

# MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eighty-Third Legislature

OF THE

STATE OF MAINE

1927

KENNEBEC JOURNAL COMPANY  
AUGUSTA, MAINE

## SENATE

Thursday, January 6, 1927.

The Senate was called to order by the President.

Prayer was offered by Rev. A. Francis Walch of Augusta.

Journal of previous session read and approved.

### Committee Report

The committee on special telephone service for the legislature, which was instructed to arrange with the New England Telephone and Telegraph Company for service for members, reported that it had had the same under consideration and asked leave to report the following order:

Ordered, the House concurring, that free telephone service be provided for each member of the Senate and House to the number of fifty calls, of reasonable duration, from Augusta to points within the limits of the State of Maine, and that each member of the Senate and House be provided with a card to be certified to by the secretary of state or his deputy; the cost of this service to be paid to the New England Telephone and Telegraph Company at regular tariff rates.

The report was read and accepted.

On motion by Mr. Holmes of Androscoggin, chairman of the committee, the order was given a passage and sent down for concurrence.

On motion by Mr. Nickerson of Waldo it was

Ordered, that a committee of three on the part of the Senate, with such as the House may join, be appointed to wait upon the Honorable Ralph O. Brewster and inform him that he has been duly elected governor of the State of Maine for the current political years of 1927 and 1928.

The President appointed on the part of the Senate, Messrs. Nickerson of Waldo, Bond of Lincoln, Bragdon of Aroostook.

Sent down for concurrence.

Subsequently the Chair announced that the House had concurred in the order and appointed the following members on the part of the House:

Messrs. Wing of Auburn, Hale of Portland, Vail of Hodgdon, Wing of

Kingfield, Forhan of Canton, Ingraham of Bangor, Piper of Jackman.

### Committee Report

Mr. Smith for the committee on Gubernatorial Vote submitted the following report:

The Joint Select Committee to which was referred the returns on votes cast for governor in the several cities, towns and plantations in this state for the political years 1927 and 1928 reports that it has attended to its duty and that the whole number of votes returned for governor was 181,524. Ralph O. Brewster had 100,776. Ernest L. McLean had 80,748.

The report was read and accepted and placed on file.

On motion by Mr. Harriman of Kennebec it was

Ordered, that the superintendent of public printing deliver to the State Library, as soon after printing as possible, twenty-five copies of the bills, legislative proceedings and all other publications printed by order of the Senate, for exchange with other libraries or institutions.

On motion by Mr. Carter of Androscoggin it was

Ordered, the House concurring, that the Superintendent of Public Printing be directed to handle all matters pertaining to advertising, printing and binding as required by the Legislature.

Sent down for concurrence.

On motion by Mr. Morrison of Franklin it was

Ordered, that a message be sent to the House of Representatives proposing a convention of both branches of the Legislature to be held forthwith in the hall of the House for the purpose of administering to the Honorable Homer T. Waterhouse, William S. Linnell, H. A. Furbish, Blaine S. Viles, Guy E. Torey, Lewis O. Barrows and Allen C. T. Wilson the oaths required by the Constitution to qualify them to enter upon the discharge of their official duties, and for the further purpose of administering to the Honorable Ralph O. Brewster, Governor-elect, the oaths required by the Constitution to qualify him to enter upon the discharge of his official duties.

The Secretary retired and subsequently reported that he had deliv-

ered the message with which he was charged.

#### Committee Report

Mr. Nickerson for the joint committee appointed to wait upon the Honorable Ralph O. Brewster and inform him that he had been duly elected Governor of the State of Maine for the current political years of 1927 and 1928, reported that the committee had waited upon the Honorable Ralph O. Brewster, Governor-elect, and that he was pleased to reply that he accepted the office and would attend on the Legislature at such time as may be designated for the purpose of taking and subscribing the oaths required by the Constitution to qualify him for the discharge of his official duties.

#### Message from the House

A message was received from the House conveyed by its Clerk informing the Senate that the House had concurred in the proposition of the Senate for a joint convention to be held forthwith in the hall of the House.

The PRESIDENT: The Senate receives the message.

Thereupon the Senate proceeded to the hall of the House for the purpose of holding a joint convention. (For proceedings in joint convention see House Report.)

Upon the return of the Senators to their Chamber the Senate was called to order by the President.

On motion by Mr. Roberts of York it was

Ordered, the House concurring, that a joint select committee of three on the part of the Senate, with such as the House may join, be appointed to consider the Governor's message presented in joint convention and report a reference of its several subjects to appropriate committees.

The President appointed: Messrs. Roberts of York, Douglas of Hancock, Crafts of Piscataquis.

Sent down for concurrence.

