

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Seventy-Ninth Legislature

OF THE

STATE OF MAINE

1919

AUGUSTA
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SENATE

Tuesday, March 11, 1919

The Senate was called to order by the President.

Prayer by the Rev. John Gibson of Augusta.

Journal of previous session read and approved.

Papers from the House disposed of in concurrence.

House Bills on First Reading

H. D. 344: An Act to amend Section 20 of Chapter 68 of the Revised Statutes, concerning the granting of administration without bond under certain conditions.

H. D. 220: An Act to amend Section 51 of Chapter 4 of the Revised Statutes, as amended by Chapter 59 of the Public Laws of 1917, relating to payment by the State of burial expenses of honorably discharged soldiers and sailors.

H. D. 338: Resolve to reimburse certain cities and towns for money expended for the support of dependent families of members of the National Guard.

H. D. 337: Resolve for extra pay for the Maine volunteers in the war with Spain.

H. D. 339: Resolve in favor of Rachel Stanley.

H. D. 340: Resolve in favor of Mary S. Hillman.

H. D. 343: An Act to incorporate the Skowhegan Water District.

From the House: Report of the committee on education, reporting ought not to pass on resolve in favor of the town of Porter for school purposes. (Tabled pending the acceptance of the report in concurrence on motion by Mr. Stanley of Oxford.)

H. D. 342: An Act to extend the charter of the Livermore and Augusta Railway Company.

H. D. 341: An Act to amend Section 67 of Chapter 56 of the Revised Statutes of 1916, relating to crossings.

From the House: An Act to amend Section 64 of Chapter 33 of the Revised Statutes, as amended by Chapter 219 of the Public Laws of 1917, relating to the use of automobiles in hunting wild birds and wild animals (H. D. 212.)

In the Senate this bill was indefinitely postponed.

The House nonconcurred in the action of the Senate and asked for a committee on conference.

Mr. Deering of York moved that the Senate adhere.

The motion was agreed to.

A communication was received from His Excellency, the Governor, transmitting a letter and deed received from Harriet Blaine Beale, conveying to the State of Maine the home of the late Hon. James G. Blaine.

(For copy of the letter and deed and also letter of transmittal see House Report.)

On motion by Mr. Gannett of Kennebec, it was

Ordered, the House concurring, that the communication from the Governor relating to the residence of the late James G. Blaine together with the accompanying deeds and papers be referred to the special committee of the Legislature appointed on joint resolve to appoint a committee to inquire into the advisability of purchasing the residence of the late James G. Blaine, or some other suitable property, for an Executive Mansion, and that proper action may be taken thereon.

THE PRESIDENT: The Chair will state that the message and order will be immediately sent to the House for concurrence.

MR. DEERING of York: Mr. President, I think perhaps that committee has authority to do what I was about to propose that it do, and that is, that in a matter of this kind we seem to have gone beyond a matter which involves a business transaction and to have entered upon that phase of action which is concerned with the sentiment that Mrs. Beale has for the State of Maine; and in

her desire to do something for this State she has gone far beyond the most sanguine dreams that any of us could have had; and I would suggest, therefore, that the same committee which has the business transaction of this particular piece of property in its hands also consider some method or some means of transmitting to Mrs. Beale the thanks of the State of Maine and the appreciation that we as a Legislature of the State of Maine have for this noble and generous act which she has just performed. Perhaps the committee has in mind such action, but I only suggest it so that proper action will not be neglected in this regard, and that this particular answer be sent to Mrs. Beale through the Legislature in appreciation of the gift and of the act which she has just performed.

The PRESIDENT: The Chair will state to the Senator from York, Senator Deering, that the instructions given under the order do provide for the suggestion that he has stated.

Mr. WALKER of Somerset: Mr. President, I move that a rising vote of thanks be extended by this Senate for the generosity expressed by Mrs. Beale.

The motion was agreed to, and a rising vote being taken, it was agreed to unanimously.

The following bills, resolves, etc., were presented and upon recommendation of the committee on reference of bills, were referred to the following committees:

Appropriations and Financial Affairs

By Mr. Emerson of Aroostook, An Act authorizing the appointment of a State Pension agent.

By the same Senator, An Act to amend Chapter 215 of Public Laws of 1817 to provide for payment of a bounty on bears killed in the state.

By the same Senator, An Act to authorize the director of sea and shore fisheries to employ necessary clerks.

By the same Senator, An Act to amend Section 41, of Chapter 36 of the Revised Statutes, relating to the

analysis of feeding stuffs, commercial fertilizers, etc.

By the same Senator, An Act to amend section 72 of Chapter 82 of the Revised Statutes, as amended by Chapter 283 of the Public Laws of 1917, increasing the annual appropriation for the attorney general's department.

By the same Senator, An Act in relation to appropriations for the Maine State library.

By the same Senator, An Act to amend Chapter 178 of the Public Laws of 1917, relating to the control of the white pine blister rust and other fungous and insect pests.

By the same Senator, An Act relating to appropriations for the department of labor and industry.

