

# MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Seventy-Seventh Legislature

OF THE

STATE OF MAINE

1915

**SENATE.**

Saturday, April 3, 1915.

Senate called to order by the President.  
Prayer by Rev. W. F. Livingston of Hallowell.

Journal of previous session read and approved.

Mr. SWIFT of Kennebec: Mr. President, I ask unanimous consent to introduce an order at this time, and I move its passage.

Ordered, that the gavel which has been wielded so well and wisely by President Hersey be presented to him as a token of our admiration and esteem.

The order was unanimously adopted by a rising vote.

The PRESIDENT: The Chair feels that you are accumulating the obligations under which he is to the Senate. I know how you feel about the matter, that the way this gavel has been used, you want to get it away if you can. There is no danger of my ever using it again, under the same circumstances, and yet I do feel that as it has been defaced by striking it too hard, it will remind me of the pleasant friendships of this winter, and I shall never forget your kindnesses while I live. I thank you.

Mr. Fulton of Aroostook, presented the following order and moved its passage:

Ordered, the House concurring that the State librarian mail pamphlets containing the daily installments of the legislative record from March 30 to the end of the session, to the officers and members of the legislature at their respective homes.

Passed and sent down for concurrence.

**Passed to be Enacted**

An Act to grant a new charter to the city of Bangor, Penobscot county, State of Maine, repealing all laws or parts of laws in conflict herewith. (Tabled by Mr. Conant of Waldo.)

**Finally Passed**

Resolve on the pay roll of the Senate  
Resolve on the pay roll of the House of the Seventy-seventh Legislature.

Resolve in favor of the commissioner of pharmacy.

Resolve reimbursing C. W. Dutton for certain expenses incurred in his capacity

as secretary of the committee on mercantile affairs and insurance.

Resolve for the purpose of operating the fish hatcheries and feeding stations for fish, for the protection of fish, game and birds, and for the printing of the report of the commissioners of inland fisheries and game.

The President laid before the Senate, An Act to grant a new charter to the city of Bangor, Penobscot county, State of Maine, repealing all laws or parts of laws in conflict herewith, tabled by Mr. Conant.

Mr. CONANT of Waldo: Mr. President, I move that we reconsider the action whereby we passed this act to be engrossed.

Mr. DUTTON of Penobscot: Mr. President: I was in hopes the gentlemen would give some reasons for doing that.

There isn't much more to be said upon this, but I do wish to make a statement for something that may come up in the future. I wish to state to the Republicans of these different counties, and I wish the Democrats to pay particular attention, too.

The order for the committee to present this particular form of charter was passed in a regularly organized city government meeting. They reported back two reports, and that was voted upon, and that administration counted the votes, and the committee was raised to one hundred. They brought in a recommendation of the present charter, or nearly as it is now, reported back by what is called the "Beal" administration, and it was voted upon, and was overwhelmingly adopted, when the Utterback administration came in.

I just say that for what might come up in the future, so that you will all be aware of the origin of this idea. It may have significance and it may not.

We discussed this thing the other day, and I tried to do it as well as I could, and perhaps feebly, and I have very little more to say about it. In a fair representation, with every Senator present that could be present except one, we defeated the amendment that was tried to be put on, by a majority of two, and when I heard that another amendment was coming in I was surprised, and I am obliged

to say at this time what I don't want to say. I shall have to characterize this act as unfair. One living in Bangor is taking a great responsibility when he fetches that amendment in here at this late date. We of course understand that party had nothing to lose. But there is a doubt in the minds of the citizens of Bangor whether the referendum is the real reason for the amendment, or whether it is to kill the bill.

Now no matter what takes place here today, I say to you it is a grave responsibility, whoever it is laid to, bringing this in against the wishes of the city of Bangor, and I will simply make this appeal in the interests of good government for 25,000 people in the city of Bangor. I ask you to let that bill go as it comes through; I ask you to let it go in the interests of the boys and girls growing up in the city of Bangor; I ask you to let it go in the interests of the boys and girls of yours who may go there in the future. In fairness and in justice I ask you to let it go just as it is.

