

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Seventy-Eighth Legislature

OF THE

STATE OF MAINE

1917

AUGUSTA
KENNEBEC JOURNAL PRINT
1916

SENATE

Wednesday, Jan. 3, 1917.

Pursuant to the provisions of the constitution and laws of the State of Maine, the senators-elect to the 78th Legislature convened in the Senate chamber and were called to order by W. E. Lawry, secretary of the Senate of 1915.

Prayer was offered by Rev. E. S. Philbrook of Augusta.

The following communication was read by the secretary:

STATE OF MAINE.

Office of the Secretary of State.

To the Secretary of the Senate:

In compliance with Section 28, Chapter 2 of the Revised Statutes, I hereby certify that the following are the names and residences of the senators-elect to the 78th Legislature, as appears by the report of the Governor and Council under date of Nov. 1, 1916:

First Senatorial District—J. Merrill Lord, Parsonsfield; John P. Deering, Saco; Joseph W. Gordon, Wells.

Second Senatorial District—Freeman M. Grant, Portland; Roscoe T. Holt, Portland; Frank D. Marshall, Portland; Howard Davies, Yarmouth.

Third Senatorial District—Orman L. Stanley, Porter.

Fourth Senatorial District—Whiting L. Butler, Farmington.

Sixth Senatorial District—Rupert H. Baxter, Bath.

Seventh Senatorial District—Willis E. Chick, Augusta; Arthur J. Chick, Monmouth; Martin F. Bartlett, Waterville.

Eighth Senatorial District—Edward N. Merrill, Skowhegan; William L. Walker, Skowhegan.

Ninth Senatorial District—Harry W. Davis, Guilford.

Tenth Senatorial District—Taber D. Bailey, Bangor; Patrick H. Gillin, Bangor; Leon F. Higgins, Brewer.

Eleventh Senatorial District—Chester A. Boynton, Jefferson.

Twelfth Senatorial District—Guilford B. Butler, South Thomaston.

Thirteenth Senatorial District—Charles M. Conant, Winterport.

Fourteenth Senatorial District—Willis A. Ricker, Castine; Charles H. Wood, Eden.

Fifteenth Senatorial District—Robert J. Peacock, Lubec; Alfred K. Ames, Machias.

Sixteenth Senatorial District—Aaron J. Fulton, Blaine; Albert A. Burleigh, Houlton; August Peterson, New Sweden.

In testimony whereof I have caused the seal of the State to be hereunto affixed at Augusta, this second day of January A. D., nineteen hundred and seventeen, of the independence of the United States of America, the one hundred and forty-first.

(Signed) JOHN E. BUNKER,
Secretary of State.

The roll being called the following named senators-elect responded to their names: Messrs. Alfred K. Ames, Taber D. Bailey, Martin F. Bartlett, Rupert H. Baxter, Chester A. Boynton, Albert A. Burleigh, Gilford B. Butler, Whiting L. Butler, Arthur J. Chick, Charles M. Conant, Howard Davies, Harry W. Davis, John P. Deering, Aaron J. Fulton, Patrick H. Gillin, John M. Googin, Joseph W. Gordon, Freeman M. Grant, David R. Hastings, Leon F. Higgins, Roscoe T. Holt, J. Merrill Lord, Frank D. Marshall, August Peterson, Robert J. Peacock, Willis A. Ricker, Orman L. Stanley, Willis E. Swift, William L. Walker, Charles H. Wood—30, and 30 senators-elect having answered to their names, a quorum was declared present.

Mr. Marshall of Cumberland moved that a message be sent to the Governor and Council informing that body that a quorum of senators-elect of the 78th Legislature is present in the Senate chamber, ready to take and subscribe the oaths of office required by the constitution to qualify them to enter upon their official duties. The motion being duly seconded, prevailed, and Senator Marshall of Cumberland was appointed to convey such message and thereafter reported that he had delivered the message with which he was charged.

Senators Take the Oath

The Governor and Council thereupon came in, before whom the senators-elect took and subscribed the oaths re-

quired by the Constitution, and the Governor and suite then withdrew.

On motion by Mr. Wood of Hancock, that senator with Messrs. Hastings of Androscoggin and Fulton of Aroostook were appointed by the secretary a committee to receive, sort and count votes for President of the Senate. The committee reported the whole number of votes cast 30; necessary for a choice, 16. Taber D. Bailey of Bangor received 26 votes, and David R. Hastings of Androscoggin received 4 votes.

The report was accepted and Taber D. Bailey was declared elected President of the Senate for the political years 1917-1918.