By the same Senator, An Act to amend Section four of Chapter 37 of the Revised Statutes, relating to the duties of the commissioner of agriculture.

By the same Senator, An Act to amend Section 24 of Chapter 117, as amended by Section seven of Chapter 244, Public Laws of 1917, relating to the commissioner of inland fisheries and game and the land agent and forest commissioner.

By the same Senator, An Act to amend Chapter 244, Section one of the Public Laws of 1917, relating to the duties of the commissioner of inland fisheries and game.

By the same Senator, An Act in relation to the employment of clerks and necessary assistants by the superintendent of public printing.

By the same Senator, An Act relating to the appropriation for the industrial accident commission.

By the same Senator, An Act to amend Section 55 of Chapter 30 of the Revised Statutes, as amended by Chapter 270 of the Public Laws of 1917, relating to the amount to be expended by the insurance commissioner in investigating fires.

Agriculture

By Mr. Folsom of Somerset, Petition, of Eugene Danforth and Six others, urging the passage of law relating to unadulterated fertilizers.

By the same Senator, Resolve, of the Equal Suffrage League of Lewiston and Auburn, protesting against a referendum on the bills for presidential suffrage for the women of Maine. (On motion by Mr. Emerson of Aroostook, placed on file.)

On motion by Mr. Peacock of Washington the vote was reconsidered whereby the Senate yesterday passed to be engrossed S. D. 49, bill An Act to amend Chapter 319 of the Public Laws of 1915, providing for State and county aid in the construction of highway bridges.

On further motion by the same gentleman the bill was then recommitted to the committee on ways and bridge.

Passed to Be Engrossed

H. D. 26: An Act relative to the appointment of examiners to perform certain duties for the Public Utilities Commission.

H. D. 29: An Act to secure information relating to the yearly cut of timber from the wild land townships. (House Amendment A was adopted, and the bill was passed to be engrossed, as amended, in concurrence.)

H. D. 99: An Act to provide for the election of road commissioners by towns. (Tabled pending its passage to be engrossed on motion by Mr. Butler of Franklin.)

H. D. 205: An Act to extend the charter of the R. & T. Cement Railroad.

This bill came from the House amended by House Amendment A.

The pending question being on the adoption of House Amendment A in concurrence,

Mr. DEERING of York: Mr. President, I understand this amendment was placed upon the bill by a misapprehension of some members of the House as to what particular thing this particular railroad proposed to do. Upon information which I have received it is disclosed that this is a private railroad belonging to a private company which proposes to haul lime rock from one part of the town to another, and has no public facilities, and is not held out to the public as in any way serving them. The railroad is entirely for the transportation of freight, and as it performs no public function it seems to

me that it should not have any amendment which would place it under the control of the public utilities commission; and I further understand that the party who offers the amendment now agrees with that proposition, and does not urge his amendment seriously. I therefore move, Mr. President, that the Senate non-concur with the House in the adoption of the amendment.

The motion was agreed to.

The bill was then passed to be engrossed.

H. D. 321: An Act to enlarge the purposes and powers of the Utterback-Gleason Co., Inc., of Bangor, Maine.

H. D. 322: Resolve authorizing Michael Burns to bring a suit at law against the State of Maine.

H. D. 324: Resolve in favor of the trustees of Hartland academy for State aid for agricultural instruction for the year 1917-18.

S. D. 102: An Act to amend Section 19, Chapter 36, Revised Statutes, relating to analysis of commodities examined under the inspection laws.

S. D. 105: An Act to amend Section 176 of Chapter 16 of the Revised Statutes as amended by Chapter 79 of the Public Laws of 1917, relating to the appropriation for teachers' pensions.

S. D. 107: An Act to amend Section 139 of Chapter 16 of the Revised Statutes as amended by Chapter 77 of the Public Laws of 1917, relating to the appropriation for industrial education.

S. D. 108: An Act to amend Section 76 of Chapter 16 of the Revised Statutes, relating to State aid for industrial education.

S. D. 108: An Act to amend Section 136 of Chapter 16 of the Revised Statutes, relating to State aid for industrial courses in high schools and academies.

S. D. 169: Resolve for indexing the documents filed by the Legislature of Maine, since 1820, now in the office of the secretary of the Senate.

S. D. 170: An Act to amend Section 33 of Chapter 52 of the Revised Statutes of Maine, relative to deposits by savings banks in institutions outside of the State of Maine.

S. D. 171: Resolve, to reimburse C. H. Robinson Company of Port-

land, Maine, for goods sold and delivered to the State, and for which purchaser failed to file with the State auditor a copy of the order.

S. D. 172: Resolve, in favor of Charles E. Darling, superintendent of the state fish hatchery, Enfield, Maine.

S. D. 173: An Act to amend Section 49 of Chapter 16 of the Revised Statutes relating to the duties of superintendents of schools.

S. D. 174: Resolve, in favor of the Augusta State Hospital for the construction of a new building for patients.

S. D. 175: Resolve, in favor of the Bangor State Hospital for purposes herein enumerated for the years 1919 and 1920. (Tabled pending its second reading on motion by Mr. Grant of Cumberland.)

