

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

SECOND SPECIAL SESSION

OF THE

Seventy-Ninth Legislature

OF THE

STATE OF MAINE

August 31, 1920

SENATE

Tuesday, August 31, 1920.

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 nine o'clock in the forenoon, and were called to order by the President.

Prayer by Rev. Mr. Irving of Hallowell.

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

THE PROCLAMATION

STATE OF MAINE

A Proclamation by the Governor

The Sixty-Sixth Congress of the United States of America proposed the following amendment to the Constitution of the United States:

"The right of the citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of sex."

The State Department of the United States has this day, August twenty-sixth, nineteen hundred twenty, issued its proclamation announcing that this amendment has been duly ratified by the Legislatures of three-fourths of the several states and has become valid to all intents and purposes as a part of the Constitution of the United States.

The adoption of this amendment gives the women of Maine a right to vote in State and National and all future elections.

However, under existing laws it is impossible to register all women voters for either the coming State or National election and unless many of the women of Maine are to be barred from exercising this franchise, additional registration laws must be provided.

This necessity for legislation to make operative this Constitutional amendment and to meet other urgent demands of the people seems to require the immediate consideration of the Legislature.

IN CONSIDERATION WHEREOF, I, Carl E. Milliken, 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 Tuesday the thirty-first day of August, nineteen hundred twenty at nine o'clock standard time in the forenoon, in order to receive such communications as may then be made to them, and to consult and determine all 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.

CARL E. MILLIKEN.

Done at Augusta, this 26th day of August in the year of our Lord, 1920, and of the Independence of the United States of America the 145th.

By the Governor.

Attest:

FRANK W. BALL,
Secretary of State.

The roll being called the following named senators responded to their names: Messrs. Ames, Babb, Baxter, Chick, Cobb., Davies, Deering, Emerson, Folsom, Googin, Gordon, Grant, Gurney, Higgins, Holt, Metcalf, Parent, Peacock, Ricker, Stanley, Thombs, Tuttle, Walker, 22. Absentees: Messrs. Butler, Clement, Creighton, Gannett, Lewis, Lord, Thornton, 8.

On motion by Mr. Deering of York the Chair appointed that Senator to wait upon the Governor and inform him that in obedience to his proclamation a quorum of senators is present in the Senate Chamber, and ready to receive any communication he may be pleased to make.

The senator subsequently reported that he had delivered the message with which he was charged.

On motion by Mr. Folsom of Somerset it was

Ordered, That the Secretary inform

the House, by message, that a quorum of senators is present and ready to proceed to business.

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

Under suspension of the rules Mr. Davies of Cumberland presented An Act providing for the Registration of Women prior to the State and National Election of the year 1920.. The act was read by the secretary.

An Act to Provide for the Registration of Women Prior to the State and National Elections of the Year 1920

Whereas, by the adoption of the Nineteenth Amendment to the Constitution of the United States, proclaimed by the State Department of the United States on August 26th, 1920, every female citizen of this State has the right to vote at any National, State, City or Town election, if qualified except as to sex as required by the Constitution and laws of this State, and under existing registration laws, a majority of the women of this State, otherwise qualified, cannot be registered prior to the State and National elections to be held in the year one thousand nine hundred and twenty, and will be prevented from exercising their constitutional right to vote, whereby an emergency exists, and the enactment of additional registration laws providing for the registration of female voters prior to the next State and National elections is an emergency measure, immediately necessary for the preservation of the public peace, health and safety, now therefore,

Be it enacted by the people of the State of Maine, as follows:

