

# MAINE STATE LEGISLATURE

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Legislative Record

Seventy-Fifth Legislature

SPECIAL SESSION

STATE OF MAINE

1912

**Resolution.**

Whereas, death, the great leveler of all human distinction, has, in the midst of his activities and usefulness, while many years of happiness and service seemed opening before him, struck down an honored ex-governor of Maine in the person of Hon. John Fremont Hill of Augusta, therefore be it

Resolved, That in the death of Governor Hill the State of Maine loses a man whose conscientious and unselfish service shed luster upon her name, and the nation a distinguished citizen who was ever ready to give his best efforts for the public good.

Resolved, That the members of the Seventy-fifth Legislature of Maine, learn with deepest sorrow of the untimely death of this honored public servant and private citizen; that the deepest, sincerest sympathy of this body be extended to the stricken family in their bereavement, and that a copy of this resolution be spread upon the record of the Maine Senate and House of Representatives, and a copy sent to the bereaved family.

Adopted and sent down for concurrence.  
Adjourned.

**HOUSE.**

Wednesday, March 20, 1912.

This being the day designated in the proclamation of the Governor for the meeting of the 75th Legislature, in extra session, the members of the House of Representatives assembled in their hall, at 10 o'clock A. M., and were called to order by the Speaker.

Prayer was offered by Rev. Mr. Boothby of Augusta.

The following proclamation was then read by the clerk:

STATE OF MAINE.

By the Governor.

A PROCLAMATION.

Our laws relating to the conduct of elections, the making of returns to the Governor and Council, the tabulating of such returns and the declaration of the result thereof are uncertain in their wording and inadequate in substance. There is no provision in our statutes for an official inspection or recount of ballots or even for the depositing of such ballots in a place of safety. These defects in the law became startlingly apparent after the special election of last September. They afforded opportunity for overriding the will of the people as expressed at the polls. It is imperative that before we enter into another State-wide election a careful and thorough revision of these important laws should be made by the Legislature.

In order to comply with the requirements both of our State law and of the act of Congress concerning the division of the State into congressional districts it is necessary that the Legislature should pass a re-districting bill before we again elect representatives to the national Congress.

The situation with regard to the prohibitory law and its enforcement is the cause of universal complaint and criticism. No thinking man in Maine is satisfied with present conditions. Those who are pleased with the law are dissatisfied with the manner in which it is enforced. Others regard the law itself as impracticable and incapable of State-wide enforcement. The problem is vital and pressing. The Legislature should find a means to solve it or, at least, should be able to submit to popular vote some one or more possible solutions of it.

In consideration whereof, I, Frederick W. Plaisted, 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 Wednesday, the 20th day of March, 1912, at 10 o'clock in the forenoon, in order to receive such communications as may then be made to them, and to consult and determine on

such measures as they may consider will best promote the welfare of this State.

In testimony whereof, I have hereunto set my hand and caused the seal of the State to be affixed.

Done at Augusta, this 29th day of December, in the year of our Lord, 1911, and of the Independence of the United States of America the 136th.

FREDERICK W. PLAISTED,

By the Governor.

Attest:

CYRUS W. DAVIS,  
Secretary of State.

A call of the roll revealed the presence of a quorum, 125 members answering to their names.

The following communication was received:

"STATE OF MAINE.

Office of Secretary of State.

"To the Clerk of the House of Representatives:

"I hereby certify that the following are the names of representatives elected to fill the vacancies in the following representative districts, as appears by the report of the Governor and Council, under date of March 15, 1912.

**ANDROSCOGGIN COUNTY.**

E. W. Penley of Auburn.

Charles K. Campbell of East Livermore.

**AROOSTOOK COUNTY.**

Charles F. Thomas of Caribou.

August Peterson of New Sweden.

Cyrus Chase of Westfield.

**FRANKLIN COUNTY.**

Eugene E. Flood of Farmington.

