the intention is to return to the law governing elections previous to the passage of this act.

Mr. President, I shall vote for the referendum of this bill, as this is a matter which concerns the people of the rural sections of our State, and which, I believe, if given a chance, will vote to repeal this bill.

Mr. SCAMMON of Hancock: Mr. President and fellow senators, I have been very much interested in the remarks of the senator from Androscoggin, and I wondered if the reporters got those names right when they wrote them down. Some of his objections are well taken, but the honorable gentleman must remember that the Senate isn't making laws, or changing them, for Androscoggin county alone; that the complexion of this Legislature, as well known, is rural, is not to be disputed, and a specific complaint is no ground for change in a great and good law.

Going to another committee room the other day I happened incidentally into a discussion where the argument was going on in regard to this proposed change, and I would say to you in all candor that there wasn't enthusiasm enough in the audience nor the committee nor the proponents of this change, if all gathered in one motor, to move the wings of a mosquito.

When there is any great demand for a change in any law you are going to hear something from it. There will be a great

and general demand, from old York county, where the waters of Maine mingle with the waters of New Hampshire; from far-off Rangeley, the home of my political opponent and honored friend, the senator from Franklin; from Fort Kent, the lone sentinel of the north; and from the lookout where my Brother Peacock looks out on the waters of the Old Dominion—you would get such an indication of sentiment that no senators or representatives would be in doubt as to his duty.

I am free to admit that there were some pleasant things about the old system. The old clan got together and talked over their old battles; they renewed the old acquaintances and made new ones; they got together the night before and made their nominations for their offices, and sometimes made them for two or three terms ahead; and George would be nominated, perhaps, for county attorney, and was told if he would be good and obey the mandates of the party leaders that in another two years they would send him to the Legislature, and warned him that if he just continued to obey the party behests that he might go everywhere, that everything was before him.

Now I don't say that the real acts of those conventions were corrupt, but I do say that their influence was corrupting and their influences were vicious. They kept from nomination the independent class of voters who might come out for office, men who would not obey the behests of the party leaders, just such men as we need to make our laws and, thank God, we have a lot of them here this minute!

But that is all a matter of history, and I think, Mr. President, that the good judgment of the people of Maine will make it a matter of history for a very long time.

What are the people going to do with this question? Are they going to work and have a long series of struggles, after embodying in this law the best possible features? Are they going to take a step backward? What are the people of Maine going to do? No state in the union has been in the limelight, for many reasons, as much as Maine—Maine, the playground of

the nation; Maine, which has a September election the results of which have been almost prophetic in the national elections; Maine, which had a representation in Congress for nearly half a century that has done more to foster good legislation than New York with her 35 votes, or Pennsylvania with her 27! What is this State going to do? This State, using this Senate as an agency, is going to put the hallmark of her disapproval on this attempt to despoil and besmirch the political objects which are being accomplished by this primary law.

Mr. BARTLETT of Kennebec: Mr. President: This primary law came to us four years ago as an experiment. It came as a part of a wave of this and other matters which spread over our whole country, and in this we followed the example of other states. Now the question as it comes to us, and as it came to the committee, is not a question of the desirability of the law or the undesirability of the law, but the question as to whether the people want again to say whether it shall continue.

I think there were quite a few appeared before our committee—in fact, I know there were—that asked to have the people say again, to provide for the referendum before another election is to be held. I am not so clear but what, if this should have a passage, that might not have to be changed, in view of the fact of a referendum being called for within less than 90 days of the probable adjournment of the Legislature. But in any event the election will come, and the people will have a chance to say what they want in this matter, how they feel about the workings of the law, before they have another vote, or another chance to nominate candidates. It seemed to me as a member of that committee that this was a matter to go back to the people and let the people say what they want; and I don't feel it is a question to discuss here whether the law is good, whether the law is in favor of corrupt politics or not. It is a question for the people to say whether their experiment has been a success or whether it has not been a success.

For that reason I feel we should

submit the matter to the people.

Mr. DUNTON of Penobscot: Mr. President and gentlemen of the Senate: As you know, I am opposed to the repeal of this law. Inasmuch as it has been brought down to the referendum, I wish to say I am opposed to that at this time.

This law was passed in 1911. No law, as I understand it, was ever quite perfect in its first passage, and I want to give the people a little more time.

The second ballot that I ever threw in my life was under the primary law, in 1868, in the state of Minnesota, when I voted for Governor D. Washburn, and got defeated, against Ignatius Donnelly for Congress. That state has still got the law; they are finding no fault with it after more than 40 years of trial, and this comes in here as a surprise to me, and it was with considerable effort that I went before the committee against it; but I have failed yet to hear any reason why this should be submitted. What body of people have asked for it to be submitted, other than those the honorable gentleman from Androscoggin has told you about, who say that most of the officers of that county are from Lewiston. Anyhow, they are nominated and duly elected, and the men they elect over there aren't always in his political party.

