

MAINE STATE LEGISLATURE

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Legislative Record

of the

Seventy-Third Legislature

of the

State of Maine.

1907.

SENATE.

Monday, Jan. 14, 1907.

Senate called to order by President. Prayer of Rev. Mr. Hayden of Augusta.

Journal of previous session read and approved.

Papers from the House disposed of in concurrence.

Reports from head of departments were received as follows:

From the University of Maine for the year ending July 1, 1906.

From the Adjutant General for the year ending 1906.

From the Railroad Commissioners ending 1906.

From the Board of Health for the years 1904, 1905.

Following bills, petitions, etc., were presented and referred:

Judiciary.

By Mr. Ayer of Kennebec: An Act to amend Chapter 40 of the Revised Statutes relating to the fortnightly payment of wages.

By Mr. Garcelon of Androscoggin: Petition of D. J. McGillicuddy and 31 others for the establishment of a superior court in the county of Androscoggin.

Legal Affairs.

By Mr. Mills of Hancock: An Act to extend the charter of the Stonington Trust Company.

Also "Bill and Act relating to compensation of jurors.

Appropriations and Financial Affairs.

By Mr. Curtis of Cumberland: Petition from citizens and tax payers of Portland, Me., who favor Resolve to be passed in aid of Maine Home for Friendless Boys located at Portland.

Also same by Mr. Curtis of Cumberland.

Also same Petition of same signed by citizens of Saco, Me., who favor passage of resolve aiding the Maine Home for Friendless Boys at Portland.

Taxation.

Presented by Mr. Staples of Knox: An Act relating to the taxation of Railroads and Street Railways.

Military Affairs.

By John H. Proctor: Petition in favor of monument at Valley Forge.

Labor.

By Mr. Ayer of Kennebec: An Act to amend Chapter 40 of the Revised Statutes relating to the employment of minors.

On motion of Mr. Staples of Knox: The secretary of Senate prepare and have printed for the use of Senate 100 copies of order of proceeding and debate.

Reports of Committees.

The committee on Appropriations and Financial Affairs to which was referred the order of the Legislature relating to furnishing postage stamps to each member of the Senate and House, report the same under consideration and asked leave to report accompanying resolve in favor of F. B. Farrington secretary of Senate.

Report accepted.

Resolve authorizing the secretary of Senate to pay \$2140 for the purpose of providing postage; passed, under suspension of the rules.

Orders of the Day.

Mr. Brown of Kennebec: Mr. President with the permission of the Senate I will induct Mr. Heselton to the seat in the Senate.

Mr. Heselton thereupon took his seat in the Senate.

Mr. SEWALL of Sagadahoc: Mr. President I move to take from the table the following order:

Ordered, That the State treasurer be directed to pay the amounts of money due the members of the Legislature for mileage at the end of the present session, to the representatives of the railroads of the State, said sum to be apportioned by them, and to be paid in consideration of the transportation for the members already provided.

The motion prevailed.

Mr. SEWALL: Mr. President, I desire to make a motion as regards the disposition of the foregoing order. I would like to say something to the Senate because of the fact that it is returned to this body in its present shape.

I do not seek this opportunity with

any great eagerness. For three legislative sessions I have noticed that those who are chosen to preside over our respective bodies are those whose appearance on the floor, in debate, is limited to one speech.

I am perfectly aware of what would be the first impression upon my fellow senators in receiving from the House this order in its present shape—an order introduced in good faith upon a matter of vital interest to the State—a matter which has been legislated upon in every state of the Union and finally by Congress itself—the matter of free passes—an order which was denied discussion on the floor of the House—denied even reference to a committee. Such an order need not necessarily be in the form, or anywhere near the form of its final adoption to deserve its proper reference to a committee; and if this Senate saw fit to refer that order to one of the most responsible committees of this body, such an order, going before a committee, is supposed before it issues from that committee to be put into such shape, if its main ideas are correct, as to warrant, if it be lacking in technical form, a reception by the two Houses to which the author of the order or the bill should naturally feel entitled.