Fred O. Smith of New Vineyard.

**KENNEBEC COUNTY.**

Elmer E. Newbert of Augusta.

Cornelius B. Kelleher of Waterville.

**SOMERSET COUNTY.**

Frank O. Thompson of Palmyra.

In witness whereof, I have caused the seal of the State to be hereunto affixed at Augusta, this 19th day of March, A. D. 1912, and of the Independence of the United States of America, the 136th.

"CYRUS W. DAVIS,

"Secretary of State."

Mr. Hastings of Auburn announced the attendance of Messrs. E. W. Penley, representative-elect from Auburn, and Charles K. Campbell, representa-

tive-elect from East Livermore, and was charged with the duty of conducting them to the Governor and Council for the purpose of taking and subscribing the oaths necessary to qualify them to enter upon the discharge of their official duties.

Mr. Hersey of Houlton announced the attendance of Messrs. Charles F. Thomas, representative-elect from Caribou, August Peterson, representative-elect from New Sweden, and Cyrus Chase, representative-elect from Westfield, and was charged with the duty of conducting them to the Governor and Council for the purpose of taking and subscribing the oaths necessary to qualify them to enter upon the discharge of their official duties.

Mr. Austin of Phillips announced the attendance of Messrs. Eugene E. Flood, representative-elect from Farmington, and Fred O. Smith, representative-elect from New Vineyard, and was charged with the duty of conducting them to the Governor and Council for the purpose of taking and subscribing the oaths necessary to qualify them to enter upon the discharge of their official duties.

Mr. Skehan of Augusta announced the attendance of Messrs. Elmer E. Newbert, representative-elect from Augusta, and Cornelius B. Kelleher, representative-elect from Waterville, and was charged with the duty of conducting them to the Governor and Council for the purpose of taking and subscribing the oaths necessary to qualify them to enter upon the discharge of their official duties.

Subsequently Messrs. Hastings, Hersey, Austin and Skehan reported that they had performed the duties assigned them.

Mr. Miller of Hartland announced that Frank O. Thompson, representative-elect from Palmyra, was absent in Massachusetts and would be in attendance at the session, tomorrow.

**The Session.**

On motion of Mr. Strickland of Bangor,

Ordered, that the clerk of the House be directed to invite the clergymen of Augusta, Hallowell and Gardiner to

officiate as chaplains of the House during the present session.

Mr. Packard of Rockport presented the following order:

Ordered, That the clerk of the House be directed to furnish each member and officer of the House with three daily papers printed in the State such as each member and officer may select.

Mr. Boman of Vinalhaven moved that the order be amended by striking out the word "three" and inserting in place thereof the word "two."

The amendment was adopted and the order was given a passage as amended.

A communication was received from the Senate through its secretary, stating that a quorum of that body was present and ready to do business.

On motion of Mr. Scates of Westbrook,

Ordered, That the clerk of the House be authorized to procure the services of a stenographer and typewriter during the present session.

A communication was received from the Senate through its secretary, proposing a convention of both branches of the Legislature for the purpose of hearing a communication from the Governor.

On motion of Mr. Strickland of Bangor, the clerk of the House was charged with a message to the Senate informing that branch of the Legislature that a quorum of the members of the House are present, and that the House is ready to proceed to business.

The clerk subsequently reported that he had performed the duty assigned him.

On motion of Mr. Peters of Ellsworth,

Ordered, That Arthur H. Whitman of Portland be appointed official reporter of the House for the present session.

On motion of Mr. Peters of Ellsworth,

Ordered, That the official reporter of the House be authorized to procure the services of a typewriter operator during the present session of the House for the preparation and completion of the Legislative Record.

On motion of Mr. Strickland of Ban-

gor, the clerk was charged with and conveyed a message to the Senate signifying the concurrence of the House in the proposition for a convention.