S. D. 176: Resolve, in favor of the Bangor State Hospital for interest on the Robie amusement fund for the years 1919 and 1920.

S. D. 177: Resolve, in favor of the Bangor State Hospital for maintenance and other purposes for the years 1919 and 1920.

S. D. 178: Resolve, in favor of the Augusta State Hospital for maintenance and other purposes for the years 1919 and 1920.

S. D. 179: Resolve, providing a state pension for George A. Penney.

S. D. 180: An Act to amend Chapter 151 of the Public Laws of 1917 entitled An Act to enable the chief engineer of the State Highway Commission to convey a certain lot or parcel of land owned by the State of Maine to the European & North American Railroad.

Passed to be Enacted

An Act relating to the marriage of persons having syphilis.

An Act to amend Chapter 424 of the Private and Special Laws of 1907, as amended by Chapter 48 of the Private and Special Laws of 1917, changing the time of the annual meeting of Kittery Water District.

An Act to provide for co-operative agricultural extension work between the several counties of Maine and the University of Maine, College of Agriculture, in accordance with the

federal agricultural extension act of May 8th, 1914, entitled An Act to provide for co-operative agricultural extension work between the agricultural colleges and the United States department of agriculture.

An Act to amend Section 12 of Chapter 142 of the Revised Statutes, relating to county jails.

An Act to amend Sections 1, 10, 11 and 24 of Chapter 46 of the Revised Statutes, all relating to the survey and sale of wood, bark, coal, hoops, staves and lumber. (Tabled by the senator from Kennebec, Senator Cobb, pending its passage to be enacted.)

An Act to amend Chapter 10 of the Revised Statutes to provide for actual notice of sale for taxes of land in places not incorporated.

An Act additional to Chapter 136 of the Private and Special Laws of 1915, entitled An Act to incorporate the Northport Village Corporation.

An Act to amend the charter of the Lubec Water Company.

An Act additional to Section 3 of Chapter 144 of the Revised Statutes, relating to the acts or omissions of a child more than eight years of age and under 16 years of age; this act to be known and styled as the Act of Juvenile Delinquency.

An Act to amend Section 4 of Chapter 93 of the Private and Special Laws of 1878, relating to the time of holding the civil terms of the municipal court of the town of Farmington.

An Act to amend Sections 25, 26, 28, 30, 34, 38 and 42 of Chapter 137 of the Revised Statutes, relating to indeterminate sentences and paroles.

An Act to amend Section 110 of Chapter 16 of the Revised Statutes, as amended by Chapter 60 of the Public Laws of 1917, relating to teachers' associations.

An Act to amend Section 29 of Chapter 18 of the Revised Statutes, relating to the State board of dental examiners.

An Act to amend Section 5 of Chapter 83 of the Revised Statutes, relating to regular sessions of county commissioners of Hancock county.

An Act to amend Section 1 of Chapter 62 of the Revised Statutes, relating to the organization of corporations for literary, charitable, educational and other purposes.

An Act to legalize and confirm the incorporation and doings of the Woman's Christian Temperance Union.

An Act to amend Section 36 of Chapter 51 of the Revised Statutes, relating to the manner of signing certificates of shares.

An Act additional to Section 27 of Chapter 52 of the Revised Statutes, permitting savings banks and institutions for savings to invest in certain kinds of acceptances.

An Act to provide for the training of rural teachers.

An Act to amend Chapter 401 of the Private and Special Laws of 1901, as amended by Chapter 351 of the Private and Special Laws of 1909, entitled "An Act for the Protection of Salmon alewives and smelts in Pleasant river, Washington county."

An Act to amend Section 3 of Chapter 134 of the Public Laws of 1895 in relation to the judge and recorder of the municipal court of the city of Portland, acting as counsel or attorney.

An Act to amend Section 30 of Chapter 56 of the Revised Statutes, as amended by Chapter 76 of the Public Laws of 1917, relating to power of Public Utilities Commission.

An Act to amend Section 5 of Chapter 126 of the Revised Statutes, relating to indecent exposure.

An Act to amend Section 107 of Chapter 16 of the Revised Statutes, relating to the payment of teachers' salaries.

An Act to extend the charter of the investment insurance and guaranty company.

An Act to extend the charter of the Farmington-Oakland Interurban Railway.

Finally Passed

Resolve in aid of navigation on Moosehead Lake.

Resolve providing teacher's pension for Adelia J. Webber.

Resolve in aid of navigation on Lewy, Long and Big Lakes.

Resolve providing for aid in the

payment of premiums awarded by the Eastern Maine State Fair.

Resolve making an appropriation for New England Fruit Show to be held in the year 1919.

Resolve making an appropriation to assist, encourage and develop the poultry industry in Maine.

Resolve authorizing the State land agent to sell certain lots in the town of Fort Kent in Aroostook county.

Resolve authorizing the land agent to sell certain lots in Madawaska, Aroostook county.