(Subsequently this vote was corrected, making it 27 for Senator Bailey and 3 for Senator Hastings.)

Mr. Hastings of Androscoggin conducted the President to the Chair.

The PRESIDENT: A man would indeed be fashioned of clay or wood if he were insensible to the high honor which you have conferred upon me. And I hope and sincerely trust that I will be worthy of it.

The word Senate is a very old one, a derivation from the Latin word "Senatum." And it always stood for a body of men who had exceptional wisdom, and force and judgment. And in ancient times those were the men who were picked for those honorable positions. A well known example, of course, was the senators of Rome, and as long as that great commonwealth listened to the advice, and took the counsel of the senators, it flourished and prospered, but when it became an absolute empire or monarchy, and the emperors held full sway, then it fell to decay and decadence.

Now the people of our State regard this as the senior legislative body of this State, and they have chosen us because they think that we have some peculiar qualifications for the office. Some of our brother legislators at the other end of the corridor no doubt will have a peculiar or local interest. And perhaps some of the senators, when in the House at that time had a peculiar local interest. It seems to me that the people of our State expect senators to take a much broader and more comprehensive view than one merely local. The

fact that you represent a county speaks for that. And in the legislation presented to us it seems to me that we should adopt that broad and comprehensive view.

A man said to me, a business man, a financier of my city, that it would be a good thing for the State if the Legislature only met once in five years. Now we can take a cue from that.

But the reason that the Legislature has to meet every two years is on account of the progress of the arts, and the discoveries of science, the evolution of the moral conscience, and the progress of civilization. New circumstances, new ideas arise, and we must have laws to fit those conditions and those evolutions, and therefore we are called into convention once in two years to bring our laws up to the advance in science, the arts, and moral development. But unnecessary or egotistical laws do place a burden upon our lawyers to study them, upon our courts to interpret them, and our commercial and business interests to get accustomed to them.

Senators, especially, are judged by those acts or laws they pass, because they are supposed to have this broader and wider view.

You have chosen me, not to rule over you, but to serve you. And that is my purpose. I am your servant, not merely your presiding officer. The State has furnished me a room at the left here, and it will always be open during business hours. Any senator, who has any questions of order, or procedure, or who wish any council or advice, will receive it very gladly, to the extent of the Chair's knowledge.

The wisdom of our English statesmen, and the experience and great intellectuality of the law makers of our own country, have formulated certain rules for procedure in parliamentary bodies. And some of those rules have been crystalized by the Legislature of this state by formal acts.

There is no game, Senators, you can play fairly unless you have some rule, and there is no important and formal action which can be carried on without rules. In court all lawyers know that we have rules of procedure and rules of evidence, and the Chair wishes to

state that of course it is his duty, under the oath that he has taken, to enforce the rules of procedure that have been crystalized by our distinguished statesmen of this country, and especially those adopted by this Senate and this Legislature. And if in the discharge of my duty I may seem a little harsh, it is simply, a part of my duty, and that I will have no personal feeling in the matter whatsoever.

With these few remarks, and again thanking you for the honor you have conferred upon me, the Chair awaits the pleasure of the Senate. (Applause)

Mr. FULTON of Aroostook: Mr. President, I ask to have the privilege of correcting a mistake in voting for the President of the Senate. Inadvertently, in the hurry, and my glasses not fitting me well I made a mistake and voted for Mr. Hastings. I now wish to have my vote recorded for the Honorable Taber D. Bailey.

It was so ordered.

On motion by Mr. Holt of Cumberland, that Senator with Messrs. Stanley of Oxford and Peacock of Washington, were appointed a committee to receive, sort and count votes for secretary of the Senate. The committee reported 29 votes cast. William E. Lawry had 24, Charles P. Lamaire had 5.

The report was accepted and William E. Lawry was declared elected secretary of the Senate. The secretary retired to the Council chamber and took the necessary oaths of office before the Governor and Council.

On motion by Mr. Swift of Kennebec, that Senator with Messrs. Googin of Androscoggin and Butler of Franklin were appointed a committee to receive, sort and count votes for assistant secretary of the Senate. The committee reported 23 votes cast. L. Ernest Thornton had 24 votes, Charles S. Watts had 4.

The report was accepted and L. Ernest Thornton was declared elected assistant secretary of the Senate. The Chair stated that Mr. Thornton being sick in the hospital at the present time, he would appoint Percy Crane

to serve at present. Mr. Crane there- afterwards took his oath of office.