Sec. 1. In addition to the session of the municipal officers now authorized by sec. 41, chap. 5, of the revised statutes, the municipal officers of every town containing less than five hundred voters shall be in session on the three secular days next preceding the second Monday of September, one thousand nine hundred and twenty, and also the

three secular days preceding the Tuesday next after the first Monday in November, one thousand nine hundred and twenty, for the purpose of receiving applications of male and female persons claiming a right to vote. In all towns having five hundred or more registered voters and in all cities having less than three thousand inhabitants the municipal officers shall receive applications of male and female persons claiming a right to vote on the six secular days next preceding the second Monday of September, one thousand nine hundred and twenty, and also on the six secular days preceding the Tuesday next after the first Monday in November, one thousand nine hundred and twenty. In cities of three thousand and less than nineteen thousand inhabitants and in cities of not less than thirty-five thousand inhabitants, the Boards of Registration shall be in session from nine o'clock in the forenoon to one o'clock in the afternoon and from three o'clock to five o'clock in the afternoon and from seven o'clock to nine o'clock in the afternoon on each of the ten secular days next preceding the second Monday of September, one thousand nine hundred and twenty, on the first eight to receive evidence touching the qualifications of male and female voters therein, to register those entitled thereto, and to revise and correct the voting list, and on the latter two of said secular days to verify the correctness of said lists and to complete and close the records of said session. The Boards of Registration in cities of three thousand and less than nineteen thousand inhabitants shall also be in session for the purpose of registration of male and female voters on the ten secular days next prior to the National election of one thousand nine hundred and twenty, during the hours fixed by this section for registration in such cities for the State election. In cities of not less than nineteen thousand and less than thirty-five thousand inhabitants, the Boards of Registration shall be in session from

nine o'clock in the forenoon to one o'clock in the afternoon and from three o'clock to five o'clock in the afternoon and from seven to nine o'clock in the afternoon on each of the twenty-five secular days next prior to the Presidential election in one thousand nine hundred and twenty, on the first eighteen of said secular days to receive evidence touching the qualifications of voters therein, to register those entitled thereto, and to revise and correct the voting list and on the latter seven of said secular days to verify the correctness of said lists and to complete and close the records of said session. In all cities of three thousand or more and less than thirty-five thousand inhabitants on the last of said registration days herein provided, at eleven o'clock in the afternoon certified copies of said voting lists shall be delivered to the clerks of said cities and receipts taken therefor, except that on the last of said days devoted to registration, the session of the board shall close at five o'clock in the afternoon and no name shall be added to or stricken from said lists thereafter. In cities of not less than thirty-five thousand inhabitants the Board of Registration shall close its session on the last of the secular days devoted to registration prior to the National election of one thousand nine hundred and twenty at five o'clock in the afternoon, and shall forthwith verify the correctness of the lists and complete and close the records of said session relating to said National election, and on or before eleven o'clock in the afternoon of the secular day preceding said National election deliver certified copies of said voting lists to the clerks of said cities and take receipts therefor. Without limitation upon the right of female citizens to register for any future National, State, city or town election, it is hereby further provided, that Boards of Registration in cities of not less than nineteen thousand and less than thirty-five thousand inhabitants shall register female voters at any session held prior to the State election of one

thousand nine hundred and twenty.

Sec. 2. The municipal officers of towns and cities having less than three thousand inhabitants and the chairman of the several Boards of Registration in all other cities may at the special registration sessions hereby authorized employ such clerks and assistants as may be necessary and may further in such town and city appoint two deputies, one from each of the dominant political parties, who shall have the same powers and duties as the municipal officers or members of the Board of Registration, subject, however, to the supervision and control of the municipal officers or Boards of Registration in the respective town or city. All municipal officers and Boards of Registration, deputies, assistants and clerks shall at the special registration sessions held under this act be governed in the performance of their duties by the provisions of Chapter 5 of the Revised Statutes and acts additional thereto and amendatory thereof, except in so far as the same are modified, amended or superseded by this act. The compensation of deputies, assistants and clerks employed as herein provided shall be fixed by the respective municipal officers and Boards of Registration; shall not exceed the compensation received by such municipal officers and members of Boards of Registration, and shall be paid by the respective towns and cities.

Sec. 3. This act shall apply only to registration of voters preceding the State and National elections to be held respectively in September and November, one thousand nine hundred and twenty.

Sec. 4. In view of the emergency expressed in the preamble hereof, this act shall take effect when approved.

