

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Seventy-Seventh Legislature

SPECIAL SESSION

State of Maine

1916

HOUSE

Friday, Sept. 29, 1916.

This being the day designated in the proclamation of the Governor for the meeting of the 77th 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. Fr. Neligan of Augusta.

The following proclamation was then read by the clerk:

STATE OF MAINE

By the Governor

A PROCLAMATION

WHEREAS, the commissioner appointed under Chapter 237 of the Resolves of 1915 to complete the sixth revision of the general and public laws of the State has completed his work and is now ready to submit the final draft of such revision to the Legislature, and

WHEREAS, the amendment to Article Four of the Constitution of the State, establishing a people's veto through the optional referendum, makes it extremely important that any general revision of the statutes be submitted to the Legislature for acceptance at least 90 days prior to its next regular session; said amendment to the Constitution not seeming to permit the adoption of such revision under the emergency clause, and

WHEREAS, the provisions of Section 16 of Chapter 7 of the Revised Statutes, requiring that the balance of the sums received on account of lands reserved for public uses shall remain in the treasury, have become embarrassing, and the public interests seem to require some legislative action which will permit the use of the money now in the treasury to the credit of this account, and

WHEREAS, the inhabitants of the city of Portland desire the present petitions to alter the harbor line of Portland harbor, which is a matter of vital importance to the shipping interest of the State and one that demands the early and careful consideration of the Legislature:

In consideration whereof, I, Oakley C. Curtis, 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 Friday, the 29th day of September, 1916, 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 in their judgment will best promote the welfare of the State.

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

Done at Augusta, the 13th day of September, in the year of (L. S.) our Lord 1916, and of the Independence of the United States of America the 141st.

OAKLEY C. CURTIS.

By the Governor.

Attest: JOHN E. BUNKER,
Secretary of State.

Mr. Gallagher of Bangor moved that the clerk of the House be instructed to call the roll of the House in order to determine whether a quorum of the House was present.

The motion was agreed to.

The clerk thereupon called the roll of the House.

144 members answering to their names, a quorum was declared to be present.

A message was transmitted from the Senate through its secretary informing the House that a quorum was present in the Senate and that body was ready for the consideration of such business as may come before it.

Mr. Thombs of Lincoln moved that the clerk of the House be directed to convey a message to the Senate informing that body that a quorum of the House is present and that the House is ready to proceed to the transaction of such business as may come before it.

The motion was agreed to.

Subsequently the clerk of the House reported that he had performed the duty with which he was charged.

A message was received from the Senate through its secretary proposing a joint convention of both branches of the Legislature forthwith in the Hall of this House for the purpose of receiving a communication from His Excellency, the Governor.

Mr. Thombs of Lincoln moved that the clerk of the House be directed to convey a message to the Senate informing that body of the concurrence of the House in the proposition for a joint convention of both branches of the Legislature.

The motion was agreed to.

Subsequently the clerk of the House reported that he had performed the duty with which he was charged.

Thereupon the Senate came in and a joint convention was formed.

In Convention

President Hersey assumed the Chair.

The CHAIRMAN: In conformity with the joint votes of both branches of this Legislature, I now declare a joint session of this Legislature for the purpose of receiving a communication from His Excellency, the Governor. The Chair awaits the pleasure of the convention.

Senator Bartlett of Kennebec moved that a committee of this convention be appointed to wait upon His Excellency, the Governor, and inform him that the Senate and House of Representatives are in convention assembled in the Hall of the House for the purpose of receiving any communication he may be pleased to present.

The motion was agreed to.

The chairman of the convention thereupon appointed as such committee to wait upon His Excellency, the Governor, Senators Bartlett of Kennebec, Butler of Knox and Ames of Washington and Messrs. Pierce of Houlton, Sanborn of South Portland, Ricker of Castine, Morse of Rumford and Russell of Lewiston.

Subsequently Senator Bartlett for the committee reported that the com-

mittee had performed the duty with which it was charged.

Thereupon the Governor attended by the Executive Council and heads of departments came in.

His Excellency, the Governor, then communicated to the convention as follows:

"Gentlemen of the 77th Legislature:

"Under Article 5, Part 1, Section 13, of the Constitution, the Governor is authorized to convene the Legislature on extraordinary occasions and therefore you are assembled in accordance with the call as expressed in the Governor's proclamation issued, Sept. 13, 1916.

"A most extraordinary occasion has arisen in connection with the revision of the statutes as required by law because no similar condition appertaining to the revision has heretofore existed.

"Formerly on such occasions it has been possible and in fact it has been the custom to adjourn the Legislature to a day certain and secure the required results, but seemingly this process cannot now obtain as the way appears to be obscured by the amendment to Article 4 of the Constitution of the State of Maine establishing a people's veto through the optional referendum.

"It seems that in no reasonable manner can the revision of the statutes be accomplished except in a special session.

"Doubtless it would be superfluous to go into the details of the act establishing the optional referendum but some reason should be given to the citizens of the State why this special session is called—at more or less expense and inconvenience—and why if allowed to go over to the next Legislature the matter might entail still greater expense and confusion.