Orders of the Day

Mr. FOLSOM of Somerset: Mr. President, I move that we take from the table S. D. 16, An Act granting to women the right to vote for Presidential electors.

The motion was agreed to.

Mr. FOLSOM: I understand the pending question is upon the adoption of Senate amendment A. I yield to the Senator from Washington that he may offer a further amendment.

Mr. AMES of Washington: I offer amendment B, to Senate amendment A to S. D. 16, and move its adoption. In offering this amendment I will state that when I offered Senate amendment A, the desire was to bring the matter of equal suffrage before all the voters of the State at a regular election so that there would be perhaps more voters vote on it than at a special election. But I find that in the city of Portland and some other places it would be impossible if this act were passed for the females to vote for Presidential electors the next election. I therefore offer this amendment so that it comes next September, and the regular machinery for voting can be carried out without anybody being distressed.

Mr. DAVIES: Mr. President, in view of the remarks which have been made by Senator Ames, may I not inquire whether it would not be best to dispose of Senate amendment A before the consideration of Senate amendment B?

Mr. AMES: This is an amendment to Senate amendment A.

Mr. DAVIES: Senate amendment

B is an amendment to Senate amendment A—is that correct?

Mr. AMES: Yes, sir.

The PRESIDENT: The Secretary will read Senate amendment B.

The Secretary read Senate amendment B as follows:

Senate Amendment B to Senate Amendment A to Senate Bill No. 16

Amend Senate Amendment A to Senate Bill No. 16 by striking out the words "at the next State" in the first line thereof and the word "election" in the second line thereof, and by inserting after the word "State" in the second line thereof the following words: 'at a special election to be held on the second Monday of September, 1919,' and by striking out the word "Wednesday" in the third line thereof and inserting in place thereof the word 'Thursday,' and by striking out the word "October" in the third line thereof and inserting in place thereof the word 'April,' and by striking out the words "next State" in the fourth line thereof, and by inserting after the word "governor" in the 22d line the following words: 'within 10 days after the vote has been canvassed and determined,' and by striking out the word "Wednesday" in the 25th line thereof and by inserting in place thereof the word 'Thursday,' and by striking out the word "October" in the 25th line thereof and inserting in place thereof the word 'April,' so that said Senate Amendment A to Senate Bill No. 16 as amended shall read as follows:

'Sec. 3. This act shall be referred to the voters of the State at a special election to be held on the second Monday of September, 1919, and if approved by them shall take effect on the first Thursday of April, 1920. At the said election the following question shall be printed upon a separate ballot, in accordance with Section 2 of Chapter 7 of the Revised Statutes: "Shall an act granting to women the right to vote for presidential electors become a law?" The words "yes" and "no" shall be printed upon such ballot above the aforesaid question, so as to leave a blank space above such question so as to give such voter a clear opportunity to designate by a crossmark (X) therein, opposite to the words "yes" and "no,"

this answer to the question submitted. All warrants for such election shall show that said act is so submitted to the people for ratification and in all the election returns required by law the result shall be appropriately recorded. When said results are made and so returned to the office of the secretary of state, in like manner as votes for Governor and members of the Legislature, the Governor and Council shall count the same and proclamation of the result shall be made by the Governor within 10 days after the vote has been canvassed and determined, and if it shall appear that a majority of the votes cast thereon are in favor of the ratification of the proposed law, this act shall thereupon take effect and become law on the first Thursday of April, 1920.'

Mr. FOLSOM: Mr. President, when the original amendment was offered, the senator asked this question: "Is there any senator who does not trust the people of Maine?" and in reply I will say that I am sure that there is not a senator who does not dare to trust to the people of Maine the determination of any question when occasion arises. But I am equally positive that there is no member of this Senate who does not dare to vote in accordance with the dictates of reason, common sense and justice.

The initiative and referendum, breathing the spirit of true democracy, having an essential place in our fundamental law, is likely to become discredited. When no argument prevails, legislators are becoming prone to invoke the referendum. Does a legislator find that some favorite act is about to die by a violent death he calls for a referendum; or if he finds that some measure to which he is unalterably opposed is likely to obtain a passage he seeks to impede its progress by a referendum. In other words, legislators are liable to become addicted to the habit of a referendum—referendumitis so to speak. I am firmly convinced, and I feel quite sure that the opponents of this measure know, that no referendum is applicable to this act, for constitutional reasons. Yet those opponents are not satisfied to abide by the majority vote of the 79th Legislature.

Senate Amendment A, like its amendment which is offered today, is offered purely and simply for reasons of delay. The amendment was so drawn that had it taken effect, it would have taken effect by its terms on the first Wednesday of October, 1920. But this was clearly in conflict with the constitution of Maine, which provides that an act which has been submitted to the people and ratified by them shall take effect in 30 days from the date when the Governor issues his proclamation, which is to be issued after the vote has been canvassed.