Mr. CONANT of Waldo: Mr. President, Fellow Senators, I shall say but a few words on this matter. I should not feel that I was doing justice to myself or my constituents without going on record in favor of a referendum on this bill.

I have talked with many of the leading business men of Bangor regarding this matter, and I am satisfied the only safe thing to do is to give the voters a chance at the polls at a special election to decide whether they want it at the present time or not. I have no objections to the charter if the majority of the people want it, but I should not feel that I was treating the opponents of this bill fairly in my position here by voting to crowd this matter on to them without giving them a chance to vote on it.

It is said by good authority that this bill without the referendum is unconstitutional.

There is no question but what a State-wide referendum will be demanded by the voters of Bangor if this bill becomes a law without the referendum. Now would it not be better for the citizens of Bangor to decide this matter among themselves, and save the State fifteen to twenty thousand dollars.

While I have never been a voter in

Bangor I have spent the most of my time there for the past thirty years. I have during this time built up a large wholesale and retail business, by dealing fairly and squarely and honestly with the people, and by representing things as they were. I am very much interested in the welfare of the city of Bangor today, and in its future, as my interest and business is centered there. It was said in this Senate when this matter was before us last Wednesday, that there were more people in Bangor in favor of this charter today than there were when it was voted on in 1914. If this is true why are the proponents of this bill opposed to a referendum? I cannot understand why. It was also said that the owners of the Bangor Electric Light & Power Company had influenced people in this matter. Now, fellow senators, I am not influenced by any corporation or by any of the people of Bangor and I want it so understood. I hope that the senators can see their way clear to vote to have this amendment adopted.

Mr. DUNTON: Mr. President, I wish to aid anybody that I can. I will also advertise the gentleman's business. I believe he has a very successful business there. But I hold in my hand a list of more than 1400 names, and many of those names are of men right on his street, one an ex-mayor, including some of the wholesale and retail business men, perhaps in the same line. They have seen this petition and they have signed it, and they have had this referendum within 13 months; and the difference between these business men on that street and this gentleman from Waldo is that they live there and vote there.

I claim there hasn't been one particle of evidence shown by anybody, with the exception of four discredited Democrats, a ward heeler, and a political boss, men whom the party has repudiated and whom the Republican party refuses to have. (Laughter). That is the only evidence that came to us here that there was a decreased demand for this charter, and I tell you that I know and I think we have produced evidence to show that there is a growth all the time toward it.

He says he wonders why not? I will tell him why not. There are two political newspapers in Bangor, privately

owned, selfishly used, and they were both opposed to us, and we had to fight this charter out by public subscriptions, and we had to appeal to everybody to do something. The laboring men would come in and devote their little amount to help, and it has cost thousands of dollars to carry a State-wide referendum, which took place in 1913, and the gentleman wants to force that down us again. We had rather have a State-wide referendum, and although nobody has threatened it except the owner of one of these newspapers, I venture to say he is just as scarce with his dollars, although he has his millions, as I am with mine. He is only human and I don't believe he will do it.

The gentleman comes in and says he has been told that it is unconstitutional. That matter was threshed out in the committee, and two lawyers from this Legislature were on the committee, and they both declared that after the amendment which we allowed and accepted was taken out, there wasn't anything of that kind in it at all.

All we ask you, gentlemen, is to allow that referendum that we had to go. It is too late for the gentleman from Waldo to tell us what we shall do, or to insist we shall do a certain thing after we have done it at a cost of thousands and thousands of dollars.

We are not afraid of the result. We are afraid of the cost, and the effort, and the work. If we have to do it again, I shall myself present a petition to the gentleman and see how much he will give toward helping the campaign along.