This order was met in the lower House by the action of indefinite postponement, and in that condition it comes back to us.

On the face of it, so far as the majority of the two branches of this Legislature know, that order has been denied a decent and respectful hearing, and on the face of this transaction the action which this Senate logically owes to its own self-respect is apparent.

That order, if it were ridiculous, malicious or infamous, would deserve exactly the treatment which it received in the lower House; and there is only one motion which would cover it with more contumely and that would be to refer it to the committee on insane hospitals.

I think that no member of this body will class this order with such an order. On the face of it the action of the House would show, that it either did not want a word uttered in the way of discussion on the question of free passes, or else that it was quite willing to go beyond the limits of disrespect to this body in the disposition of that order, but on an investigation of the conditions under which that motion was made, and under which it prevailed in the lower House, I except the body of that House from any such charge. I do not do this merely because such a charge would be unparliamentary or improper as coming from me as a member of this body; and I do not do it because of my great respect for that lower body which I have not yet lost, not withstanding the ravages of the last election, I have styled it there as a body close to the people of the State—I still think it so. I except the body of the House from the charge I otherwise would make, because investigation of the facts would not warrant the charge. The charge might apply to this, but not to the body of the House,

I introduced that order without consulting the representatives of the corporations which would naturally be greatly interested in the matter of the agitation of the question of free passes. I did not—perhaps unfortunately for myself—consult members of either body, who would be most affected by it financially—notably the members from Aroostook county. It has been pointed out to me how great the mileage is to members traveling from the Aroostook and it has been pointed out also that mileage could be utilized in any way they saw fit for stopping in Bangor for instance which is still I understand an oasis in a desert of draught—I had in mind particularly members of both bodies who were placed in unpleasant situations. I had in mind members of this Senate who live at some distance from the Capital, who without ostentation or publicity returned their passes. I had in mind others who had retained their passes but

would not draw their mileages; and I had in mind also the great body of all of us who will retain the passes and draw the mileages as we are entitled to do under the law, which places any individual under no personal criticism in the matter. But I did think, since this was the situation right upon us, and unless the committee on salaries and fees should take some action in the matter, that it would be a decent and satisfactory solution, to pass over to the railroads the money to which we were entitled when traveling on a pass and to allow us to use the passes so pleasantly tendered to us, without any obligations whatever to the corporations which might come before us seeking legislation.

It is not fanciful—this subject as to legislation regarding passes. When Secretary Taft came into the State in the late campaign I had the good fortune to be with him for some time, and I noticed that he paid his railroad fares; and I asked him: "Why do you do so?" He said: "It is not because I want to, for I am a poor man"—and he is a poor man, comparatively speaking and in comparison with his associates—but he said: "I do not pay the money and refuse the passes because of any idea on my part that my fellow citizens would think I am unduly influenced by these corporations with which I am brought in contact; but," he said, "anyone placed in other relations of life in the relations in which I am placed, in accepting passes would expect to be subject to criticism; and I would prefer not to be," and that is exactly my position.

I would be the last man in the world to sit in judgment upon any fellow member in Legislature on this subject of the disposition and treatment of passes. It is not for any of us to question the individual act.

One of the pleasantest experiences I have ever had in this State Capital, going back over legislative session of three terms, is a conversation I had with our present executive, after he had been in office long enough to know its responsibilities. He said: "We can all of us have an agreeable time of it here if we do not take ourselves too seriously, but," he said—and we said—"a man who feels he

had the burden of the State on his shoulders, or any great part of it, will have a very miserable time and will not be of any very great service to his constituents," and that applies to us all.

The position I have steadily sought to avoid in all my service here is: In any way to pass judgment upon the acts of my fellow members—any more than I should want them to pass judgment upon my acts.

