

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Seventy-Sixth Legislature

OF THE

STATE OF MAINE

1913

HOUSE.

Augusta, January 1st, 1913.

In convention of members-elect of the House of Representatives.

This being the day designated by the Constitution of the State for the meeting of the 76th Legislature, the members-elect of the House of Representatives assembled in the hall of the House of Representatives at 10-00 o'clock A. M., and were called to order by C. C. Harvey, the Clerk of the last House.

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

A communication was received from the Secretary of State transmitting a certified roll of the representatives-elect of the 76th Legislature.

A call of the roll by the Clerk revealed the presence of a quorum, 149 members answering to their names.

On motion by Mr. Mitchell, Messrs. Mitchell of Kittery, Scates of Westbrook, Irving of Caribou, Kelleher of Waterville, Ricker of Castine, Snow of Brunswick and Emerson of Island Falls were appointed a committee to wait upon the Governor and inform him of the presence of a quorum of the members-elect of the House of Representatives in the hall of the House of Representatives, and request his attendance to administer the oath required by the Constitution to enable them to enter upon the discharge of their official duties.

Subsequently Mr. Mitchell reported that the committee had discharged the duty assigned it, and that His Excellency, the Governor, was pleased to say that with his Council he would forthwith attend upon the convention for the purpose indicated in the message.

Thereupon the Governor, accompanied by his Council, came in and administered and the members-elect subscribed the oaths necessary to qualify them to enter upon the discharge of their official duties.

The Governor and Council then withdrew.

In House of Representatives.

On motion by Mr. Smith, Messrs. Smith of Presque Isle, Austin of Phillips, Trimble of Calais, Swift of Au-

gusta, Clark of Portland, Stetson of Lewiston and Bowman of Vinalhaven were appointed a committee to receive, sort and count votes for Speaker.

Having attended to the duties assigned it, Mr. Smith from the committee reported 149 votes cast. John A. Peters had 78 and Elmer E. Newbert had 71. John A. Peters was thereupon declared elected Speaker of the House for the present session.

Mr. Peters was then conducted to the chair by Mr. Newbert.

Mr. NEWBERT: Gentlemen of the House, it gives me great pleasure to present Hon. John A. Peters, an honored member of this house from the city of Ellsworth, whom we have just chosen to be our Speaker for the present session. (Applause).

The SPEAKER: Gentlemen of the House, I am deeply sensible of the honor you have conferred upon me in your election of me as Speaker to preside over this assembly. I feel that the best way for me to show my appreciation of your action is to use my best endeavor to faithfully and impartially perform the duties of the office. I feel that I am but the agent of this body, charged with the duty of carrying out its will, and I promise to perform that duty to the best of my ability.

On this, the very threshold of the New Year, we are entering upon a very important session of the Legislature, one upon which the attention of the people of the State is focused as I have never seen their attention focussed before. We can, I believe, pass such wise and careful legislation as will result in the advancement of the welfare and safety of the people of the State; we can by unwise, hasty, intemperate action easily destroy the confidence which our constituents have reposed in us.

It is said that opportunity knocks once at the door of every man. Gentlemen, I believe it is now knocking at our door. Let us listen to it; let us try to fully realize and appreciate the responsibilities of our office; let us rise above petty feeling; let us so conduct the affairs and business of this House that when we adjourn near

the middle of March, as I believe we should, the people of the State may say of the 76th Legislature, at least, that it was honest and fearless in the discharge of its duty; at least, that it did its level best to pass such laws as it thought for the best interest of all the people of the whole State. Gentlemen, I thank you. (Applause).

On motion by Mr. Smith, Messrs. Smith of Patten, Ricker of Castine, Kelleher of Portland, Spencer of Berwick, Peaks of Dover, Farnham of Bath and Cyr of Fort Kent were appointed a committee to receive, sort and count votes for clerk of the House.

Having attended to the duty assigned it, Mr. Smith from the committee reported 148 votes cast. C. C. Harvey had 76 and William R. Roix had 78, and William R. Roix was declared duly elected clerk of the House.

A message was received from the Senate through Mr. Hersey of Aroostook informing the House that the Senate had been duly organized by the choice of Hon. Carl E. Milliken as President, William A. Lavry of Augusta as secretary and L. Ernest Thornton of Houlton as assistant secretary.

On motion by Mr. Peacock, Messrs. Peacock of Readfield, Smith of Auburn, Bass of Wilton, Cochran of Edgecomb, Dresser of South Portland, Newbert of Augusta, Maxwell of Boothbay Harbor and Kehoe of Portland were appointed a committee to receive, sort and count votes for assistant clerk.

Having attended to the duties assigned it, Mr. Peacock from the committee reported 146 votes cast. W. W. Kelley had 68 and Gardiner K. Heath had 78. Gardiner K. Heath was then declared duly elected assistant clerk.

On motion by Mr. Irving of Caribou, that gentleman was charged with and conveyed a message to the Governor, notifying him of the organization of the House by the election of a Speaker, clerk and assistant clerk.