I ask in justice that he have a chance to improve our condition. Haven't we a right to come down with a solid Penobscot delegation—and I say solid, and it was solid until a week ago last Tuesday, every man on it—and I don't wish to discuss that, because there has been but one change since.

There couldn't have been a man elected in Bangor unless he was committed to this, in either party, and I will tell you now that the party that defeats this measure—and it is liable to be defeated when it gets back to the House, because they dread this expense—I wouldn't want to attack this if I had any political aspirations or love for the people.

Gentlemen, I appeal to you again to vote to let us have this charter, which is nobody's business but ours.

Mr. SCAMMON of Hancock: Mr. President, I am extremely sorry that in the last hour or two, as I apprehended, of the Senate's doings that a matter of general discussion should come up. I supposed that this matter was decided.

I first want to call your attention to two or three things pertinent to the question. This matter of whether the people of Bangor want or do not want this is largely a matter of personal opinion, and possibly of prejudice. I have been doing some business in Bangor for years, have met the people and from my standpoint they do want this by a large majority.

I want to call your attention to the class of people asking for this charter, some one hundred and fifty magnificent specimens of humanity, young men, the men who are doing something for Bangor, and want to do more if they can do it under favorable circumstances. They appeared before the committee. They were heads of departments, traveling men, salesmen and electricians and representatives of all classes. I know something of these things for I know these are people of reputation. The civic affairs of Bangor are in a deplorable condition. Any members of the Senate who have read the papers as the members of the Senate have read them must know something of the conditions there. This city, not a large one, has a tax budget of almost a million dollars. That is some money, believe me, when there are cities of 80,000 people in New England with a tax budget of only five hundred thousand dollars. They laid out \$140,000 for their streets in the year and I say to you that the streets there are not fit to travel over at night, and their suburban roads are not fit to travel over in the day time, and this sort of thing has extended to the other departments as shown by the expenditure of their money.

Their whole charter in Bangor is unspeakable and unworkable. It is metamorphosed until Joseph's coat would look like a garment made of one piece of cloth beside it.

In 1911 they had a most disastrous fire in Bangor. They commenced to re-

build and showed great courage. For two years building went on rapidly, then ceased. There is not a city in New England so well situated for manufacturing that has done as little in the way of building houses as has Bangor.

In talking with a prominent contractor within six months, he expressed the view that this business was all out; that the excessive tax rate in Bangor, and her turmoils kept people from coming in, and kept the people there from extending their business until these matters are settled. I don't know whether this man wanted a new charter or not. He did not express any opinion. In view of conditions that are well known to exist there, this Senate, with the policy it has adopted all winter of fairness and justice and giving to the people the things that they want, as far as it seems its duty, can do no better than to give to the people of Bangor the thing they undoubtedly want, and not attach to this charter any strings which if pulled at all will be pulled by the corporative interests instead of the people of Bangor.

Mr. MURPHY of Cumberland: Mr. President, in order that there may be no politics in this question, I will say that I have had some experience with these clamors of commission form of government. I have had a hand in formulating two or three different kinds of charters for Portland. It seems to go by fits and starts. Sometimes they want it, and sometimes they don't want it.

We proceeded to Portland some weeks ago to give a hearing. There were three people appeared for it and not over a hundred there.

It is up to this Legislature, perhaps, to determine whether or not Bangor will have to submit to that proposition to vote for a charter. It seems to me it is up to us to do it right, and I believe we will be going at it right when we submit it to the people.

Sometime ago, in 1907, we had a question to decide in Portland that embraced millions of dollars, the water-district. They came to the Legislature and talked it for months. Finally we submitted it to the people, and again they endorsed it. It seems to me the same could be done in Bangor. If they had a majority at one time they could have a ma-

majority at another time; but if the people have changed their minds they ought to have the privilege of recording their vote for or against the charter.