### In Convention.

On motion of Senator Staples, Messrs. Staples of Knox, Boynton of Lincoln and Milliken of Aroostook on the part of the Senate, and Messrs. Strickland of Bangor, Peters of Ellsworth, Sleeper of South Berwick, Otis of Rockland and Scates of Westbrook, on the part of the House, were appointed a committee to wait upon the Governor and inform him that the two branches of the Legislature were in convention assembled in the hall of the House of Representatives for the purpose of receiving from him such communications as he may be pleased to make.

Senator Staples subsequently reported that the committee had discharged the duty assigned it and that the Governor was pleased to say to this body that he will attend immediately upon their convention.

Thereupon the Governor came in, attended by the Executive Council, and addressed the convention as follows:

### The Governor's Address.

Members of the 75th Legislature of Maine:

The work of the last session of this Legislature was indeed great in accomplishment and it has been found necessary for you to re-assemble, not on account of any act of omission or commission on your part but because problems which were not and could not have been presented to you, a year ago, press for prompt and intelligent solution.

I desire first of all, to congratulate you on the work which you have already done. No one can look over the record of your labors, spread upon the statute books of our State, without being impressed with your fidelity, zeal and watchful interest in the public welfare. The self-denial which you practised in the matter of appropriations authorizing the expenditure of the people's money has made it possible for the present administration to reduce the public debt almost a

million dollars in 14 months, a record unprecedented in the history of our State.

That alone would be sufficient credit to one Legislature. But you did more. You placed Maine in the first rank of sanely progressive states. You put the seal of your approval on the proposition to elect United States senators by vote of the people and added Maine to the list of states favoring a national income tax as a means of procuring public revenue. You enacted a Direct Primary law, now superseded by the more comprehensive law adopted by the voters, last September. You passed a corrupt practice act, the good effects of which have already been apparent. You paved the way toward equalizing the burdens of taxation by wisely amending our existing tax laws. You did much more of benefit to all of us whose lives are to be spent within this splendid state of ours and whose hopes are centered upon her future growth and prosperity.

Among the subjects to which I called your attention in my inaugural address was that of the advisability of imposing upon automobiles a sufficient tax to create a substantial state highway fund. The law which you passed on that subject is proving a remarkable success. It will yield, this year, at least \$100,000 in net revenue and with the development of the automobile business is likely to yield double that amount annually, within a few years. We did not anticipate such a splendid result from that law. The accomplished fact, however, speaks for itself and suggests an opportunity to do what the State has long wanted to do but has been prevented from doing by reason of lack of funds, namely, the entering upon State road building on a large scale.

Good roads are to the farmer, the merchant, the manufacturer and the traveler, as important, in a local sense, as are railroads and steamship lines in a wider sense. Local prosperity depends as much upon the one as does world-wide prosperity upon the other.

We have 25,000 miles of roads in Maine. We spend annually about \$1,500,000 in building new roads and in maintaining old ones. We do not ob-

tain nearly the results we should by that expenditure, principally for two reasons: First, we do not spend enough of the money in one place at one time, and, second, we do not spend it under proper supervision. In the course of 20 years it costs more to patch up poor roads and keep them barely passable than it would to build good roads the first year and maintain them during the entire period. But poverty always compels extravagance and many towns that can raise \$1000 a year for 20 years cannot raise \$10,000 all at one time to do work which would last 20 years, although the adoption of the latter course would mean a large saving of money.

The State of Maine has for the past eight years been aiding the towns in road building. We are now appropriating \$250,000 annually for that purpose. That is well but it is not enough. The tax on automobiles furnishes us the means with which to take hold of this work in earnest.

If the State should issue \$2,000,000 of 4 per cent. bonds, falling due serially during a period of 30 years, and set aside so much of the proceeds of the automobile tax as is necessary to meet the principal and interest of the loan, a substantial fund for road building would be at once available, good roads would become an immediate reality, and no property owner in Maine would find his taxes increased a single cent by reason of the act.

