

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Seventy-Seventh Legislature

OF THE

STATE OF MAINE

1915

HOUSE

Thursday, Jan. 14, 1915.

The House met according to adjournment and was called to order by the Speaker.

Prayer by the Rev. Mrs. Swift of Augusta.

Journal of previous session read and approved.

Papers from the Senate disposed of in concurrence.

From the Senate: Ordered, the House concurring, that the Senate and House registers and the list of committees and joint rules be combined, under the direction of the secretary of the Senate and the clerk of the House, and that 1500 copies of the pamphlet be printed for the use of the Legislature.

Mr. CLIFFORD of Lewiston: Mr. Speaker, as I understand it, the object of this order is to simplify these matters which in the past have been published in several different pamphlets, and as all of these are useful to the members of both branches of the Legislature, and as is will be much more convenient for the members to have this information combined in one pamphlet, this order is introduced so that these different matters may be combined.

The order received a passage in concurrence.

The following bills, petitions, etc., were presented and on recommendation of the committee on reference of bills were referred to the following committees:

Appropriations and Financial Affairs

By Mr. Wilkins of Jay: Resolve in favor of C. B. Scribner.

Judiciary

By Mr. Mullin of Lincolnville: An act relating to driving automobiles in Camden and Lincolnville.

Railroads and Expenses

By Mr. Brown of Auburn: An act to provide for the convenience of travelers upon electric railroads.

Orders

On motion by Mr. Haraden of Bath, it was,

Ordered, the Senate concurring, that

the document clerk prepare an alphabetical index of House and Senate documents at the close of each week, and that 300 copies of each be printed for the use of members of the Legislature and the several heads of the State Departments.

On motion by Mr. Currier of Camden, it was,

Ordered, that the Secretary of State be directed to furnish each member and officer of the House with a tube of paste.

On motion by Mr. Gallagher of Bangor, it was

Ordered: That section 46 of the House Rules be amended by inserting the word "and" after the word "them" in line 6; striking out after the word "same" in line seven the words "together with the name of the committee to which the person presenting them desires the same to be referred"; and striking out in line 16 the word "five", and substituting therefor the word "four", so that said paragraph, as amended, shall read as follows:

"Section 46. All petitions, memorials and other papers addressed to the House, and all bills and resolves to be introduced in the House shall be endorsed with the name of the person presenting them and with the subject matter of the same, and shall be placed by the member presenting them in a box placed for that purpose in front of the clerk's desk. All such petitions, memorials, papers, bills and resolves which are deposited in said box before four o'clock in the afternoon of each day shall be removed therefrom by the clerk, and shall be introduced and received in the House on the following day, at which time they shall be presented to the House by the Speaker, or such other person as the Speaker may request, and referred to the proper committees, unless the House shall otherwise order"

The order received a passage.

At this point the Senate came in and a joint convention was formed.

In Convention

(President Hersey in the chair.)

Chairman HERSEY: The joint convention will be in order. The Chair wishes to state that the organization of the joint convention is made up of the

roll of both branches of the Legislature. This roll upon which we are voting was made up several days ago. Before we commence the business of this convention and before we have our usual roll-call, the Chair will direct and instruct the secretary of this convention to strike from that roll the name of Levite V. Thibodeau of Van Buren, and to add to this roll the name of Fortunat O. Michaud of Van Buren.

Senator COLE of York: Mr. Chairman, I hardly know what to say to a ruling of that kind by the chairman of this joint convention, nor do I know what authority the chairman of this joint convention has to make an arbitrary order whereby the name of a member who has been a member of this joint convention, upon the official roll-call, shall be stricken from that roll and the name of some new man, of whom we officially know nothing, shall be substituted for it. It seems to me there should be some official communication from some source or other to this joint convention whereby this joint convention, which has to be the judge of its own membership, should be informed why such a change should be made.

It seems to me, gentlemen, that we are here doing business in an official capacity, as members of the Senate and House of Representatives, and I do not remember the name of Michaud among the names of Senators. And as a member of this joint convention I doubt, at the present time, whether our presiding officer has any right to make an arbitrary ruling, striking out the name of one member and substituting another.

This convention has no information whereby the chairman makes such a ruling, unless it is made up from the program furnished the members of the House.

In this plan of the seats of members of the House, and in seat 109, the name of Michaud is printed in there. And I was very much surprised when it was called to my attention that Michaud's name had been printed in there some days ago.

I do not know that any member of this House, I have not been informed that any member knew there was a member of the House by the name of Michaud. If so, it seems to me there should be

some communication from the House, from some official who is connected with this joint convention. I therefore respectfully appeal from the decision of the Chair.

