

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Seventy-Seventh Legislature

SPECIAL SESSION

State of Maine

1916

# LEGISLATIVE RECORD

## SEVENTY-SEVENTH LEGISLATURE—SPECIAL SESSION

### SENATE

Friday, Sept. 29, 1916.

In obedience to a call from the Governor of the State, convening a special session of the Legislature, Senators met in the Senate Chamber at the hour designated in the Proclamation, being 10 o'clock in the forenoon, and were called to order by the President.

Prayer by Rev. Charles G. Mosher of Augusta.

By direction of the President the Proclamation of the Governor was read by the Secretary, as follows:

#### STATE OF MAINE

By the Governor

#### A PROCLAMATION

WHEREAS, the commissioner appointed under Chapter 237 of the Resolves of 1915 to complete the sixth revision of the general and public laws of the State has completed his work and is now ready to submit the final draft of such revision to the Legislature, and

WHEREAS, the amendment to Article Four of the Constitution of the State, establishing a people's veto through the optional referendum, makes it extremely important that any general revision of the statutes be submitted to the Legislature for acceptance at least 90 days prior to its next regular session; said amendment to the Constitution not seeming to permit the adoption of such revision under the emergency clause, and

WHEREAS, the provisions of Section 16 of Chapter 7 of the Revised Statutes, requiring that the balance of the sums received on account of lands reserved for public uses shall remain in the treasury, have become embar-

rassing, and the public interests seem to require some legislative action which will permit the use of the money now in the treasury to the credit of this account, and

WHEREAS, the inhabitants of the city of Portland desire to present petitions to alter the harbor line of Portland harbor, which is a matter of vital importance to the shipping interests of the State and one that demands the early and careful consideration of the Legislature:

In consideration whereof, I, Oakley C. Curtis, Governor of the State of Maine, by virtue of the power vested in me by the Constitution, convene the Legislature of this State, hereby requiring the Senators and Representatives to assemble in their respective chambers at the Capitol, in Augusta, on Friday, the 29th day of September, 1916, at 10 o'clock in the forenoon, in order to receive such communications as may then be made to them, and to consult and determine on such measures as in their judgment will best promote the welfare of the State.

In testimony whereof, I have hereunto set my hand and caused the seal of the State to be affixed.

Done at Augusta, this 13th day of September, in the (L. S.) year of our Lord 1916, and of the Independence of the United States of America the 141st.

OAKLEY C. CURTIS.

By the Governor.

Attest: JOHN E. BUNKER,  
Secretary of State.

The roll being called by the secretary, the following named senators responded to their names: Messrs. Allen,

Ames, Bartlett, Boynton, Burleigh, Butler, Chatto, Clark, Colby, Cole, Conant, Dunton, Durgin, Emery, Flaherty, Fulton, Garcelon, Hastings, Her-  
rick, Hersey, Jillson, Leary, Moulton, Murphy, Peacock, Price, Scammon, Swift, Thurston, Walker and Weld—31.

The whole number of senators, 31, having answered to their names, the President declared a quorum present.

On motion by Mr. Boynton of Lincoln, it was

Ordered, that a message be conveyed to the House of Representatives informing that body that a quorum of senators is present for the consideration of such business as may come before it.

The secretary conveyed the message and subsequently reported that he had delivered the message with which he was charged.

On motion by Mr. Hastings of Androscoggin, it was

Ordered, that a message be sent to His Excellency, the Governor, informing him that in obedience to his proclamation a quorum of senators is assembled in the Senate chamber for the consideration of such business that may come before it.

The Chair appointed as a committee to wait on His Excellency, Messrs. Hastings of Androscoggin, Colby of Somerset and Chatto of Hancock.

The committee retired and subsequently reported that they had attended to their duty and the message had been delivered.

#### Message from the House

A message was received from the House, conveyed by the clerk, informing the Senate that a quorum of that body was present and that the House was then in session and ready to proceed to business.

On motion by Mr. Allen of Kennebec, it was

Ordered, that a message be sent to the House of Representatives propos-

ing a convention of both branches of the Legislature, forthwith in the hall of the House, for the purpose of receiving a communication from His Excellency, the Governor.

The secretary conveyed the message to the House and subsequently reported that he had delivered the message.

#### Message from the House

A message was received from the House, conveyed by the clerk, informing the Senate of the concurrence of the House in the proposition for a joint convention to be held forthwith in the hall of the House.

Whereupon the Senate proceeded to the hall of the House.

(For proceedings in joint convention see House report.)

On return of the Senate to their chamber:

On motion by Mr. Durgin of Piscataquis, it was

Ordered, The House concurring, that the commissioner on Revision of the Statutes be directed to cause Chapter 319 of the Laws of 1915, entitled "An Act to Provide for State and County Aid in the Construction of Highway Bridges," and Chapter 350 of the Laws of 1915, entitled "An Act Relative to the Hours of Employment of Women and Minors," be printed as an appendix to the volume of the Revised Statutes and included in the index.