Mr. DAVIES: Mr. President, may I say in explanation of the Act now before the Senate that it was prepared by the Attorney General of the State, and was considered at a joint meeting of the members of the committee on judiciary and the committee on legal affairs. And it was

reported or suggested by the members of those two committees that we recommend to the Senate that the bill have a passage.

On further motion by the same senator, under suspension of the rules, the bill was read twice, passed to be engrossed and sent down for concurrence.

Message from the House

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

On motion by Mr. Grant of Cumberland it was

Ordered, That a message be sent to the House of Representatives proposing a convention of the two branches of the Legislature in the Hall of the House for the purpose of hearing a communication from his excellency the Governor.

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

Mr. Grant of Cumberland, under suspension of the rules, presented Resolve on the Payroll of the Senate.

On motion by the same senator the resolve was read twice and passed to be engrossed, under suspension of the rules, and sent down for concurrence.

Message from the House

A message was received from the House, conveyed by the Clerk, announcing that the House concurred in the proposition for a joint convention to be held forthwith in the Hall of the House for the purpose of listening to an address by his Excellency the Governor.

On motion by Mr. Davies of Cumberland, it was

Ordered, that the names of Senators Creighton and Clement be included among those present at this session.

The Senate thereupon retired to the Hall of the House for the purpose of holding a joint convention.

(For proceedings of the joint convention see House report.)

Upon return of the Senate to its Chamber, the Senate was called to order by the President.

Mr. GURNEY of Cumberland: Mr. President, in order to take care of the election situation relative to the Jewish people, I have an Act to offer, and I move suspension of the rules that I may offer it at this time. It was prepared in the Attorney General's office.

The rules were suspended and the Secretary read the Act, An Act to amend Chapter 7, Section 19, of the Revised Statutes.

On further motion by the same senator under suspension of the rules, the bill was read twice, passed to be engrossed and sent down for concurrence.

From the House: Resolve on the Payroll of the House of Representatives.

In the House read three times under suspension of the rules and passed to be engrossed.

In the Senate under suspension of the rules read twice and passed to be engrossed.

From the House: Joint Resolution on Equal Suffrage for Women.

In the House the resolution was adopted and sent up for concurrence.

Mr. DAVIES of Cumberland: Mr. President, I move that the resolution be adopted in concurrence, and be printed, and fifty copies thereof be sent to each member of the Senate.

The motion was agreed to.

Mr. DAVIES of Cumberland: I am not quite sure, Mr. President, that all the recommendations have been taken care of in the Governor's message, and in that view I present the following order and move its passage:

Ordered, that a committee of three on the part of the Senate and five on the part of the House, be organized for the purpose of considering the Governor's message.

Mr. DEERING of York: Mr. President, I would like to inquire of the Senator from Cumberland if that would necessarily keep the Legislature in session another day?

Mr. DAVIES: Oh, No. It seems to me that the committee could get together at once and carefully consider the suggestions and recommendations of the Governor. It seems to me that it would take but a few minutes.

The order was given a passage.

The Chair appointed Messrs. Davies, Thombs and Deering on such committee on the part of the Senate.

Mr. DAVIES: Mr. President, I might say further that there was a recommendation made by Governor Milliken in regard to women voting, that must be of the greatest value to us, and it seems to me it should be acted upon. You remember that the Governor said, if I understood him correctly, that offices provided for by the constitution could not be held by women, but the others could be held by them.

Mr. GURNEY of Cumberland: Mr. President, I will say to the Senate that such a bill has been offered in the House and is now on its way.

Mr. DAVIES: And has the House acted favorably upon the bill?

Mr. GURNEY: I do not know.

From the House: An Act to prevent the denial or abridgement of the right to hold office on account of sex.

In the House this bill was read three times and passed to be engrossed, under suspension of the rules.

Mr. DEERING of York: Mr. President, it does not seem to me that the wording of this bill follows the recommendation of the Governor's message. Perhaps I am wrong. (The Secretary read the bill again.)

Mr. DAVIES of Cumberland: Mr. President, I had no object in view in presenting the order, other than to see that the suggestions or recommendations of Governor Milliken were carried out.