It is true that the cities do throw a larger vote in proportion to their vote than the country towns. There are reasons for that. It came this year, or last summer, especially, in a very hot, busy season, for one reason. Another reason is that the people of this state have lost confidence, or have lost the belief that they have anything to do with the selection of officers, and they haven't learned it; and this bill was to put back into the hands the people representative government, which this state had almost lost. I want to keep it there until they give it a good trial.

I am not afraid of the people, but it looks to me to be an intentional plan to put back before they have had a fair trial. It looks to me that if there is anything wrong in this law we ought to be able to remedy it and

bring out the country vote. It is true we have had some undesirable officers; that is one fault that has been brought up here, they say there are men nominated who ought not to be. I think likely in everyone of your districts someone would say that about you. I venture there are a dozen men in my district who would say it of me, and I dare not deny it for fear they will prove it. But we are here, we are here under this law, and I am willing to go back and try this law again, and try some scheme to get the rural vote out; in fact, I want them to. I believe it everyman's duty in America to vote as soon as he becomes a citizen, and the reason that they do not vote is because they have lost confidence, that they have lost faith that they have anything to do in the conventions. Before the Committee the other day I cited some facts. I said that I belonged to the Democratic party, and that I knew that the will of the people had not been represented for years in their conventions, and I think you will all agree with me in that. I also stated that the Republican party had their officers nominated from six to twelve years ahead, and when a man had served his time, or died, the bosses hollered "Next!" and he came forward, and the country delegates had nothing to say in either convention for the last twenty years in the State of Maine, as far as officers go.

Now we are here and asked to send this back to the people—I shall get right at what it is and we are asked to do it in a certain time, so it will come before the next election. Why are they so anxious to have it hurried through so quickly? If the bill called for a referendum at the next regular election it would be less objectionable, but as it is it is tremendously objectionable to me. It will put this state to a great expense; it would put the people to the trouble to go and vote, and I know that if it is put back it will be a useless vote. They have got to get two-thirds in favor of it, and after their expression in 1911 I don't believe they will reverse that.

I shall vote to support the report

of the committee who voted ought not to pass.

Mr. COLE of York: I believe it is the duty of every Senator, as has been stated, to deliver the faith that is in him.

I am not a strong adherent of the primary. I am not willing to stand up here and say that the men who occupied the seat that I occupy, under the old caucus law, were any worse men than I am. I believe they were good, honest, substantial men, who were elected to this seat for their ability and their honesty and their integrity, and that the laws that were enacted and are on our statute books today as a result of their legislation are just as wise laws as we shall enact.

I doubt whether if you go out here among a thousand people and ask them whether they are satisfied with the primary law whether you can find six hundred of them that will say that there is a time-honored principle, and one by which we must be guided. This law, as has been said, was initiated by the people. It was carried by the people by a tremendous majority. Whether it be right or wrong, whether it works well or ill, is not for us to say. A law once enacted should remain long enough to get it permanently established, if enacted by the people, and if they desire it changed, there should come some expression of the desire for a change.

I speak of this as but one of many laws acted upon by the people in the last few years, and when the people have once passed upon a subject, that they desire a certain law to be enacted, I do not believe it is wise or proper for the Legislature to keep returning to the people whatever different members of the Legislature may feel is not according to their desires or wishes. The people have spoken in this matter within four years. The people have spoken upon other matters within four years, and if we are to submit to the people every two or three years every question that comes up before us for our expression, or that may come into the individuals' mind, that he desires upon the statute books,

then we would have no permanency and no stability to government.

For this reason I at the present time do not believe that the primary law should be resubmitted to the people, and I don't believe it is wise for the Legislature to enter upon the principle of referring to the people laws upon which the people have passed within two, three or four years.

So far as the primary law is concerned, I doubt whether we can stand up and say honestly that it has carried out the will of the people to a greater degree than your old caucus system. There were "bosses" then, if you choose to call them that, but they were men of honesty and ability and character. They played the political game as we play it today; but I don't believe there is a man in this Legislature to whom the people came in a body and demanded that he serve them. I think the most of us put our records before the people and asked them to send us here and some of us had a great deal of difficulty in proving to the people that we were better than the other fellow.

It isn't a great panacea for all ills. It is an improvement, but I can see in the primary law the greatest defeat of the right of the country people that can possibly be cast upon them. And let me show you one point.

We understand that the strength of our people today, perhaps, lies in the rural vote. It has so been stated by several senators. At the present time we are voting on the popular vote in counties.