Passed and sent down for concurrence.

#### Reports

The report of Hon. John A. Morrill, commissioner on the revision of the Statutes, was received, read and adopted and sent down for concurrence.

The report of the committee on the revision of the Statutes was received, read and adopted and sent down for concurrence.

Mr. Durgin of Piscataquis of the committee on revision of Statutes, presented "An Act to revise and consolidate the Public Laws of the State of Maine."

The same senator presented "An Act to repeal the Acts consolidated in the Revised Statutes of the year 1916."

On motion by the same senator, the rules were suspended and these two bills received their two readings and were passed to be engrossed without reference to a committee.

Sent down for concurrence.

Mr. Flaherty of Cumberland presented "An Act to authorize the Board of Harbor Commissioners of the city of Portland to alter and modify the harbor lines."

On motion by the same senator, the rules were suspended and this bill received its two readings and was passed to be engrossed without reference to a committee.

Sent down for concurrence.

The report of the treasurer of State to the special session of the 77th Legislature upon "Interest on Lands Reserved for Public Uses Fund," was received and referred to the next Legislature.

Sent down for concurrence.

On motion by Mr. Emery of York, it was

Ordered, That the secretary of the Senate be authorized to procure the services of a stenographer and typewriter operator during the special session of the legislature and for the preparation of the Senate Journal.

Mr. Emery of York presented "Resolve on the pay-roll of the Senate.

On motion by the same senator, the rules were suspended and the resolve was read twice and passed to be engrossed without reference to a committee.

Sent down for concurrence.

On motion by Mr. Butler of Knox, it was

Ordered, the House concurring, that 675 copies of the Legislative record of the special session of 1916 be printed and bound, one copy each for the members of the Senate and House of Representatives, and the remainder to

be deposited in the State library for exchange and library use.

Papers from the House: Ordered, the Senate concurring, that the secretary of State be directed to furnish each officer and member of the 77th Legislature a copy of the Revised Statutes when ready.

In the House this order was given a passage. In the Senate, passed in concurrence.

The PRESIDENT: The Chair lays before the Senate a large number of petitions in regard to the Portland harbor matter, in which the bill has been presented and has gone to the House. The petitions will be placed on file.

On motion by Mr. Walker of Somerset, it was

Ordered, the House concurring, that the committee on appropriations and financial affairs be directed to make up the pay-roll of the members, officers, employes and chaplains of the Senate and House.

Sent down for concurrence.

On motion by Mr. Flaherty of Cumberland, it was

Ordered, That the secretary of the Senate be directed to invite the clergymen of Augusta, Hallowell and Gardiner to officiate as chaplains of the Senate during the present session.

On motion by Mr. Murphy of Cumberland, it was

Ordered, That Fred W. Lee of Augusta be appointed official reporter of the Senate for the special session.

On motion by Mr. Dunton of Penobscot, it was

Ordered, That the secretary of the Senate prepare and cause to be printed under his supervision and direction 300 copies of the journal of the proceedings of the Senate at this special session.

On motion by Mr. Conant of Waldo, it was

Ordered, That the messengers, folders, postmaster, pages and doorkeeper

of the Senate shall receive the same compensation as the members during this special session of the Legislature.

**THE PRESIDENT:** The senator from Kennebec, Senator Swift, offers the following resolution: "Resolved, That in the death on June 16, 1916, of the Honorable Edwin Chick Burleigh, late senator of the United States from Maine, the nation has lost an honorable and useful public servant and the State has lost a distinguished citizen whose unselfish devotion to the interests of Maine and of his constituents endear him to our people.

Resolved, That the secretary of the Senate transmit a copy of these resolutions to the family of the deceased senator."

**THE PRESIDENT:** Senator Burleigh died at his home in Augusta a few months ago. It is most fitting that these resolutions should be presented by the honored senator from his home city. He has informed me that in his canvass among the members of the Senate that no senator at this time is prepared to speak upon the life of the late distinguished Senator Burleigh. And he has asked the Chair to say a word at this time.

Senators, I feel that this occasion ought not to pass without some slight token from the Legislature of Maine in the way of eulogy upon our distinguished citizen and late senator from Maine.

Perhaps very few in Maine knew the senator better than myself. My earliest recollection of men is a recollection of the late senator, whose early home was next door to my father's. As a bare-foot boy, on the old rocky farm in the town of Linneus I met him as a youth, just budding into a great manhood. He, with his brother, the honored senator from Aroostook, who sits in our presence today, were among the earliest friends of my boyhood. Motherless boys they were, with a great father, who at that time occupied an honored position in the departments of this State.

I well remember Edwin, as a youth, in the same schools, and the friendship and assistance that he gave to me as a boy, that friendliness that was

ever characteristic of him; those noble traits, that afterwards endeared him so much to the people of the nation, were early displayed on the farm and in the home.