Speaking about the high tax rate, we know there is a high tax-rate in Bangor. How did it come to be? Didn't the fire have something to do with it? Didn't the expense of the High school have something to do with it? Why not put the blame where it belongs? Talk about the common, every-day man coming in and contributing his share. We know something about that. They are not in favor of the commission form of government; we have failed to see it up to the present time; they are against it.

Talk about letters from Bangor; we have received letters from Bangor protesting against it, asking for a fair deal.

I don't care to say anything further on the subject, except that I believe it is up to us to do as we have done on several other occasions, vote to refer to the people for their approval.

Mr. DUNTON: Mr. President, I call for the yeas and nays.

The question being on the motion of the senator from Waldo, Senator Conant, that the Senate reconsider its action whereby this act was passed to be engrossed.

A sufficient number arising the yeas and nays were ordered. The secretary called the roll. Those voting yes (in favor of reconsideration) were Messrs. Allen, Ames, Bartlett, Cole, Conant, Fulton, Garcelon, Jillson, Murphy, Swift, Thurston—11. Those voting no were Messrs. Chatto, Dunton, Herrick, Leary, Scammon, Weld—6. Absentees, Messrs. Butler, Colby, Durgin, Hastings, Moulton, Price, Walker—7.

Senator Burleigh announced that he was paired with Senator Clark; that Senator Clark if he were present would vote yes, and that he would vote no.

Senator Emery announced that he was paired with Senator Boynton; that Senator Boynton if he were present would vote yes, and that he would vote no.

Senator Peacock announced that he was paired with Senator Flaherty; that Senator Flaherty if he were pres-

ent would vote no, and that he would vote yes.

Eleven senators having voted in favor of reconsideration and six opposed, with three pairs, the motion was agreed to and the Senate reconsidered the action whereby the bill was passed to be engrossed.

Senator Conant then offered Senate Amendment C to House Doc. 920 and moved its adoption.

Mr. DUNTON: Mr. President, I would like to ask if the senator will consent to amend his amendment so as to allow the election to be called on the petition of 15 or 20 voters?

Mr. BURLEIGH of Aroostook: Mr. President, I suggest that the meeting should be called by the municipal officers of the city upon petition of 25 voters of the city.

Mr. CONANT: Mr. President, I do not see any reason for changing that amendment.

Mr. WELD of Penobscot: Mr. President, I understand that the honorable senator who offered this amendment will accept this amendment to his amendment so that the election may be called by 25 or more voters.

Mr. EMERY of York: Mr. President, if it would be in order I ask unanimous consent to present out of order An Act to appropriate moneys for the expenditures of government and to provide for payment of certain deficiencies remaining unpaid Jan. 1, 1915.

The rules were suspended, the bill was received and given its several readings and passed to be engrossed and sent down for concurrence.

Mr. Allen of Kennebec presented the following order and moved its passage:

In Senate, April 3, 1915.

Ordered, That the Senate of the 77th Legislature desires to express and does hereby express its appreciation for the loyal, faithful and efficient service that has been rendered during the session, and particularly during the closing days of the session, by the secretary, W. E. Lawry, the assistant secretary, L. E. Thornton, and by all its other employees.

The order received a passage.

The PRESIDENT: Secretary Lawry is disposed at this time to make a speech. Lawry has the floor.

Mr. LAWRY: Gentlemen, talking is in my line, but speaking is not. I never did deliver a public address, and I think this is a poor time to begin.

If I were able to express to you my appreciation of the many courtesies and kindnesses that you have granted to myself and Mr. Thornton, I would do so, but I can only in my feeble way say that the last three months have been very pleasant. I have met new senators; I have again met those that were here two years ago; and our relations have been very pleasant indeed, and I want to thank you for it; and I would like to thank you in behalf of Mr. Thornton and the ladies in my office force. (Applause)

(On motion by Mr. Cole, a recess of five minutes was taken.)

#### After Recess

Mr. CONANT of Waldo: Mr. President, I wish to withdraw Senate Amendment C which I offered.

The PRESIDENT: Without objection the senator will withdraw his amendment.