Mr. Irving subsequently reported that he had discharged the duty assigned him.

On motion by Mr. Scates of Westbrook, that gentleman was charged

with a message to the Senate informing that body of the organization of the House by the election of a Speaker, clerk and assistant clerk.

Mr. Scates subsequently reported that the Senate had taken a recess until 2 o'clock in the afternoon, and that the message with which he was charged, could not be delivered at this time.

On motion by Mr. Wheeler of South Paris, that gentleman was charged with the duty of conducting the clerk and assistant clerk to the Governor to receive and subscribe the oaths necessary to qualify them to enter upon the discharge of their official duties.

Mr. Wheeler subsequently reported that he had performed the duty assigned him.

The clerk and assistant clerk then assumed charge of their duties.

The Speaker appointed as monitors of the various divisions Messrs. Nute of Wiscasset, Libby of Scarborough, Cook of Vassalboro and Austin of Phillips.

Mr. Mitchell of Kittery introduced the following order:

Ordered, That Patrick Hayes be messenger; Clyde D. Scribner be assistant messenger; Roy Leach be postmaster; Thomas Rollins be mail carrier; Joseph H. Dixon be first folder; Stephen Purington be second folder; Charles A. Ashford be doorkeeper, and that the Speaker appoint two pages and a document clerk.

Mr. Newbert of Augusta offered an amendment to the order by substituting the following: That William McGuire be messenger; Frank A. Leonard assistant messenger; Paul A. Small be doorkeeper; Orin B. Frost be postmaster; J. W. Anderson be first folder; Charles R. Gross be assistant folder, and P. H. Fitzgerald be mail carrier, and on the adoption of the amendment called for a division of the House.

Mr. SMITH of Presque Isle: Mr. Speaker, it seems to me in view of the importance of the amendment that it would be better to have the yeas and nays, and I therefore call for the yeas and nays.

The yeas and nays were ordered.

The SPEAKER: All those favoring the adoption of the amendment offered by the gentleman from Augusta as their names are called will say yes; all those opposing

the amendment will say no. The clerk will call the roll.

YEA:—Roland, Boman, Brennan, Brown, Bucklin, Chadbourne, Churchill, Clark of Portland, Clarke of New Portland, Connors, Crowell, Currier, Cyr, Davis, Desco-teaux, Doherty, Donovan, Dresser, Dunbar, Dunton, Eaton, Eldridge, Elliott, Estes, Farnham, Franck, Gallagher, Gama-che, Gardner, Goodwin, Gordon, Hancock, Harman, Harriman, Haskell, Hodson, Hogan, Kehoe, Kelleher of Portland, Kelleher of Waterville, Lawry, Leary, LeBel, Leveille, Libby, Mason, Maxwell, Maybury, Mildon, Morgan, Newbert, Packard, Pitcher, Plummer, Price, Putnam, Quinn, Reynolds, Robinson, Rolfe, Sargent, Scates, Sherman, Sprague, Stanley, Swett, Winchenbaugh, Yeaton—68.

NAY:—Allen, Austin, Bass, Benn, Benton, Bither, Bowler, Bragdon of Sullivan, Bragdon of York, Butler, Chick, Cochran, Cook, Durgin, Eastman, Emerson, Farrar, Folsom, Greenleaf of Auburn, Greenleaf of Otisfield, Haines, Harper, Higgins, Hutchins, Irving, Jenkins, Johnson, Jones, Kimball, Marston, Mathieson, McBride, McFadden, Merrill, Metcalf, Mitchell of Kittery, Mitchell of Newport, Mooers, Morrison, Morse, Nute, O'Connell, Peacock, Peaks, Pendleton, Peters, Peterson, Ramsay, Richardson, Ricker, Roberts, Rousseau, Sanborn, Sanderson, Skelton, Skillin, Smith of Auburn, Smith of Patten, Smith of Pittsfield, Smith of Presque Isle, Spencer, Stevens, Stuart, Sturgis, Swift, Taylor, Thombs, Thompson, Tobey, Trimble, Tryon, Twombly, Umphrey, Viollette, Washburn, Waterhouse, Wheeler—77.

ABSENT:—Jennings, Leader, Morneau, Snow, Stetson, Wise—6.

So the amendment was lost.

The order then received a passage.

On motion by Mr. Newbert of Augusta,

Ordered, That the clerk be directed to invite the clergymen of Augusta, Hallowell and Gardiner to officiate as chaplains of the House, during the present session.

On motion by Mr. Wheeler of South Paris,

Ordered, That the rules and orders of the last House of Representatives be adopted for the government of this House until otherwise ordered.

On motion by Mr. McBride of Mount Desert,

Ordered, That the clerk of the House furnish a catalogue containing the names of members alphabetically arranged, with the residence, post office address, boarding place, occupation, politics and number of seat of each, with a diagram of the House, and that

the usual number of copies be printed and distributed.