I well remember, looking back through the years, of his marriage at the old home, his wife, a girl from his own town, a most beautiful character, one that I grew to love as a boy because of her womanly qualities, her motherly heart, her love for the children of the neighborhood. I well recall that as a boy, with a tin horn, I was present at what they called the old fashioned chivaree, at the old home when we boys gathered around the house and made night hideous, and how we were welcomed into the house by the Senator and his wife.

And I well remember the years they occupied the old farm with their father and the boys and girls grew up in that home, and then when Edwin left the farm for his duties as land agent of the State at this Capitol. And then he became treasurer of this State, receiving an added honor. Then he became Governor of Maine. And we all followed him in his fortunes—the people of his old town, the people in the old neighborhood—when he moved away from the old farm and made his home here at the Capitol he took with him the lovely boys and girls, the fruit of that marriage.

I recall the eldest boy, Clarence, about my own age; I recall the younger, Lewis, now an honored citizen of this city, all the friends of my youth. I recall with pleasure the two eldest girls of the family, and the delightful homes they have made here at the Capital.

And then, as the years went by, I remember the friendships of those friends of my youth. There never was a more beautiful family than that of Edwin Chick Burleigh.

People wondered how in the first primary held in Maine, when Edwin Chick Burleigh was a candidate for United States Senator, how he won out against the learned Judge Powers and the great orator, Herbert M. Heath. People wondered how Aroostook county gave its vote to Edwin Chick Burleigh instead of Frederick Powers, the able judge.

Those who ever met the Senator, and most of you have met him, know the secret. He lived very near to men. He knew everybody that he ever met and anybody who met him once was his friend forever. The same was true of that delightful family, the wife of his bosom. Anyone who ever met Mrs. Burleigh loved her always.

I always treasure with a great deal of satisfaction the fact that I had the honor in the Legislature of voting for Edwin C. Burleigh for United States Senator. No man in the Congress of the United States ever had a greater influence for good for the State of Maine. He was not an orator, he never could make a speech, but he had a powerful influence in the Congress of the United States. Washington never made a speech; Grant never made a speech, but Washington and Grant are enshrined forever in the hearts of their countrymen. Edwin C. Burleigh will not live in the records of the Congress of the United States as an orator, but he will be forever enshrined in the hearts of his countrymen as one of her greatest statesmen.

There came a time when the greatest blow that could come to a man like Edwin C. Burleigh came, when he parted for the first time with the wife of his youth, so sincerely mourned by everyone who knew her, and it was not strange to those who knew him best that only a few weeks thereafter he grew tired of the loneliness and joined her again.

Sometimes I feel that I am growing old, when I think of the friends of my youth, and think how few of my boyhood friends are with me today.

"To the past go more dead faces, every year,  
As the loved leave vacant places, every year,  
Everywhere the sad eyes meet us,  
In the evening dusk they greet us,  
And to come to them entreat us, every year."

Senator SWIFT: Mr. President, I move that this resolution be adopted and spread upon the records of the Senate.

The resolution was adopted by a rising vote.

Sent down for concurrence.

Papers from the House: An Act to revise and consolidate the Public Laws of the State of Maine.

In the House this bill was read and passed to be engrossed, in concurrence, and then passed to be enacted. In the Senate the bill was passed to be enacted, in concurrence.

An Act to repeal the Acts consolidated in the Revised Statutes of the year 1916.

In the House this bill was read and passed to be engrossed in concurrence, and then passed to be enacted. In the Senate, the bill was passed to be enacted, in concurrence.

On motion by Mr. Boynton of Lincoln, it was

Ordered, the House concurring, that whenever the Senate and House adjourn it be to meet Saturday, Sept. 30, at 9 o'clock in the forenoon.

THE PRESIDENT: There are certain matters in here that have passed both houses to be engrossed, and the engrossing cannot be done for today, but will be ready in the morning. It will be a very short session in the morning, perhaps 10 minutes, for the final passage of certain measures that will be engrossed then. The Legislature can do nothing, after what we have done already, to hasten the matter, and we feel that there need be no session this afternoon.

The order was sent down for concurrence.

Papers from the House: Resolve on the pay-roll of the House of Representatives.

In the House, under suspension of the rules, the resolve was received, read and passed to be engrossed.

On motion by Mr. Walker of Somerset, the rules were suspended, the resolve was received, was read twice and passed to be engrossed without reference to a committee.

THE PRESIDENT: The Chair will state that the adjournment order comes from the House concurred in by that body.

Mr. Emery of York presented the following bill: An Act to provide for

the payment of the per diem and mileage of the members and officers and for other expenditures incident to the special session of the 77th Legislature.

On motion by the same senator, the rules were suspended and the bill was

given its several readings, and passed to be engrossed, without reference to a committee.

Sent down for concurrence.

On motion by Mr. Colby of Somerset, adjourned.