The same senator presented a new Senate Amendment C and moved its adoption.

"Amend by adding the following: 'Section 83. This act shall take effect when accepted by a majority of the votes cast at a special election called by the municipal officers of the city of Bangor, on petition of 25 legal voters of said city, for the purpose of accepting or rejecting said charter, said election to be called at least 30 days before the second Tuesday of September, 1915, and held on said second Tuesday of September, 1915.'"

The amendment was adopted, and the bill as amended passed to be engrossed and sent down for concurrence.

An Act to appropriate moneys for the expenditures of government and to provide for payment of certain deficiencies remaining unpaid January first, 1915. (This bill carrying an emergency clause required a two-thirds vote of all the members of the Sen-

ate on its passage to be enacted. A rising vote was taken and 22 senators voting in favor and none opposed the bill was passed to be enacted.

On motion by Mr. Herrick of Franklin, a recess was taken until 11.30 this forenoon.

#### After Recess

Opon the Senate being called to order by the President a recess was taken until 2 o'clock this afternoon.

#### Afternoon Session

Senate called to order by the President.

#### Passed to Be Enacted

An Act to grant a new charter to the city of Bangor, in Penobscot County, and repealing all laws of parts of laws in conflict herewith.

An Act to appropriate moneys for the expenditures of government and to provide for payment of certain deficiencies remaining unpaid January first, nineteen hundred fifteen. (This bill carrying an emergency clause required two-thirds vote of the members of the Senate on its passage to be enacted. Twenty three voting in favor and none opposed the bill was passed to be enacted.)

The President declared a recess until 3 o'clock this afternoon.

#### After Recess

Senate called to order by the President.

Mr. Emery of Pork by unanimous consent, presented out of order: An Act appropriating money for the expenditures of Government for the year 1916, and on further motion by the same Senator the bill was given its several readings, passed to be engrossed, and sent down for concurrence.

The same Senator, under suspension of the rules, presented out of order, An Act to appropriate money for the expenditures of Government for the year 1915.

On further motion by the same Senator, the bill was read twice under suspension of the rules, passed to be

engrossed and sent down for concurrence.

The President declared a recess for five minutes.

#### After Recess

A communication was received from the office of the Secretary of State transmitting a list of Acts and Resolves signed by the Governor.

Placed on file and sent down for concurrence.

Resolve providing for the celebration of the one hundredth anniversary of the State of Maine and the three hundredth anniversary of the landing of the Pilgrims.

This resolve was passed by both branches. The President appointed as members of the committees on the part of the Senate, Messrs. Emery, Bartlett and Boynton.

The resolve came from the House, that branch having joined Messrs. Greenleaf, Bragdon, Higgins and Ward.

#### Passed to Be Enacted

An Act to appropriate moneys for the expenditures of government for the year 1915.

An Act to appropriate moneys for the expenditures of government for the year 1916.

On motion by Mr. Price of Sagadahoc it was

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

Senator Price was appointed to convey the message to the House.

Subsequently he reported that he had delivered the message with which he was charged.

#### Message From the House

A message was received from the House conveyed by Mr. Pierce of Houlton informing the Senate that the House had transacted all business before it and was ready to adjourn without day.

On motion by Mr. Swift of Kennebec it was

Ordered, the House concurring, that a



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

The President appointed on such committee on the part of the Senate Messrs. Swift, Jillson and Price.

Sent down for concurrence.

Subsequently the committee retired and upon their return to the Senate the chairman reported that the committee had attended to their duty and the Governor transmitted the following message:

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

A list of the acts and resolves passed during the present session of the Legislature and approved by me, numbering 565 acts and 404 resolves, is hereby transmitted.

No further communication seems necessary.

(Signed) OAKLEY C. CURTIS,  
Governor.

The report of the committee was accepted and sent down for concurrence.

On motion by Mr. Burleigh of Aroostook the Senate finally adjourned without day.