The only obstacle in the way of entering at once upon this undertaking is the clause in our constitution which prohibits the issuing of State bonds excepting for one specific purpose. I therefore recommend that you submit to the people, to be voted upon next September, an amendment to that section of the constitution which shall permit the carrying out of the plan herein outlined.

At the time of your adjournment, last year, Congress had not determined the number of representatives to which Maine was entitled, hence it was not possible for you to pass a congressional apportionment bill at the regular session, as would ordinarily have been done. It is your duty to pass such a bill at the present session and

in framing it you will necessarily have in mind this provision of the national law: "Congressional districts are to be contiguous in territory and as nearly equal in population as practicable."

The State of Maine has four Congressional districts. One-fourth of our population is, in round numbers, 138,000. The first and second districts, at present, contain approximately 362,000 people, about evenly divided between the two districts, while the third district has a population of 158,000 and the fourth of 222,000. In any reasonable plan of re-apportionment the great inequality between the two eastern districts should be taken into account. In view of the fact that the fourth district embraces the portion of the State which is growing most rapidly this inequality is likely to increase rather than diminish.

A revision of the laws relating to the carrying on of elections, the making and tabulating of returns and the correction of errors made by election officers, will be presented to you as a basis for action. This is a matter of the greatest importance. It required a close election to call sharply to public attention the weakness of the machinery which our law-makers had constructed for the purpose of ascertaining and recording the will of the people as manifested at the polls. As our laws now stand, the popular will may readily be defeated by technicality, ignorance, carelessness or fraud. A fair ballot, an honest count, and a true return, is the desire of honest men of all parties and while it may be impossible to always secure these by legislation we should go as far in that line as human ingenuity will permit.

You attempted, last year, to settle a problem which has disturbed Maine for more than half a century when you submitted to the people an amendment to the Constitution which took from that instrument the section relating to the prohibitory law. The people rejected the amendment, although by a majority so small and by a vote so peculiarly divided as to leave the question still unsettled.

In the 20 cities of Maine a majority of more than 12,000 recorded itself as opposed to constitutional prohibition.

That majority was barely overcome in the 500 towns. The issue was so presented through the press and from the platform that the great mass of the voters did not cast their ballots on the actual question before them but really voted on the proposition of license or no license as applied to the particular towns in which they lived. It is no reflection upon the intelligence of the voters to say this. They were confronted daily with the query: "Do you want rum sold in your town?" Cool argument and calm reasoning were displaced, in great measure, in such discussion of the subject as was had, by appeals to prejudice, by abuse and misrepresentations. The real issue was hidden behind a mass of false issues. Questions were heatedly debated in the negative on which no one man ever had presented or ever could present an affirmative. It is not strange that the people were misled.

The ballot box is the court of last resort and the decision of that court is worthy of all respect. No one who analyzes the vote of last September can fail to learn a lesson from it. The result showed that the smaller towns and the agricultural sections of the State desire to continue prohibition in the Constitution. They are satisfied with the working of the law in their communities and they have the undoubted right to retain it.

I know of no safe principle upon which government can be administered excepting that of permitting the people to govern themselves. The majority of the people of Maine who live outside of our cities have declared for prohibition and I would deem myself unworthy of citizenship if I did not respect their wishes and assist them in retaining the law. On the other hand, the cities, the large manufacturing towns and certain of our summer resort towns, just as emphatically object to prohibition and desire to experiment with some legal form of local option such as has proved satisfactory in the other New England states. In the absence of that opportunity they continue to experiment, as they have done for many years, with certain forms of illegal local op-

tion, the exact form differing according to circumstances and ranging from open nullification to a hidden, yet none the less determined defiance of the law.

Lawlessness is abhorrent to all good citizens and lawlessness in one respect breeds lawlessness in all respects. But one thing I hold self evident—that no people constituted as are the people of the State of Maine can be governed by force. We can and do govern ourselves. It is as impossible to effectually enforce a law in Maine in the fact of adverse public sentiment as it is to turn back the tide that flows against our shores.