Suppose in my own county, the cities of Biddeford and Saco and the town of Sanford, which make up the three large towns of the county, should get together and divide up the offices, and suppose that Sanford should say: "I will take all the county offices", and Biddeford should say "I will take the three senators, and suppose Portland should say "I will take the four senators from Cumberland County"—which it might do—and suppose that Lewiston should say "I will take the two senators from Androscoggin", and suppose Kennebec should say that Waterville should have one senator, and Augusta one, and Gardiner one, and suppose you should go

through the state until you get to Penobscot, and Bangor and Brewer should say "We will divide the offices right through", and they should endeavor to enact laws against the country towns.

Mr. President, there is a danger which must be overcome, but we haven't as yet arrived at that point. I look forward to the time when the beauties of the primary law will be seen in all their weakness. Unless we reconstruct our statute so that senators will come from certain specified districts, we cut out the country towns, and leave ourselves in the minority. We will have laws for the benefit of the cities and against the country. I don't believe in standing up here and saying that the primary law was the finest thing that ever was, and that all the past was cursed and unholy. I believe the men who sat in the Governor's chair, and in your chair, Mr. President, and in the Speaker's chair in the House, and the men who occupied these seats, who were our fathers, were just as honest and just as good as we are, and they worked as hard for the State of Maine as we will work while we are here. I don't believe that all the past is bad and all the future is good. Human nature is a great deal the same wherever we view it, and we are sitting today not in condemnation of the past or praise of the present. We are sitting here more upon an act, more upon a policy, whether when a law has once been enacted, but has not disapproved itself, whether it is right and just that we should forever keep our people in a ferment, or whether we should have some stable form of government; and until there comes a demand, then it is our duty to go along in the same old way, and do as we have been doing live up to the principles that we have, until we can improve upon them.

One thing more along the line of the beauties of the primary, and I want to ask you, Mr. President, what chance the poor man has to occupy the chair of our Governor, I want to ask you how a poor man can ever get into Congress? But there was a time when a stone-cutter could go to Congress and represent the people among whom he lived. Can he do it today? It costs money to travel in automobiles and put up at hotels, and

take your retinue along with you. I don't believe we should stand up here praising the beauties of the present, and how much wiser we are than our fathers were in the principles of government, and how low down they were in the morals of politics, and how much holier I am than thou. But I believe in the principle that when the people have spoken, whether we believe in it or not, it is our duty to abide by the will of the people for a reasonable length of time, and the people have spoken on this measure as they have spoken on other measures within a few years.

It is our duty to listen to the people, and not turn these things back again because we personally disbelieve.

I move that when the votes are taken, they be taken by yeas and nays.

Mr. GARCELON of Androscoggin: Mr. President and members of the Senate, as a members of your committee and as one who should explain the reason of his signing the report I feel constrained to state my position here.

I am very much pleased to find that this is not divided within this body along political lines. As I understand this question it was submitted to the people in 1911 and passed by what we call an affirmative vote. If you will observe the operation of your primary law and referendum you will find that the affirmative very generally carries.

The operation of this law shows very clearly that where the most of the people are concentrated, in those centers of population they can control the nomination of the candidates. That was illustrated in our own county. I was very glad to hear from other counties as to the operation of this law.

A change of methods does not improve the morals of men. When I first came into the Maine Legislature, under the old boss system, I there learned who would be governor for the next 12 years, and the prediction and the arrangement was carried out.

A new proposition presented to the people will always receive an affirmative vote. The people have had this law under control—they have operated under it and they are beginning to see some of its defects.

At some time during the argument of

my distinguished colleague from York, Senator Cole, I was almost in doubt whether he would support report A or report B.

I shall not take any more time. I simply wish to declare the faith that is in me and the reason why I signed this report. In its sum and substance it merely resubmits the law and allows the people to pass a vote of approval or disapproval upon the action taken when this law was adopted.

Mr. LEARY of Penobscot: Mr. President, I was surprised when the bill to refer to the voters of the State, shall we continue the primary law, was brought up for consideration. Nearly everyone I met and talked with among the working men and farmers were in favor of the law as it is. It is true there are a few men who are opposed to the law, but they were from cities and large towns, and when asked the reason for a repeal of the law they said the voters of the small towns did not turn out and vote at the primaries, and so the small towns were not represented in the primary vote. It struck me as somewhat curious that the cities where a large proportion of the vote was cast were finding fault with the law, and the country towns where the vote was less in proportion to the total vote were satisfied. And then again, the men who were opposed, when asked for a remedy, said "Oh, let us return to the old-time caucus and convention law." There, gentlemen, you have it in a nutshell. They cannot control all the voters at a primary election, but they could do somethings towards it at a caucus.