"The constitutional amendment provides that no act or joint resolution of the Legislature shall take effect until 90 days after the recess of the Legislature—with certain exceptions in an emergency clause.

"It seems to be accepted that the recess of the legislature is the time intervening

between the final adjournment of one legislature to the time of convening the next.

"If you had adjourned to this date none of the acts or resolves passed at your regular session would have become effective until 90 days after the final adjournment except those passed with the emergency clause, consequently the final adjournment would not have been accomplished in time to have made your appropriations available until the closing days of the present year.

"The work attending the revision of the statutes is increasing continually and it is doubtful that it could be completed at any time until the middle or last of the year succeeding the session of the legislature authorizing the revision.

"It does not seem possible that the act of final revision of the statutes can be passed under the emergency clause of the referendum act, because it appears to be a repeal of all the acts and resolves in the previous revision and a re-enactment of practically all of them—and a portion of them apparently are not allowed in the exceptions of the emergency clause either in the repeal or the re-enactment.

"Again, if the matter was allowed to go over to the next legislature the revision would not be complete without the laws of 1917; and also, even without the laws of 1917, untold confusion would result, as the legislators in attempting to amend laws would be obliged to refer to the old statutes while the new statutes were ready at hand but not operative until after the expiration of the 90 days period and could not be amended until in force.

"The effect of amending the old statutes by the next legislature while the revision of the new statutes was pending might be to create some confusion in the courts, because the old statutes would automatically be repealed by the act of revision when it became effective and the validity of the amendment might be questioned.

"These are questions which should be decided by the courts, to establish directions for the future.

"Possibly it may not be important in any material sense what the decision may be so long as it is made clear and specific on a definite basis—but this does not assist us in the present instance.

"To include the 1917 laws would entail additional and heavy expense in the rearrangement of the entire work.

"I had hoped that a special session would not be necessary, but in the present circumstances it appears to me that by calling this special session serious complications will be avoided.

"If the work went over to next year the delay might be serious, and even then it might be necessary to have a special session or at least an adjourned meeting, which would again delay the legislature of 1917.

"It almost seems to me like an endless chain affair, as it does not appear that there can be any period at which the statutes can be brought up to date by any reasonable means without a special session. Perhaps the courts may devise some means for future guidance—to avoid the calling of an extra session—which would save some expense to the State.

"It seemed to be well understood by the legislature at its regular session that the call would be necessary, and consequently no further explanation is deemed expedient.

"Primarily the call for this session is to complete the revision of the statutes—otherwise the session would not have been called.

"Your attention, however, is called to the cash in the Land Reserve School Fund required under Chapter 7, Section 16, which reads as follows:

"The treasurer shall keep a separate account with the Reserved Land in each such township, in which account he shall enter all sums by him received and paid on account thereof; and the balance shall remain in the treasury until such township or tract is by law authorized to receive it and thereupon it shall be paid to the proper officers thereof.

"This seems to say that the money unexpended in this fund shall remain in the treasury—although this provision has not always been observed.

"On December 31, 1915, there was of actual cash in this fund \$433,132.99 and that is the figure at which the fund stood on the books on that date. This amount will be increased by the receipts of this year.

"In many instances the money may not be needed for a hundred years and possibly some of it may never be demanded. The fund is constantly increasing.

"Possibly you will consider the advisability of amending the law to make this money available for the uses of the State or promote legislation for some investment to be made with the fund. It does not seem to me expedient that this money shall lie idle in the treasury and furthermore consideration might be given to the question of whether or not in its present state it is a menace.

"A full report of this account will be submitted by the Treasurer of State.

"By urgent request a petition for the creation of a new harbor commission for the cities of Portland and South Portland and authorizing extension of the present harbor lines of Portland is herewith submitted and it speaks for itself.

"The urgency of the request is the only reason for its being presented to you at this time.

"In view of the short time intervening between this and the next regular session of the Legislature, no recommendation for any legislation seems necessary."

Thereupon the Governor attended by the Executive Council and heads of departments withdrew.

The CHAIRMAN: The purposes for which this joint convention was convened having been accomplished, the convention is now dissolved. The members of the House will remain in the Hall of the House and the Senate will retire to its chamber.

Thereupon the Senate withdrew.

In the House

On motion by Mr. Pierce of Houlton, unanimous consent was granted and that gentleman introduced the following resolutions:

"Augusta, Me., Sept. 29, 1916.

"This House of Representatives finds its meeting at this time saddened by the death of four of its most respected members.

"The Hon. Frank S. Lord of Ellsworth, Hon. Henry W. Evans of North Bridgton, Hon. Frank Robinson of Ban-

gor and Hon. James A. Connellan of Portland were gentlemen of high character, great ability and marked fidelity to duty.

"We enjoyed our friendship with them and we appreciated their public service and we deem it only fitting that we thus recognize the loss to the State and to us personally.

"Therefore, it is resolved that these resolutions be spread upon the journal of this House and copies sent by the clerk to the families of the deceased members."

The SPEAKER: The House has heard the resolutions read and would suggest that the resolutions be adopted by a rising vote.

The resolutions were adopted by a rising vote.