There is a limitation to that. Public officials invite criticism, and we invite it, for official acts or acts which cannot be divested of the official relation so do the public laws whether "in esse or the laws that are being made and we can criticize and should criticize every public official of this State when necessary." Not even the presiding officers of the two branches are exempt. Although, Mr. President, I should say in justice to you that those who know you would say they could ever expect you to descend from your high chair in such a way as to bring yourself within the range of these observations.

Now, justifying myself, in speaking on this subject, simply applying myself to the principle of it; the principle on which this order is introduced will win out before this Legislature. You cannot escape from it. You cannot stand the tide of agitation on this and similar questions.

The mileage which we draw was provided by the first Legislature of the State, in 1821; until about 1824, I think the provisions were embodied in the statute law. Then there were no railroads in the State and it is perfectly inconceivable that the use of passes which should do away with the need of mileage should have been foreseen. The principle for which I contend is absolutely right and defensible and will win out. I believe further that, asking the consent of my fellow senators here, the order might be treated with decent respect and sustained by a motion of a committee of conference, which motion I believe would prevail; but since the introduction of that order, no member of the Senate—not even the chairman of the judiciary committee, for whose legal opinions we have great respect—knew more than I that there was in that order a vital demerit. The statute makes the

mileage due the first of the session. But in allowing the order to die here I want to go on record to the effect that this Legislature will find for this question a proper and decent solution which will free us from any suggestion of any obligations to the large corporations that come before us for favors—and even for their lives.

The change may come in various ways. We may, in our wisdom, see fit to contract with the railway companies for the transportation of our members, which will be a vastly more sensible idea than the contracts in the past for the transportation of imaginary soldiers to imaginary battlefields.

When franchises for the railroads were first granted, transportation for all State officials should have been made, and I am not at all eager now to relieve the railroad companies of the burden which they have voluntarily assumed. But I want this transportation to be received at the hands of the State.

I believe the committee on salaries may yet find a way by which the numerous officials of this State can be transported free—practically free—of cost to the State. With an increase of salaries we might pay our own mileage. We ought to have increased our own salaries years and years ago and upon myself and upon every member of the past Legislatures there rests a responsibility for which, for my own part, I feel very much ashamed.

I move the Senate recede and concur with the action of the House the order be indefinitely postponed.

On motion and seconded it was ordered that the committee on salaries and fees be directed to inquire into the expediency of increasing the pay of members of the Legislature, and of placing the members on an equality with other State officials in regard to free passes and mileage.

On motion of Mr. Staples of Knox the Senate adjourned.

HOUSE.

Monday, Jan. 14, 1907.

Prayer by Rev. Mr. Wight of Hallowell.

Papers from the Senate disposed of in concurrence.

The following petitions, bills, etc., were presented and referred:

Judiciary.

By Mr. Newbert of Augusta: Bill, An Act to amend the charter of the Augusta Water District.

By Mr. Waldron of Dexter: Bill, An Act to amend Section 2 of Chapter 62 of the Revised Statutes relating to divorces.

Br. Mr. Spear of South Portland: Bill, An Act to amend Chapter 242 of the Private and Special Laws of 1895 entitled "An Act in incorporate the city of South Portland as amended by Chapter 138 of the Private and Special Laws of 1905."

By Mr. Stover of Brunswick: Resolve in favor of Ray P. Eaton, register of deeds of Cumberland county.

Legal Affairs.

By Mr. Stearns of Norway: Bill, An Act additional to Chapter 49 of the Revised Statutes providing for the transmission to registers of probate of the names of qualified corporate surety companies.

Banks and Banking.

By Mr. Danforth of Skowhegan: Bill, An Act to incorporate the Kennebec Trust Company.

By Mr. Spear of South Portland: Bill, An Act to extend the charter of the South Portland Trust & Banking Company; also bill, An Act to extend the charter of the Deering Trust Company.

State Lands and State Roads.

By Mr. Lovejoy of Milo: Resolve providing for the repair of a roadway in Township five and six in the ninth range, north of the Waldo patent in Piscataquis county.

Inland Fisheries and Game.

By Mr. Donigan of Bingham: Petition of Daniel Hancock and others re-