On motion by Mr. Burleigh of Aroostook that senator with Messrs. Hastings of Androscoggin and Conant of Waldo were appointed a committee to receive, sort and count votes for messenger.

Mr. BURLEIGH of Aroostook: Mr. President, I understand that the Democrats have made no nomination for the office of messenger of the Senate. I therefore withdraw my motion and move that the secretary cast the vote of the Senate for Charles H. Lovejoy as messenger.

The motion was seconded and adopted and the secretary cast the unanimous ballot of the Senate for Charles H. Lovejoy as messenger of the Senate.

On motion by Mr. Walker of Somerset the secretary of the Senate cast the vote of the Senate for J. F. Ashford of Thorndike for assistant messenger.

On motion by Mr. Butler of Knox the senator from Penobscot, Mr. Higgins, cast the vote of the Senate for Clyde E. Stewart of Augusta for folder; Milton C. James, Augusta, for assistant folder; Arthur A. Knight of Gardiner, for postmaster, and Steven B. Lord of Lebanon for doorkeeper.

The senator cast the vote of the Senate as instructed and the several officers were declared elected to the several positions, for the political years of 1917 and 1918.

On motion by Mr. Lord of York it was

Ordered: That the President of the Senate be authorized to appoint two pages for the Senate.

On motion by Mr. Stanley of Oxford, it was

Ordered: That Fred W. Lee of Augusta be appointed official reporter of the Senate.

On motion by Mr. Davies of Cumberland, that senator was appointed to convey a message to the House of Representatives informing that body that the Senate is duly organized by

the choice of Hon. Taber D. Bailey of Penobscot as president; William E. Lawry of Augusta as secretary and L. Ernest Thornton as assistant secretary. The senator conveyed the message and subsequently reported that he had performed the duty with which he was charged.

On motion by Mr. Butler of Franklin, it was

Ordered: That the President of the Senate be authorized to procure the services of a stenographer during the present session of the Legislature.

On motion of Mr. Gillin of Penobscot, it was

Ordered: That a message be sent to the Governor and Council informing that body that the Senate is duly organized by the choice of Hon. Taber D. Bailey of Penobscot as President; William E. Lawry, as secretary, and L. Ernest Thornton as assistant secretary.

The Chair appointed Senator Gillin to convey the message. Subsequently the senator reported that he had delivered the message with which he was charged.

On motion by Mr. Conant of Waldo, it was

Ordered: That a committee of seven be appointed by the President to whom the returns of the votes for senators for the political years 1917 and 1918 shall be referred for examination and report.

The President thereupon appointed as such committee, Messrs. Conant of Waldo, Butler of Knox, Bartlett of Kennebec, Baxter of Sagadahoc, Boynton of Lincoln, Gordon of York and Peterson of Aroostook.

On motion by Mr. Ames of Washington, it was

Ordered: The House concurring, that returns of votes for Governor given in the several cities, towns and plantations of the State for the political years 1917 and 1918 be referred to a joint select committee of seven on the part of the Senate with such as the House may join.

The Chair appointed as such committee on the part of the Senate: Messrs. Ames of Washington, Chick of Kennebec, Da-

vis of Piscataquis, Lord of York, Ricker of Hancock, Stanley of Oxford and Goochin of Androscoggin.

Sent down for concurrence.

On motion by Mr. Higgins of Penobscot it was

Ordered, the House concurring, that the members and officers of the Legislature be furnished with express and parcel post transportation for all packages and department reports in a sum not exceeding \$5 for each member and officer thereof, and that such transportation be furnished and expended under the direction of the State library department. Any unexpended balance at the close of the year 1917 shall be available for use in 1918.

Sent down for concurrence.

On motion by Mr. Holt of Cumberland it was

Ordered, that the secretary of the Senate be directed to furnish each member and officer of the Senate with three daily papers, published in the State, such as each member or officer may select.

On motion by Mr. Fulton of Aroostook it was

Ordered, that the secretary of the Senate be authorized to procure the services of a stenographer and typewriter operator during the present session.

On motion by Mr. Davies of Cumberland it was

Ordered that the secretary of State be directed to furnish for the use of the Senate four copies of the Revised Statutes of the State, one copy each of the Holy Bible, Webster's International, Worcester's Unabridged and Standard Dictionaries, Lippincott's Pronouncing Gazetteer Reed's Rules and Cushing's Law and Practice of Legislative Assemblies.

On motion by Mr. Grant of Cumberland it was

Ordered, the House concurring, that the joint rules and orders of 1915-16 be the joint rules and orders of this Legislature.

Sent down for concurrence.