I am not quite sure whether the bill as presented and now before the Senate, and having been passed by the House, quite reaches the situation, and if it does there is no reason for the passage of the order. It seems to me it might be best to get the expression of the Senate as to whether or not the bill now before the Senate reaches the situation.

The PRESIDENT: The Senate hears the remarks of the Senator from Cumberland.

Mr. DAVIES: Mr. President, under the circumstances I ask unanimous consent to withdraw the order.

Unanimous consent was given and the order was withdrawn.

On motion by Mr. Deering the rules were suspended and the bill was read twice and passed to be engrossed in concurrence.

On motion by Mr. Walker of Somerset it was

Ordered, that Senator Lewis of Lincoln be included among those present at this session.

Mr. Tuttle of Aroostook offered the following resolution and moved its adoption:

Resolve

The Senate, convened in extraordinary session, is mindful that since its last convocation two of its members have died, the Honorable J. Merrill Lord of Parsonsfield, a Senator of York County, who died on the 27th day of February, 1920; and the Honorable Seth S. Thornton of Houlton, a Senator of Aroostook County, who died on the 17th day of July, 1920. Therefore, be it

RESOLVED, That the Senate of Maine record its sorrow at their passing and its sympathy for those who mourn them. And be it ORDERED, That a page of the records be set aside to their memory, bearing the name, date of birth, and

the day of death of each of them, and that a copy of these resolutions, attested by the Secretary of State be sent to each of the bereaved families.

The resolution was given a passage.

Mr. DEERING of York: Mr. President, this bill in regard to allowing women to hold office, is in what stage?

The PRESIDENT: It has been passed to be engrossed.

Mr. DEERING: I would like to make a few remarks upon it, perhaps the legal aspect of the matter as presented here, and I move we reconsider the vote whereby the bill was passed to be engrossed.

The motion was agreed to.

Mr. DEERING: Mr. President, it seems to me that the bill does not meet the limitations and recommendations that the Governor has made. There is no doubt in my mind but the Governor when he read his message stated what the law is exactly in regard to women holding office. As I recollect it he said that it would be impossible for the Legislature to pass any act that would allow women to hold offices provided for by the constitution. That is what I understand the law to be. Of course, I am willing for women to hold offices provided for by the constitution, and so are all the members here present, so far as I can find out, but we hesitate very much to vote for a law which breaks the constitution and makes us seem, perhaps, to those who look at us from the outside, as though we passed a law whether it could be carried out or not.

It seems to me, therefore, that the law should be so worded that people who are reading it would understand that we did not mean to fill or try to fill offices provided for by the constitution by this act. That is, some amendment might be framed so that offices not provided for by the constitution, but provided for by statute may be held by women.

I am simply stating this to start

the idea that the lawyers on the judiciary and legal affair committees do not wish to be advertised before the State of Maine as not knowing what the provisions of the constitution and decisions of the court say, especially when the Governor himself has given us the law within ten minutes.

And I suggest, perhaps, that an amendment might be drawn so as to make the law right and I move that we lay it on the table until we can get together and amend the bill.

Mr. GURNEY of Cumberland: Mr. President, before that is laid on the table—I understand that question is not debatable—might I say to Senator Deering that it is obvious from the Governor's address that there are two classes of offices, offices provided for by the constitution, and offices provided for by statute.

Now this bill merely says that no right shall be denied, nor shall be abridged. Obviously this Legislature could not create a right provided for under the constitution. This bill merely accords to women the assurance that such rights as they have under existing law shall not be denied or abridged by any court. We are not creating any rights. It does seem to me, as the bill now stands, that such rights as they have shall not be abridged.

Mr. DAVIES: Mr. President, I do not know exactly what the status of the bill is. If I interpreted the remarks of Senator Deering correctly his idea was merely in the nature of an explanation to the people of the State, as to just what exactly the rights of the women were. That is, that the bill might be so amended; that there was a preamble or section wanting. It distinctly set out for the purposes of information precisely what Governor Milliken said to us this morning in his message.