Having found that this amendment is in conflict with our constitution, we are asked to attach to this amendment another amendment, so that we may have a special election in September of next year, and by that amendment, if it passes, the State will be subjected to the great expense of a special election, when I say—and I say it advisedly—that there is no general demand for a referendum.

The amendment now offered, Amendment B to Amendment A, raises another question, a question of constitutional law, and it is held by a great many able lawyers that this referendum, or any referendum, is in conflict with the constitution of the United States. I am firmly convinced that that position is properly taken, but I waive aside all constitutional objections and ask this Senate to consider this question entirely upon its merits.

I say that there is no general demand for a referendum upon this question at this time. I do not know what the experience of other senators has been during this session, but I have had 35 or 40, or 50 letters from various people relative to this act and among all those letters I have received only two wherein the writer expressed opposition to this bill, and I have received no letter asking for a referendum, whereas I have received several opposing the referendum. And I say again that there is no general demand for a referendum upon this subject.

The demand for a referendum comes from a small minority of the

people of Maine. Today the anti-suffragists are divided into two classes. The larger class is comprised of those who realize that woman's suffrage is no longer a mooted question; that it is a settled fact; that the current of world thought in the past two years has emancipated woman and placed her upon a plane with the men. These people are willing to accept the situation gracefully and acknowledge their defeat in good faith. There are some others who still, either on account of prejudice or conservatism, are willing to turn their backs upon the march of progress, and they, and they alone, are those who offer these amendments for purposes of delay only.

I feel sure that this Senate will agree with me in the position I take, and I take this opportunity to say that when we pass this act today, without amendment, though it be for partial woman's suffrage only, we may feel that we are paying some slight tribute to those noble women who so gallantly stood shoulder to shoulder with the men, here and in foreign lands, in aiding to make the world safe for democracy.

Mr. President, I move that upon this question, the yeas and nays be taken.

The PRESIDENT: The pending question before the Senate is the adoption of Senate Amendment B to Senate Amendment A, and on this question the senator from Somerset, Senator Folsom, calls for the yeas and nays, and is it the pleasure of the Senate when the vote is taken that it be taken by the yeas and nays?

A rising vote was taken and a sufficient number having arisen, the yeas and nays were ordered.

Mr. THOMBS of Penobscot: Mr. President and fellow senators: At the risk possibly of being termed conservative or prejudiced or as opposed to woman's suffrage in the State of Maine, nevertheless I should not feel that I had acquitted myself fairly in the office which honors me if I did not at this time voice my sentiments on this matter. And I do

not make bold to claim to speak for a great number of the people of the State of Maine, for, like the senator who has just preceded me, the proof that I might produce here on this question would be exceedingly small.

But, Senators, I believe that there will not be a greater question come before the Legislature of this year of 1919, than the one which you are now facing, and I believe that every gentleman of this Senate not only is willing to do his duty in the matter, but he is ready to go farther and strive as best he may to ascertain what is the will of the people of Maine, and what he ought to do as a senator of this State under these circumstances. And, fellow senators, I want to call your attention again to the importance of the question. Do you realize, and if you do not, pray stop a moment and think, that we 181 or 182 people of the State of Maine are taking action this morning which may double the electorate of Maine? And do you realize, too, that when you do this you have brushed aside the constitutional law under which the electorate has performed its functions in Maine since our separation from the state of Massachusetts in 1820? Can you imagine, senators, a question that is more serious, a question that is more deserving of the very best thought that you can give to it than this one?

I want to remind you that your act, if you do this at this time, may have a far wider significance than its effect upon the election of presidential electors in Maine. You may perchance take a step here that would change the complexion of the electoral college, thereby electing or rejecting one or the other of the presidential candidates. And if this be true, and I submit that it is and a fair statement also, then should you not stop and consider well the step that you are asked to take? And that leads me to say, fellow Senators, that it seems to me if we are going to cast about for some light on this matter, and as to what we ought or ought not to do at this time, we ought to realize the status of this question in the state today. Every gentleman who has had legislative or political activity for the last few years knows well the agitation

that has swept over the state, culminating on more than one occasion in a request to the Legislature that this matter be submitted to the people of Maine. And the Legislature, conservative if you please, but after a time realizing and impressed with the desire of a large number of the people of Maine that this matter be submitted to them, in 1917 granted this request to the people, and I do not need to recall to your mind or chide those friends of suffrage with the abject defeat that this most meritorious matter met at the hands of the electorate of Maine; and I do not care this morning, whoever he may be, if he rises in this assemblage and says that he has no mandate from the people of Maine.

Gentlemen, I ask you how long this rejection that was given this matter in no uncertain terms by the people of Maine should have weight with you? It seems to me that it may be altogether too soon to assume that we are free agents, entitled to do our own sweet will with a question of this importance. And I quite agree with the Senator from Somerset, who preceded me, when he says that all great questions should be submitted to the people, and I have tried to demonstrate to you my belief, if you please, that this is not only a great question but a question than which I can conceive of none greater. I am willing to take him at his words, if that is his attitude.