Chairman HERSEY: The chair wishes to state, and it is the duty of the Chair to give a reason for any ruling it may make where there is any question made. The roll of this convention is made up by the Chair, by taking the roll of the House as furnished by the clerk of the House and the roll of the Senate as furnished by the Secretary of the Senate, and combining them alphabetically. That was what was done some days ago. It is true that no official action has been brought to the attention of the Chair, but the Chair, as a member of this joint convention, and as a member of this Legislature, must recognize some things. The Chair was present yesterday in this hall of Representatives when the House of Representatives unseated by a vote the gentleman from Van Buren, Mr. Thibodeau, and seated in his stead Fortunat O. Michaud of Van Buren. That much came to the knowledge of the Chair. If I am wrong in changing the membership of the House, the clerk of the House sits here and he can correct me.

Clerk HARVEY of the House: Mr. Chairman, according to my records you are correct. My record shows that Fortunat O. Michaud of Van Buren has taken the place of Levite V. Thibodeau of Van Buren, as the representative from that class, and he has been duly qualified and taken his seat. I will also say, if you will allow me, that the copy for this House diagram, to which Senator Cole has referred, was sent to the office correctly, with the name of Mr. Thibodeau in its proper place in the copy.

Chairman HERSEY: The Chair rules that the Clerk is out of order in going into the details of this matter. The Chair may be wrong, but the Chair feels that there is no way in which this convention can vote as to what shall constitute its membership; that by custom and usage the joint convention must be made up by the Chair from a roll-call, and that nobody else has any right to make up that roll. The Chair has arbitrarily, so to speak, made up that roll; the Chair has arbitrarily changed that

roll in accordance with the fact, as he understands it. From this ruling the Senator from York (Mr. Cole) has appealed to the convention. The Chair wishes to make this explanation, and further that this matter be submitted to the joint convention without debate. The question is: Shall the decision of the Chair stand as the judgment of this convention? Those in favor will say, yes; those opposed will say, no.

A viva voce vote being doubted,

Mr. Higgins of Brewer called for a division.

A division was ordered.

Chairman HERSEY: The Chair appoints as monitors of the Convention the monitors of the House. The question before the Convention is: Shall the decision of the Chair stand as the judgment of the Convention? Those in favor will rise and stand in their places until counted and until the monitors have returned the count.

A division being had, 98 voted in the affirmative and 82 against.

Chairman HERSEY: So the decision of the Chair is sustained. The secretary of the Convention will now call the roll of the Convention, unless there is objection made.

A call of the roll showed that the following were present:

Albert, Sen. Allen, Kennebec; Allen, Machias; Sen. Ames, Washington; Ames, Stockton Springs; Averill, Ballard, Sen. Bartlett, Beal, Benn, Bernier, Besse, Blake, New Gloucester; Blake, Oakland; Bonney, Bourque, Sen. Boynton, Bradbury, Bragdon, Brann, Brawn, Brown, Auburn; Brown, New Sharon; Sen. Burleigh, Bussey, Sen. Butler, Campbell, Carson, Chadbourne, Chamberlin, Chaplin; Sen. Chatto, Sen. Clark, Clement, Clifford, Cobb, Coffin, Sen. Colby, Colcord, Sen. Cole, Sen. Conant, Connellan, Connors, Corliss, Currier, Daigle, Danforth, Davis, Descoteaux, Dilling, Douglass, Drapeau, Drummond, Sen. Dunton, Durgain, Sen. Durgin, Dutton, Edwards, Ellis, Sen. Emery, Erskine, Evans, Fay, Sen. Flaherty, Ford, Fossett, Sen. Fulton, Gallagher, Sen. Garcelon, Gerrish, Gilmour, Goldthwaite, Gooding, Goodwin, Gould, Grant, Groaton, Greeley, Greenlaw, Greenleaf, Hanson, Saco; Hanson, Sanford; Haraden, Harper, Hart, Haskell, Sen. Hastings, Sen. Herrick, Sen. Hersey, Higgins, Hill, Hobbs, Hodgkins, Holt, Gouldsboro; Holt, Skowhegan; Jameson, Sen. Jillson, Jordan, Lawrence, Leader, Sen. Leary, Lewis, Libby, Littlefield, Lombard, Lord, Mansir, Maxwell, McCarty, McCorrison, McCurdy, McIntire, McKinley, McNally, Meader, Mi-

chaud, Millett, Mitchell, Morrison, Morse, Sen. Moulton, Mulligan, Mullin, Sen. Murphy, Neilon, Newell, Nicholas, Noyes, O'Connell, Peabbles, Sen. Peacock, Perham, Perkins, Peterson, Picher, Pierce, Farmington; Pierce, Houlton; Plummer, Pollard, Sen. Price, Ranney, Ricker, Roberts, Robinson, Russell, Alfred; Russell, Lewiston; Ryder, St. Clair, Calais; St. Clair, Rockland; Sanborn, Sen. Scammon, Small, Smith, Snow, Sen. Swift, Tabbutt, Tate, Thibodeau, Thombs, Sen. Thurston, Tobey, Towle, Trafton, Turner, Tuttle, Varney, Sen. Walker, Ward, Wasgatt, Washburn, Waterhouse, Watts, Webb, Welch, Sen. Weld, Wescott, Wheeler, Wilkins, Wilson, Wise, Woodman, Wyman.