From the Senate: Ordered, the House concurring, that the Commission on Revision of the Statutes be directed to cause Chapter 319 of the Laws of 1915 entitled "An Act to provide for State and county aid in the construction of highway bridges," and Chapter 350 of the Laws of 1915 entitled "An Act relative to the hours of employment of women and minors," to be printed as an appendix to the volume of the Revised Statutes and included in the index.

On motion by Mr. Pierce of Houlton the order received a passage in concurrence.

Mr. Wescott of Bluehill presented the following order:

Ordered, that the employees of this House receive the same compensation as the members.

The order received a passage.

Mr. Santorn of South Portland presented the following order:

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

The order received a passage.

Mr. Washburn of Perry presented the following order:

Ordered, that the clerk of the House prepare and cause to be printed 300 copies of the House Journal.

The order received a passage.

Mr. Wasgait of Deer Isle presented the following order:

Ordered, the Senate concurring, that the secretary of State be directed to furnish each officer and member of the 77th Legislature a copy of the Revised Statutes when ready.

The order received a passage.

From the Senate: The report of Hon. John A. Morrill, commissioner on the Revision of the Statutes.

In the Senate this report was read and accepted.

On motion by Mr. McCarty of Lewiston, the report was accepted in concurrence with the Senate.

From the Senate: The report of the joint select committee on the Revision of the Statutes of the 77th Legislature.

In the Senate the report of the committee was read and accepted.

On motion by Mr. McCarty of Lewiston, the report was read and accepted in concurrence with the Senate.

From the Senate: Bill, An Act to revise and consolidate the Public Laws of the State.

In the Senate this bill received its two several readings and was passed to be engrossed under a suspension of the rules.

On motion by Mr. McCarty of Lewiston, the rules were suspended, the bill received its three several readings and was passed to be engrossed.

The bill was then passed to be enacted.

From the Senate: The report of the committee on Revision of the Statutes on report of the commissioner on the Revision and Consolidation of the Public Laws of the State of Maine, reporting bill, An Act to repeal the Acts consolidated in the Revised Statutes of the year 1916, and that the same "ought to pass."

This report came from the Senate read and accepted in that branch.

On motion by Mr. McCarty of Lew-

iston, the report was read and accepted in concurrence with the Senate.

From the Senate: Bill, An Act to repeal the Acts consolidated in the Revised Statutes of 1916.

In the Senate this bill received its two readings and was passed to be engrossed under a suspension of the rules.

On motion by Mr. McCarty of Lewiston, the rules were suspended, the bill received its three several readings and was passed to be engrossed in concurrence with the Senate.

The bill was then passed to be enacted.

From the Senate: Ordered, the House concurring, that 675 copies of the Legislative Record of the special session of 1916 be printed and bound, one copy each for the members of the Senate and House of Representatives, and the remainder to be deposited in the State library for exchange and library use.

The order received a passage in concurrence.

From the Senate: Report of the State Treasurer to the special session of the 77th Legislature on "Interest on lands reserved for public uses fund."

This came from the Senate referred in that branch to the next Legislature.

On motion by Mr. Hanson of Sanford the House voted to concur in such reference.

From the Senate: Resolve on the payroll of the Senate.

This resolve came from the Senate, read twice and passed to be engrossed under a suspension of the rules.

On motion by Mr. Hanson of Sanford the rules were suspended, the resolve received its two several readings and was passed to be engrossed in concurrence.

From the Senate: Ordered, the House concurring, that the Committee on Appropriations and Financial Affairs be directed to make up the payroll of the members, officers, employes and chaplains of the Senate and House.

The order received a passage in concurrence.

From the Senate: Petitions creating a new harbor commission for the cities of Portland and South Portland and authorizing the extension of the present harbor lines of Portland harbor.

In the Senate these petitions were read and placed on file.

On motion by Mr. Sanborn of South Portland the petitions were placed on file in concurrence.

From the Senate: Bill, An Act to authorize the Board of Harbor Commissioners of the City of Portland to alter and modify the harbor lines.

This bill came from the Senate, read twice and passed to be engrossed under a suspension of the rules.

On motion by Mr. Sanborn of South Portland, the rules were suspended, the bill received its three several readings and was passed to be engrossed in concurrence.

On motion by Mr. Ricker of Castine unanimous consent was granted and that gentleman introduced Resolve on the payroll of the House of Representatives.

On further motion by the same gentleman the rules were suspended and the resolve received its two several readings and was passed to be engrossed.

From the Senate: Ordered, the House concurring, that when the Senate and House adjourn it be to meet on Saturday, Sept. 30th, at 9 o'clock in the forenoon.

The order received a passage in concurrence.

From the Senate: Bill, An Act for the payment of the per diem and mileage and for other expenditures incident to the special session of the 77th Legislature.

This bill came from the Senate, read twice and passed to be engrossed under a suspension of the rules.

On motion by Mr. Higgins of Brewer, the rules were suspended, the bill received its three several readings and was passed to be engrossed in concurrence.

On motion of Mr. St. Clair of Calais, adjourned until tomorrow morning at 9 o'clock.