And he says also that we have acquired the habit of referring matters to the people. Oh, I hope that the day will never come when an assemblage of the Legislature of the State of Maine will forget so good a habit as that. Let us foster it; let us care for it carefully; and let us utilize it on every occasion whenever there may be doubt as to whether or not it may be wise. Why should we, fellow Senators in this matter—not elected, any man here, with that issue before the people—why should we under those circumstances assume this superiority of wisdom, and I am almost led to say this usurpation of power, and thrust upon the people of Maine an additional electorate equal or exceeding in number the present.

And I want to say too that I do not

know that I correctly understood the Senator from Somerset, and I do not believe that he intended to imply that any Senator in this body is so unmindful of his oath of office or his duty to the public as to take a position in this matter for delay. I want to say to you, Senators, that that is not my position. I do not wish to delay this matter, and I cannot believe that he wishes to be understood as going on record giving that as a reason for the matter receiving the attention that it does this morning. There is no delay, and I want no delay, and I am sure that I speak for friends of the amendment too when I say the only delay that we are asking for is simply that the people, the electorate of the State of Maine, may have a fair and reasonable opportunity to express their sentiments on this great question; and if he or any other Senators feel that that is not a proper purpose for delay, then we shall have to differ with him now and ever.

And the matter of expense was touched upon and he says it is too bad to put the people of the State of Maine to such an expense. Senators, let me remind you that there are very many matters, or a number of matters at least, that are bound to go to a referendum in the State of Maine and those may or may not be combined with this and taken care of at the same time—I do not know—but I do know that I as one citizen of the State of Maine and a humble taxpayer, am willing to pay my part to show the people of the United States that Maine, that the grand old State of Maine, glorying in its title, "I direct" is still democratic enough so that they are willing to pay the expense of an election that concerns so important a matter and I hope, regardless of the fate of this particular matter, that the matter of the expense of such a proceeding will never be successfully urged to the defeat of a matter that is proper for the people to pass upon.

There is another thing that I want to call your attention to, Senators, lest there be any misapprehension in

this matter. It is the common understanding of us here that matters with which this Legislature has to do are all subject to a referendum by the people. That is to say, if we pass an act here in the Legislature of Maine, and ten thousand or more voters of Maine say that they wish to pass judgment upon this particular act, they have the right so to do, and it is accepted or rejected by them. And I want to remind any Senator here that he better pause and consider carefully whether or not the people of the State of Maine, if the Legislature acts finally on this matter, will not invoke the referendum.

Gentlemen, we are carrying out, in determining the manner of electing electors of President and Vice President, a mandate of the United States Constitution which says in effect that the Legislature may direct the manner of selecting these electors. In the first place this burden is put on the Legislature, but I do not believe that any gentleman will disagree with me that under the decisions pertaining to that particular point that have been rendered by the United States court, that the Legislature is limited to performing this important function itself, and the position that I take, putting it as clearly as I may—is simply this, that the Legislature is directing that the electorate be composed of both men and women, this direction to become complete if the people of Maine accept it.

Let me call to your mind that there is already on the statute books of Maine a law providing for the selection of electors, and if the present act should fail there is still a means of providing electors so that Maine will not lose its electoral vote, and I believe that we are amply justified in making the attempt to take into our confidence and ask the advice of the people of the State of Maine.

If this matter had been agitated in the elections last fall and the issue had been drawn and any man had been elected here under those circumstances, I ask you in all fairness if he would not consider that the mandate that he received at the hands of

his constituency should be entitled to some respect at this time? and inasmuch as nothing was said about it, then may it not be proper and right to ask this advice of the people now?

Senators, I could not hope, if I stood here and endeavored to enlighten you on this matter, to add to the knowledge which you already possess, but I do wish to urge upon you again what seems to me to be the importance of this matter, and I want to ask you if you believe that this Senate should take this step without at least giving the people of Maine a right to pass upon it? Why, my brother refers very eloquently to the changes that have taken place in the 24 months just gone, and I agree with him—great changes indeed have been wrought, and the end is not yet. But I want to remind you that one of the things that have been held up, one of the things that caused American boys to cross 3000 miles of mine and submarine-infested ocean to that far land of France, and there give up their precious young lives—I want to remind you that one of the things that they fought for, and which is not an unimportant one either, was the self-determination of every nation; and it seems to me, senators, that it is an apt illustration, and that we should not forget these boys who lie yonder in the soil of France, their voices continually calling—and I hope that it may ever fall upon appreciative ears—that the people, the plain, common people, that make up the brawn and sinew of every nation, should, upon every matter that concerns them, be taken into the fullest confidence by their governing power—I care not whether you deem it king, emperor, president, or even the sovereign legislature of the State of Maine. And senators, I hope that the importance of this matter—I hope that the duty that I know that you feel you owe to the voters of the State of Maine and the desire to do your exact duty between man and man, will cause you to reflect carefully before you record your vote on this matter.