On motion by Mr. Granville of York it was

Ordered, the House concurring, that when the Senate and House adjourn, they adjourn to meet Tuesday, January 11th, at four-thirty o'clock in the afternoon.

Sent down for concurrence.

On motion by Mr. Speirs of Cumberland it was

Ordered, the House concurring, that 5000 copies of the Governor's message be printed for the use of the Legislature.

Sent down for concurrence.

From the House: the following order,

Ordered, the House concurring, that all bills and resolves shall be printed pending reference to a committee and when same are advertised for hearing the advertisement shall give the number of the bill and state whether it is a Senate or House document. Was read and passed in the Senate on January 5th.

In the House, indefinitely postponed in non-concurrence.

Mr. BRAGDON of Aroostook: Mr. President, I move that the Senate recede and concur with the House.

The motion prevailed.

Mr. HOLMES of Androscoggin: Mr. President, that there be taken from the table two measures, an order introduced by myself to amend the joint rules tabled yesterday until today and an order in the same words from the House tabled and assigned for today—if I am within the rules—I move to take them both from the table; if not, one at a time.

The PRESIDENT: They both come off automatically today, having been assigned for today.

Mr. HOLMES: Then, Mr. President, I shall make two motions which will dispose of them and I will tell the Chair and the Senate what the motions are and then I wish for an opportunity to explain my reasons. On the measure that comes from the House, there voted to indefinitely postpone, I will move to concur with the House. On the measure which I introduced, and which is the same one, I will move to refer it to the next Legislature. My purpose in offering to dispose of them in that way is this: To endeavor to treat the House of Representatives with the courtesy that is due to it instead of moving to refer theirs to the next Legislature thereby causing clashing action between the two branches. Now the only argument—I wish to state my reasons for those two motions—the only argument that I would consider to be a really sound argument against those measures—and they are

identically the same as the Senate will remember—was an argument that I did not hear of or read in the Legislative record printed in the press, used in the House. The subject matter of the orders is sound but the majority party could justly reply, "Although admitting for the sake of argument that you, the minority, are on sound and just ground, your procedure is unjust in that you have not given us notice in advance that you believe a custom of some years standing should be broken and reformed." The argument should not be that such an order, an order granting to a minority party by whatever name it may happen to be known, representation of at least one member upon every joint standing committee and every joint select committee to be appointed in whatever manner the others are appointed, the argument should not be that that is a discourtesy to the majority party, because it is not, as one would see if he considers the wording of it, but under the circumstances as the measure is dead anyway because of the action of the House, I am going to ask that the subject matter be referred to the next Legislature and weighed by the root of the order which I introduced, and then if the Senate chooses to dispose of it that way, as I hope they will, I presume under our rules it would go down to the House. Now, it puts me, I realize, in offering that order, in rather an embarrassing position as it looks as though I might, as the only representative here of the minority party, be seeking a position on every one of the great joint standing committees, which is far from the truth. It would be impossible, in fact, because no living man could serve on all those committees, but we have listened only a few moments ago to the inaugural address of the Chief Executive in which he himself laid down a doctrine that we will all subscribe to, the need of party government, and I only want to say on that, ladies and gentlemen of the Senate, that I will put it to you in this way by asking you this question: How are you going to have party government if you do not officially recognize the existence in the Legislature of a minority opposition party?

In England—and I will not be charged by my friend with being at all prejudiced in favor of England—in England they consider that it requires two parties to carry on the functions of government and there with proven respect in the British Parliament they speak of the majority party as "His Majesty's Government" and the minority party as "His Majesty's Opposition." Now, surely in this State if we believe in carrying on successfully the functions of government by means of two great parties, the majority party, the Republican party in this State, is the People's Government and the Democratic party is and should be considered the People's Opposition, and we have recognized in every Legislature that whichever party happens to be the majority should be recognized as the official body, and no great committee, such as Appropriations, Judiciary, Taxation or Education, should consider measures, in my opinion, that are presented before it without the minority opposition party which represents at this particular time 80,000 votes of the electorate of this State. No measure should be considered without representation of both parties or, all of those great committees.

So, Mr. President, in regard to the measure which has come up from the House I move that the Senate concur with the House. In regard to the measure which I introduced I move that the order be referred to the next Legislature.

Both motions prevailed.

From the House: the following order,

Ordered, the House concurring, that when the Senate and House adjourn, they adjourn to meet Tuesday, January 11th, at four-thirty o'clock in the afternoon. Was read and passed in the Senate earlier in today's session.

In the House, passed in concurrence.

The PRESIDENT: Is there any further business to come before the Senate?

On motion by Mr. Dwinal of Knox, Adjourned until four-thirty P. M., Tuesday, January 11th.