And now, gentlemen, how about the country towns under the old caucus law? Were the small towns represented, and how? Well, gentlemen, a few years ago, and not so long but we here today can remember, when over in Penobscot county a nomination at a Republican county convention was equivalent to an election, how were your delegates chosen? Why, the caucus was packed and the different factions fought it out, and while the minority faction was usually in for a fair count, the majority faction wanted to count everything in sight and sometimes some of our Democratic citizens who attended were counted, of course by mistake.

Gentlemen, some few years ago we got the secret ballot, or the Australian ballot, and as some of the opponents of the law called it, the Kangaroo Ballot, and for a few years there was lots of trouble. Our corporations and employers of large numbers of men denounce the law as un-American. They could not conceive why there was a call for such a law. Well, gentlemen, that law is enforced today, and the State of Maine in common with a majority of the other states of the Union believe in it. And so it is with the Primary Law; a large majority of the state have a primary law and believe in it, and I think, and want to believe, that there is a large majority of the members of this Senate, irrespective of party, who believe in progress and are in favor of the law. I hope there will be a large majority in favor of it as it is, and let us make it as near unanimous as possible.

Mr. FULTON of Aroostook: Mr. President, It seems to me if there were an insistent demand on the part of the people of the state that this law should be resubmitted that very many more of the members of the Senate would feel like resubmitting it.

We are told by the members of the committee that not more than four or five, and I think at most not more than ten men appeared to speak on the bill on both sides, and not one petition had been sent in by the people of the state for the resubmission of this question to them again.

It seems to me that it is an attempt to change the law before we have given it a fair trial. It has been argued that it gives large centers in the counties an advantage over the rural community. That may be an objection, and of course I do not stand here to say that the primary law is perfect. There are objections, but it seems to me that every objection that applies to the present primary law could be applied to the old caucus and convention system to a greater degree than it could be applied to our primary law.

Some say it does not give the rural towns the representation it gives the larger towns, but I remember very



well, in some of the caucuses and conventions in my own county, that often in the towns, unless there was some local contest, it was a hard matter to get out more than eight or ten or a dozen men at the caucus. Sometimes at the caucuses there would be hardly more than the town committee, and they manipulated the caucus to suit themselves.

I think the fears which are entertained by the senator from York, Senator Cole, of the gloomy condition he tells about that might be brought about by the cities combining against the rural population, are exceedingly far fetched. I do not believe any such condition would ever exist in the State of Maine.

I do not find that any state that has adopted the primary law has ever asked to return to the old method. I do not believe, gentlemen, that we ought to attempt with only a trial of four years to bring it back to the people again to vote upon it, when they have given us a majority of over 44,000 in favor of this law.

I speak for the rural sections of the county of Aroostook and I do not believe if I were to go through the towns in all that section—and I come from the central section of Aroostook, an an entirely rural section—that I could find 10 men in my town or the towns adjoining that would speak against the law. They feel satisfied with the primary law and are willing to give it a fair trial, and not put it back to the people with so short a trial. I believe that we are fairly represented in that way. It might apply in grater degree in counties like Androscoggin, where as the senator has said there are more large cities, but where there are any small cities these things do not apply.

I do not believe, Mr. President, that we should meddle with the Constitution of the State before we give the law time to prove itself. We should not make a football of the Constitution of the State and kick it back and forth every four years.

Mr. COLBY of Somerset: Mr. President, I would not care to shut off debate in this honorable body, but of the committees have meetings this afternoon, and some of the senators are going to Portland. I move the previous question.

A viva voce vote being taken the previous question was ordered.

The PRESIDENT: The bill before us is An Act to repeal Chapter 221 of the Public Laws of the year 1913, entitled "An Act to provide for nomination of candidates of political parties by primary election," and amendments thereto.

The question is upon the motion of the senator from Somerset, Senator Walker, to accept Report B of the committee, ought not to pass. And on this motion the senator from York, Senator Cole, has asked for the yeas and nays.

A rising vote was taken and a sufficient number having arisen the yeas and nays were ordered, and the secretary called the roll. Those voting yea were: Messrs. Allen, Ames, Burleigh, Chatto, Clark, Colby, Cole, Conant, Duntun, Durain, Emery, Flaherty, Fulton, Herrick, Hersey, Leary, Peacock, Scammon, Swift, Walker, Weld—21. Those voting nay were: Messrs. Bartlett, Bovnton, Butler, Garcelon, Hastings, Jillson, Moulton, Murphy, Price, Thurston—10.

Twenty-one having voted yea and 10 having voted nay, Report B, ought not to pass, was accepted.

Sent down for concurrence.

#### Orders of the Day.

On motion by Mr. Walker of Somerset, An Act to amend Section 3 of Chapter 84 of the Private and Special Laws of 1875, entitled "An Act relating to the schools in the city of Portland," was taken from the table.

On further motion by the same senator the bill was referred to the Portland delegation in concurrence.

On motion by Mr. Walker of Somerset,  
Adjourned.