Senators, I hope that the amendment as proposed by the senator from Washington may have your favorable consideration. I believe that

you can justify your action to your own conscience, and more than that; you can go back to those parts of the State of Maine from which you come, and there say to the people of Maine: "I did not desire, although I had the power, to act in a dictatorial way at all, but I tried and was willing to refer to you, to be settled as your own judgment dictates, a matter not only of State but of national importance as well."

Senators, I hope that the amendment may have your approval.

Mr. FOLSOM of Somerset: Mr. President, I am very loath to take any more of the time of this Senate, but I feel that there are a few comments that should be made at this time. I do not want to delve into the history of this government or recite any of the heroic deeds that were performed in the world's war; but I wish to say to you, fellow Senators, that the heroines in that war matched the heroes in their devotion to the great cause. Who won the war? The women as well as the men.

This government of the United States and the government of the State of Maine is a representative government. I hesitate to speak upon that phase of this subject for fear of repeating many of the things which were said by a distinguished member of this legislature in discussing this same question on the floor of the House of Representatives a few days ago. He well said this is a representative government, and no one can convince me or you that the Act which created the initiative and referendum took away from us our functions. If we have firm convictions upon any question of right I believe that we should vote accordingly, and that we would be shirking the responsibilities imposed upon us by those convictions should we attempt to shift the burden from our shoulders to the shoulders of the people. I would vote this morning to pass this Act along without amendment if for no other reason than to pay tribute to the generous act which one Maine woman consummated here this morning.

Mr. DEARTH of Penobscot: Mr. President and Gentlemen of the Senate, I am aware that I am not on the program to speak this morning—

Mr. DAVIES of Cumberland: You are always on it.

Mr. DEARTH: —and I do not intend to burden you with my remarks but for a few moments. But inasmuch as my friend, the Senator from Washington, Senator Ames, in my absence a week or ten days ago referred to some remarks that I made two years ago in the House upon a resolve asking for an amendment to the constitution extending to women the full right of suffrage, wherein I expressed as my views upon that question so important and far-reaching, as it was, that I should feel it to be my duty to refer that question to the people on a referendum. I feel that same way today, and if I were called upon to vote upon the question as to whether or not the women should be extended the full right of suffrage I should then, as well as two years ago, say that that responsibility should be assumed by the people and not by me as a member of this Senate.

But the question that is before us today is not of that importance. Let us proceed like Mr. Webster when he said "Let us take our bearings and see how far in our discussion we have moved from the true course." We are not discussing here today a question of the importance of the Declaration of Independence; we have no need to feel upon our shoulders rests the great responsibility that would rest upon them if we were to vote to extend the full right of suffrage; we are simply to say today whether we will allow them to participate with the male voters in determining who the Presidential electors shall be, that and nothing more. It is nothing more than a license, if you see fit to extend it to them; it is nothing but what the Legislature at any time can take from them by revoking that license if they do not properly exercise it, and that is a very different question than it would be if we were considering whether we would extend

to every woman the full right of suffrage. You will see at a glance that the question that was before the House two years ago in its transcendent importance is far greater than this little simple question that is before us today: this is a question of extending only partial suffrage to women, if you see fit to extend it to them, and I hope you will and as near unanimously as you can; if you see fit to extend it to them any legislature at any time can take it away from them and they will not have a word to say on that question, whether it shall be taken from them or not. Now, that is all there is before us. Now don't get excited; don't let them make you think you are deciding a question of the importance of the constitution or the Declaration of Independence, because it is not so important a matter at all; it is a simple matter, and let us give the ladies a chance, and then if they abuse this privilege we will take it away from them. (Applause.)

The PRESIDENT: The pending question before the Senate is on the adoption of Senate amendment B to Senate amendment A. Upon that question the yeas and nays have been ordered. Those voting yes will vote to accept the amendment; those voting no will vote against the adoption of the amendment. The secretary will call the roll.

Those voting yes were: Senators Ames, Chick, Clement, Gordon and Thombs—5; those voting no were: Senators Babb, Baxter, Butler, Cobb, Davies, Dearth, Deering, Emerson, Folsom, Gannett, Googin, Grant, Gurney, Holt, Lord, Metcalf, Parent, Peacock, Stanley, Thornton, Tuttle, Walker—22. Paired: Lewis, yes; Ricker, no.

The PRESIDENT: Five having voted in the affirmative and 22 in the negative, the motion to adopt Senate amendment B to Senate amendment A is lost.

The pending question being on the adoption of Senate amendment A.

Mr. Davies of Cumberland moved that it be indefinitely postponed.

The motion was agreed to.

On motion by Mr. Folsom of Somerset, the rules were suspended, the bill received its second reading and was

passed to be engrossed, and sent down for concurrence.

The PRESIDENT: Specially assigned for today is S. D. 160, An Act to abolish the common council of the city of Lewiston, tabled by the senator from Androscoggin, Senator Parent, pending its second reading.

On motion by Mr. Parent the bill was given its second reading.

Mr. PARENT: Mr. President, I now offer Amendment A and move its adoption.

The PRESIDENT: The secretary will read the amendment.

The secretary read as follows:

Senate Amendment A to an Act entitled An Act to abolish the common council of the city of Lewiston.