Present, 182.

Absent, 0.

Chairman HERSEY: The Chair understands that all the members of the joint Convention are present. The Chair now lays before the Convention the matter of unfinished business, which is the election of a treasurer of state. The committee appointed to receive, sort and count votes will attend to their duty and distribute ballots.

Seventh ballot: Having attended to the duty assigned it, Senator Moulton from the committee reported as follows:

Whole number of votes cast,	182
Necessary for a choice,	92
Elmer E. Newbert had,	92
Joseph W. Simpson had,	86
Morrill N. Drew, had,	4
The report was accepted.	

Chairman HERSEY: The Chair declares Elmer E. Newbert duly elected treasurer of state.

On motion by Senator Boynton of Lincoln, Senators Garcelon of Androscoggin and Bartlett of Kennebec and Messrs. Holt of Skowhegan, Lawrence of Fairfield, Sanborn of South Portland, Libby of Merrill and Perham of Woodstock, were appointed a committee to receive, sort and count votes for attorney general.

Having attended to the duty assigned it, Senator Garcelon from the committee reported as follows:

Whole number of votes cast,	182
Necessary for a choice,	92
William R. Pattangall had,	92
Scott Wilson had,	86
Henry E. Burnham had,	4
The report was accepted.	
The Chair thereupon declared William	

R. Pattangall duly elected attorney general.

On motion by Mr. Campbell, Mr. Campbell of Island Falls, Senators Chatto of Hancock and Thurston of Oxford, and Messrs. Cobb of Denmark, McCarty of Lewiston, St. Clair of Calais and Erskine of Alna were appointed a committee to receive, sort and count votes for commissioner of agriculture.

Having attended to the duty assigned it, Mr. Campbell from the committee reported as follows:

Whole number of votes cast,	182
Necessary for a choice,	92
William P. Guptill had,	93
John A. Roberts had,	85
E. A. Rogers had,	4
The report was accepted.	

The Chair thereupon declared William P. Guptill duly elected commissioner of agriculture.

Senator Conant of Waldo moved that a message be sent to the governor informing him of the elections of Hon. John E. Bunker as secretary of state, Hon. Elmer E. Newbert as treasurer of state, Hon. William R. Pattangall as attorney general and Hon. William P. Guptill as commissioner of agriculture.

The motion was agreed to.

The Chair thereupon appointed the secretary of the Convention to convey the message.

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

Chairman HERSEY: The Chair understands that this concludes the business for which this joint convention was convened. The Chair wishes to say before we separate that he feels that he is under great obligations to the members of this Convention for the patience which they have exhibited during the sessions of the joint convention. These have been trying days. The Chair has attempted in every way to act so that when we got through with this convention there should be no bad taste in our mouths;

there should be no bad feelings among the members of the several parties; that there should be no bad feeling between the Senate and the House, and between the several members. There has been at times warm and earnest contests for several of the candidates presented here; that is necessary, and that is to be expected, but I am pleased to say that I believe, as one member of this Convention, that the business of the Convention has been carried on in good faith and with the best of intentions, and that it ends up with the best of feeling existing between its members. The best man, let us hope, has won.

Gentlemen, there are serious and solemn duties for the members of this legislature in both branches to perform for the people of this state; this matter of the election of state officials has been only an incident in the great work of this legislature. Let us enter upon those duties feeling that every member is honest and with the intention on the part of each member of doing the best work he can for the State of Maine. Let us keep party lines away whenever we can; whenever we clash on party lines, let us do it with a feeling of friendship. Again, gentlemen, I thank you for your consideration and courtesy to the Chair. (Applause.)

The business for which this joint convention was convened having been performed, consummated and completed, the joint convention is now dissolved. The House will remain in its hall; the Senate will proceed to the Senate Chamber.

Thereupon the Senate retired to the Senate Chamber.

In the House.

(The Speaker in the chair.)

From the Senate: Ordered, The House concurring, that when the Senate and House adjourn, they adjourn to meet at 10-30 A. M. Tuesday, January 19th.

The order received a passage in concurrence.

On motion by Mr. Ricker of Castine,

Adjourned until Tuesday morning, January 19th, at 10-30 o'clock.