Local self government is the corner stone of New England civilization and the voice of the voters of Maine's cities must be listened to by their neighbors in the country with the same respect with which the resident of the city must listen to the voice of the voters in the towns.

It is easy to say that honest officials can enforce the prohibitory law anywhere and everywhere if they will endeavor to do so. It is easy to blame our county attorneys, sheriffs and mayors for their failure to secure enforcement of the prohibitory law in communities where it is not sustained by public sentiment. Having served as mayor of this city and as sheriff of this county I know something at first hand of the problems which confront an officer directly charged with the law's enforcement. The voters of Oxford and Aroostook may stand firmly behind the principle of State-wide prohibition but they lend no aid or comfort to the man on the firing line in Bangor, Portland or Lewiston, and unless State-wide enforcement accompanies State-wide prohibition then the law becomes a mockery and a farce.

What is the remedy? I am willing to suggest one and am as ready to listen to the suggestions of others. The logic of the late election convinces me that the remedy is to so amend the Constitution as to preserve prohibition for the country and permit regulation, by local option, in the cities. Is there a better solution of the problem? If there is, present it. I can think of but two alternatives, nuification or another Sturgis law. The people of Maine have tried

both. They want neither. Cannot we, the servants of the people, chosen to do their bidding, trusted, honored and respected by them, find a solution of this problem?

Shall we not, regardless of party, regardless of personal ambition, actuated solely by a desire to promote the welfare of our great, State, here and now, present to the people of Maine for their consideration some plan of legislation which will relieve a situation which is not creditable to an enlightened State?

There may be men in Maine who fail in patriotism but they are too few in number to count and too insignificant to appear in public life. I have full confidence, gentlemen, in your intelligent judgment and patriotic purpose and therefore entertain no fears but that you will with thoughtful care and still without undue delay perform the work for which you are assembled, and I assure you that you may, so far as it is permitted me to render it, safely count upon my cordial co-operation and assistance.

(Applause) at the end of Governor's address.

The Governor attended by the Executive Council then retired.

The purpose for which the convention was called having been accomplished, it was dissolved and the Senators withdrew to their chamber.

#### IN THE HOUSE.

Mr. SCATES of Westbrook: Mr. Speaker, last Saturday the people of this State were saddened by the news that Ex-Governor Hill had fallen by life's wayside, and, using his burdens for a pillow, had fallen into his last dreamless sleep. Another of Maine's prominent sons has been swept into that chilling tide where He alone will bear us on to that bourne from which no traveler returns."

The State has been enriched and ennobled by the public and private endeavor of Ex-Governor Hill, and I wish at this time to present the following resolutions:

"Whereas, Death, the great leveler of all human distinctions, has, in the midst of his activities and usefulness, while many years of happiness and service seemed opening before him, struck down an honored ex-Governor



of Maine in the person of the Honorable John Fremont Hill of Augusta, therefore, be it

“Resolved, That in the death of Ex-Governor Hill the State of Maine loses a man whose conscientious and unselfish service shed lustre upon her name, and the nation a distinguished citizen, who was ever ready to give his best efforts for the public good.

“Resolved, That the members of the 75th Legislature of Maine learn with the deepest sorrow of the untimely death of this honored public servant and private citizen; that the sincerest sympathy of this body be extended to the stricken family in their bereave-

ment; and that a copy of these resolutions be spread upon the records of the Maine Senate and House of Representatives and a copy sent to the bereaved family.”

I move the adoption of these resolutions.

The resolutions were adopted by a unanimous rising vote.

Mr. SCATES: Mr. Speaker, as a further mark of respect to the memory of Ex-Governor Hill, I move that this House do now adjourn until 10 o'clock tomorrow morning.

The motion was agreed to.

Adjourned.