It seems to me that would be good practice for the Senate to follow. It is in the line of information in the forthcoming election, as well as in the matter of women holding office.

and all the information any of us can get along that line must of necessity be of some value.

The pending question being on the motion of Senator Deering that the bill lie on the table to motion was carried and the bill was tabled.

On motion by Mr. Chick of Kennebec, it was

Ordered, that Senator Gannett of Kennebec be included among those present at this session.

A recess was declared by the President.

After Recess

Senate called to order by the President.

From the House: An Act to amend Section 3 of Chapter 29 of the Public Laws of 1917, An Act creating a commission on Sea and Shore Fisheries.

In the House this bill was presented, and then indefinitely postponed.

On motion by Senator Thombs the bill was indefinitely postponed in concurrence.

From the House: An Act to increase the number of election clerks at each polling place.

In the House read three times under suspension of the rules and passed to be engrossed, without reference to a committee.

On motion by Senator Thombs the bill was read twice under suspension of the rules and passed to be engrossed in concurrence.

On motion by Senator Deering, An Act to prevent the denial or abridgement of the right to hold office on account of sex, was taken from the table.

On further motion by the same senator the bill was passed to be engrossed.

On motion by Mr. Walker of Somerset a recess was taken until 2 o'clock this afternoon.

Afternoon Session

Senate called to order by the President at 4.30 o'clock.

Papers from the House: Ordered, the Senate and House concurring, that the deputy commissioner of agriculture be paid the full salary of the commissioner of agriculture for such period of time as such deputy commissioner has or shall act as commissioner of agriculture, on account of the existing vacancy in said office.

In the House passed and sent up for concurrence.

In the Senate passed in concurrence.

Passed to be Enacted

An Act to amend Chapter 7, section 4 of the revised statutes, relating to assistants in marking ballots.

An Act to provide for the registration of women prior to the State and National election of the year 1920.

An Act to increase the number of election clerks for each balloting place.

(These three acts carrying the emergency clause required a two-thirds vote of the members of the Senate. Twenty-one Senators voted for the passage of each bill, separately, and the bills were passed to be enacted.)

An Act to prevent the denial or abridgement of the right to hold office on account of sex.

Finally Passed

Resolve on the payroll of the Senate.

Resolve on the payroll of the House of Representatives.

On motion by Mr. Thombs of Penobscott, it was, under suspension of the rules,

Ordered, that the printing, binding and distribution of the Senate journal and Legislative record be the same as at the last legislative session.

The PRESIDENT: For the information of the Senate the Chair desires to say that the Chair voted in the affirmative on all the emergency measures.

Communications from the Executive and Heads of Departments

DEPARTMENT OF STATE

August 31, 1920.

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

In accordance with the requirements of Section 4, Chapter 1, of the Revised Statutes, I have the honor to inform you that the Public Acts, a list of the titles of which is hereto appended, have been approved by the Governor.

Very respectfully,

Your obedient servant,

FRANK W. BALL,

Secretary of State.

Read and placed on file. Sent down for concurrence.

On motion of Mr. Emerson of Aroostook, it was

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

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

On motion of Mr. Butler of Franklin it was

Ordered, the House concurring, that a committee of three on the part of the Senate with such as the House may join, be appointed to wait upon his Excellency, the Governor, and inform him that the Legislature has

acted upon all matters before it and is ready to receive any communication he may make.

The Chair appointed Messrs. Butler, Walker and Metcalf as such committee on the part of the Senate.

Subsequently the committee reported that they had delivered the message with which they were charged.

Communication from the Executive
Department

STATE OF MAINE
Executive Department

August 31, 1920.

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

A list of the Acts and Resolves passed at the special session of the 79th Legislature, held this day, approved by me, numbering four Public Acts and two Resolves, is herewith submitted.

I have no further communication to make.

CARL E. MILLIKEN,
Governor.

Message from the House

A message was received from the House, informing the Senate that the House had transacted all its business and was ready to adjourn without day.

On motion by Mr. Clement of Waldo,

Adjourned without day.