On motion by Mr. Dresser of South Portland,

Ordered, That the secretary of State be directed to deliver to the clerk of the House one copy of the Holy Bible, one copy of Webster's Unabridged Dictionary, one copy of the Standard Dictionary, one copy of Lippincott's Pronouncing Gazetteer and one copy of Cushing's Manual.

On motion by Mr. Cyr of Fort Kent,

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

On motion by Mr. Scates of Westbrook:

Ordered, That A. H. Whitman of Portland be appointed official reporter and Fred L. Wilson of Portland, assistant reporter of the House for the present session, with compensation at the same amount as paid at the last regular session.

On motion by Mr. Higgins of Brewer,

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

On motion by Mr. Dunbar of Jonesport,

Ordered, That the Secretary of State be directed to furnish each member and officer of the House with postage stamps to the same amount furnished the members and officers of the 75th Legislature.

On motion by Mr. Plummer of Lisbon,

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

The Speaker announced the appointments of Lawrence Bresnahan of Ellsworth, as first page; Ralph K. Baker of Kittery, as second page, and James W. Harvey of Hallowell as document clerk.

The following order was received from the Senate:

Ordered, the House concurring, that the joint rules and orders of 1911-12 be the joint rules and orders of this Legislature, with the following amendments: In Rule 1 strike out the words "State Roads" and substitute in place thereof the words "Forest Preservation," and add after the words "On School for Feeble Minded" the words "On Public Health."

The order received a passage in concurrence.

The following order was received from the Senate:

Ordered, That the return of votes for Governor given in the several cities, towns and plantations of the State for the political years of 1913 and 1914 be referred to a joint select committee of seven on the part of the Senate, with such as the House may join.

The order received a passage in concurrence.

From the Senate: Ordered, the House concurring, that the superintendent of public buildings is hereby given charge of all assignments for hearings in the Capitol Building, and that all applications for rooms for hearings must be made to him in writing 48 hours previous to being used for that purpose.

The order received a passage in concurrence.

On motion by Mr. Scates of Westbrook, it was

Ordered, That the superintendent of public buildings be instructed to have a substantial rail erected back of the rear seats of this House.

STATE OF MAINE.

Executive Chamber.

Augusta, Jan., 1913.

To the Honorable Senate and House of Representatives:

In compliance with the constitution of the State I herewith communicate to the Legislature each case of reprieve, remission of penalty, commutation or pardon granted during the years 1911 and 1912, stating the name of the convict, the crime of which he was convicted, the sentence and its date, the date of the reprieve, remission, commutation or pardon, and the conditions, if any, upon which the same was granted.

(Signed) FREDERICK W. PLAISTED.

The following communication was received from the Secretary of State and ordered placed on file in concurrence with the Senate:

STATE OF MAINE.

Office of Secretary of State,

Augusta, Jan. 1, 1913.

To the Senate and House of Representatives:

By order of the Governor and Council, I have the honor to herewith transmit a report of the votes cast at the election September 11, 1911, upon the amendments to the constitution of the State proposed by chapters 210 and 221 of the resolves passed at the regular session of the Legislature of 1911, and of the votes cast at the election September 9, 1912, upon the amendment to the constitution of the State proposed by chapter one of the resolves passed by said Legislature in special session in 1912.

Upon the amendment proposed by chapter 210 of the resolves of 1911, providing that Augusta is declared to be the seat of government of this State, there were 59,678 votes in the affirmative and 41,294 votes in the negative.

Upon the amendment proposed by chapter 221 of the resolves of 1911, providing that towns having a population of forty thousand inhabitants or more, according to the last census taken by the United States, be permitted to create a debt or liability which single or in the aggregate equals seven and one-half per centum of its last regular valuation and that the increase in amount of debt be no greater than one-quarter of one per centum over the present rate of five per cent in any one year, there were 39,242 votes in the affirmative and 38,712 votes in the negative.

Upon the amendment proposed by chapter one of the resolves passed by the Legislature in special session in 1912, providing for the issuing of State bonds for the purposes of building and maintaining State highways, there were 80,619 votes in the affirmative and 21,454 votes in the negative.

Very respectfully,

(Signed) CYRUS W. DAVIS,
Secretary of State.

On motion by Mr. Austin of Phillips, a recess was taken until 2 o'clock in the afternoon.

Afternoon Session.

The SPEAKER: An order was passed in the House, this morning, in concurrence with the Senate to the effect that the return of votes for Governor given in the various cities, towns and plantations of the State, should be referred to a joint select committee of seven on the part of the Senate with such as the House may join. At the time the order was sent down by the Senate there was no committee named on the part of the

Senate. The committee has now been named by the Senate and the Chair announces that the committee on the part of the House will be Messrs. Austin of Phillips, Swift of Augusta, Crowell of Bangor, Bither of New Limerick, Leader of Lewiston, Cochran of Edgecomb and Folsom of Sanford.

On motion by Mr. Wheeler of South Paris,

Adjourned until tomorrow morning at 10 o'clock.