Section 1. This Act shall be submitted for approval or rejection to the qualified voters of the city of Lewiston at an election to be held the second Monday in September in the year 1919. and warrants shall be issued for such election in the manner now provided by law for the holding of municipal elections, notifying and warning the qualified voters of said city to meet in the several ward meetings of said city, there to cast their ballot for the approval or rejection of this act.

The question proposed on said ballot shall be substantially in the following form:

Shall an act passed by the Legislature in the year 1919 approved (insert date) entitled An Act to abolish the common council of the city of Lewiston, be accepted, otherwise said ballot shall be in form provided by law when a constitutional amendment is submitted to the vote of the people. The provisions of law relating to the preparation of voting lists for municipal elections shall apply to such election and said election shall in all other respects be conducted as municipal elections in said city are now conducted by law, and the results thereof shall be determined in the manner now provided by law for the determination of the election of mayor. If a majority of the ballots deposited as aforesaid shall reject, this act shall not go into effect, but if a majority of the electors voting at said ward meetings shall approve, then

this act shall take effect as herein provided.

Section 2. So much of this act as authorizes the submission of the acceptance of this act to the electors of the city of Lewiston shall take effect as provided in the constitution of the State, but it shall not take further effect unless accepted by the electors of the city of Lewiston as hereinbefore provided. If accepted by the electors of the city, then this act for the purpose of nominating and electing officers hereunder shall take effect at the expiration of the term of the present city council of the city of Lewiston.

The motion was agreed to and the bill as amended was passed to be engrossed.

On motion by Mr. Grant of Cumberland, it was

Ordered, the House concurring, that H. D. 202, Resolve in favor of the State department of health, be recalled from the committee on engrossed bills and be delivered to the secretary of the Senate.

On motion by Mr. Deering of York, it was

Ordered, the House concurring, that bill, An Act to amend Chapter 215 of the Public Laws of 1867 entitled An Act to incorporate the city of Saco, and Resolve authorizing DeForest Keyes to bring a suit at law or in equity against the State of Maine, now in the hands of the Governor, be recalled to the Senate for the purpose of making amendments thereto.

On motion by Mr. Gannett of Kennebec, it was voted to reconsider the vote whereby S. D. 161, Resolve, authorizing and empowering the Governor and Council to acquire by purchase the residence of the late James G. Blaine, and such other property contiguous or adjacent thereto to be used in connection therewith as said Governor and Council may determine, for an executive mansion, was passed to be engrossed, and on further motion by the same senator the bill was referred back to the committee.

On motion by Mr. Ames of Washington, it was

Ordered that an act to amend Sections 2 and 6 of Chapter 66 of the Public Laws of 1917, as amended by Chapter 244 of the Public Laws of 1917, relating to non-resident fishermen's licenses, now in the hands of the Governor, be recalled to make amendments thereto.

The PRESIDENT: The Chair would state that a bill has come over from the House ready for enactment, and with your permission the Chair will read it.

Passed to Be Enacted

An Act to amend Section 36 of the Revised Statutes, as enacted in Chapter 258 of the Public Laws of 1917, and to provide for the construction of third class highways.

Mr. BUTLER of Franklin: Mr. President, I move that we reconsider the vote whereby this bill was passed to be enacted.

Mr. PEACOCK of Washington: Mr. President, I wish that senators would not vote to lay this on the table. This is an act to provide money to be used on certain resolves that will be recommended to the Senate later on. The object of this bill is to provide money to pay for these resolves, and we would like to have this resolve go through to the Governor so that he can be in position to have money to meet these resolves.

Mr. BUTLER: Not being certain that I understood what this bill really meant, I motioned to table it so that we might have opportunity to understand more about it. I am not certain that I would oppose it at all.

Mr. PEACOCK: The bill provides that 1-6 of a mill during the year 1919 and 1-6 of a mill during the year 1920 be taken from the mill fund tax that

is provided for good roads, in order to provide for special assistance on the roads that are not taken care of by other legislation.

Mr. BUTLER: It has nothing to do further than those two years as mentioned?

Mr. AMES: No.

Mr. BUTLER: I withdraw my motion.

The PRESIDENT: The senator from Franklin withdraws his motion and the bill will be signed by the President and sent to the Governor for his approval.

On motion by Mr. Deering of York, H. D. 255, An Act to provide for physical education in the public schools, was taken from the table, and on further motion by the same senator the bill was passed to be engrossed.

Mr. DAVIES of Cumberland: Mr. President, on my motion, communication from secretary of state transmitting report of joint bridge commission re Kittery interstate bridge, was laid on the table for printing. I now move, Mr. President, that it be received and placed on file.

The motion was agreed to.

On motion by Mr. Gannett of Kennebec, H. D. 304, An Act to amend Chapter 218, Public Laws of 1917, providing for the establishment of a bureau of markets, was taken from the table, and on further motion by the same senator was recommitted to the committee on appropriations and financial affairs.

On motion by Mr. Thombs of Penobscot.

Adjourned.