On motion by Mr. Baxter of Sagadahoc it was

Ordered, that the rules and orders of the Senate for the year 1915-16 be the rules

and order of this Senate until otherwise ordered.

On motion by Mr. Bartlett of Kennebec it was

Ordered, that the secretary of State be directed to provide each member and officer of the Senate with a copy of the Acts and Resolves of 1915.

On motion by Mr. Boynton of Lincoln it was

Ordered, that the secretary of the Senate prepare and have printed 150 diagrams of the Senate chamber for the use of the Senate.

On motion by Mr. Butler of Knox it was Ordered, the House concurring, that the business of the last session of the Legislature referred to this Legislature be taken from the files and referred to the proper committees.

Sent down for concurrence.

On motion by Mr. Ricker of Hancock 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 in rotation during the present session.

On motion by Mr. Bartlett of Kennebec it was

Ordered, the House concurring that a joint committee consisting of two members on the part of the Senate and such as the House may join be appointed with full authority to make a contract with the New England Telegraph & Telephone Company for telephone service for the members of the 78th Legislature for matters connected with their official duties.

The Chair appointed on such committee on the part of the Senate Messrs. Bartlett of Kennebec and Baxter of Sagadahoc.

Sent down for concurrence.

On motion by Mr. Ricker of Hancock the order presented by him in relation to the clergymen was tabled.

On motion by Mr. Marshall of Cumberland it was

Ordered that the secretary of the Senate be authorized to furnish wrappers and postage stamps for each member and offi-

cer of the Senate not to exceed \$5 in amount each, for the purpose of distributing the various reports of the departments of the State and other public documents such as they may desire to mail to the citizens of the State.

On motion by Mr. Baxter of Sagadahoc it was

Ordered, that the Senate hold one session a day commencing at 10 o'clock in the forenoon until otherwise ordered.

On motion by Mr. Davis of Piscataquis it was

Ordered, the House concurring, that the secretary of the Senate and the clerk of the House jointly prepare a Senate and House register and that 2000 copies be printed for the use of the Legislature.

Sent down for concurrence.

RECESS

After Recess

MESSAGE FROM THE HOUSE

A message was received from the House, conveyed by Mr. Holt of Skowhegan, informing this branch that the House was duly organized with the choice of William L. Bonney of Bowdoinham as speaker, William R. Roix of Presque Isle clerk, and Edward E. Chase of Bluehill assistant clerk.

On motion by Mr. Hastings of Androscoggin, a recess was taken for 15 minutes.

After Recess

The following communications were received from the office of the secretary of State:

Augusta, Me., Jan. 2, 1917.

To the President of the Senate:

I have the honor herewith to transmit the returns of votes given by the several cities, towns and plantations in this State on the 11th day of September last, for senators.

Respectfully,

JOHN E. BUNKER,
Secretary of State.

The report was referred to the committee on senatorial votes.

Augusta, Me., Jan. 2, 1917.
To the President of the Senate and
Speaker of the House:

I have the honor of herewith transmitting the returns of the votes given by the several cities, towns and plantations in this State for Governor on the 11th day of September last.

Very respectfully,

JOHN E. BUNKER,
Secretary of State.

Referred to the committee on gubernatorial vote and sent down for concurrence.

Mr. HIGGINS of Penobscot: Mr. President, I move you, sir, that the President of the Senate appoint a document clerk for the custody of Senate documents.

And I will say, fellow senators, in explanation of this that at the last session of the Legislature it was almost impossible to get the Senate documents in anything like an orderly manner, and it is to do that and to facilitate the business of the Senate that I make that motion.

The motion was adopted.

On motion by Mr. Davis of Piscataquis a recess was taken until 2.30 o'clock this afternoon.

Afternoon Session

Senate called to order by the President.

On motion by Mr. Burleigh of Aroostook, it was

Ordered, that a message be sent to the House of Representatives proposing a convention of the two branches of the Legislature forthwith in the hall of the House for the purpose of electing a secretary of State, treasurer of State, attorney general, commissioner of agriculture and seven Executive councilors.

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

Message from the House

A message was received from the House of Representatives conveyed by the clerk, informing this body of the concurrence of the House in the proposition for a joint convention for the purpose of electing a secretary of State, treasurer of State, attorney general, commissioner of agriculture and seven executive councilors.

Thereupon the senators retired to the hall of the House, for the purpose of holding a joint convention.

(For proceedings in convention see House report).

Upon return of the Senate to its chamber,

Upon motion by Mr. Higgins of Penobscot,

Adjourned until tomorrow morning at 10 o'clock.