

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eighty-First Legislature

OF THE

STATE OF MAINE

1923

KENNEBEC JOURNAL COMPANY
AUGUSTA, MAINE

SENATE

Saturday, April 7, 1923.

The Senate was called to order by the President at nine o'clock, A. M. Prayer by the Rev. H. H. Brown of Augusta.

Journal of previous session read and approved.

Mr. BREWSTER of Cumberland: Mr. President, I rise to a question of personal privilege.

The PRESIDENT: The Senator will state his question.

Mr. BREWSTER: Mr. President, there have been a good many statements in the last few heated days, both in this body and outside, regarding motives and conduct. And I wish to ask the indulgence of the Senate for perhaps five minutes to state my personal association with this situation.

I hesitated to do this yesterday, when perhaps it might have been proper, because the personal element involved in the situation might have affected materially the consideration of the very important question which the Legislature had before it, and I certainly wish no defense of my personal connection with the situation to affect the conclusion of the Legislature in the matter, but I do wish in the Record to have my position clear, and so I ask the indulgence of the Senate for three or four minutes to make that a part of the Record.

The PRESIDENT: The Senator has that privilege.

Mr. BREWSTER: There has been said on this floor and in the Halls of the Legislature, some rather harsh things regarding what has transpired during the past four days, so far as those associated in the negotiations are concerned, with the Governor, who was concerned in the matter and is amply able to protect himself by communication to this body, and to clarify his motives.

So far as my personal actions are concerned I again have no desire to speak, whatever may be said regarding my motives, or the wisdom of my action, or the propriety of my action, because necessarily one who attacks the motives or conduct of another, or one who defends himself, must be taking largely a personal view of government, and I take it we come here to consider measures, to consider questions of policy, to

consider principles of government, and I have sincerely tried to advocate measures and policies during this entire session, as I think the Record will show, and I have no desire to attempt any answer to the torrent of misrepresentation and abuse which has sometimes swept through these corridors regarding many personal incidents or regarding any reflections which may seem to have been cast upon my conduct on the floor of this Senate. The records, I think will speak for themselves.

I do wish, however, to incorporate in the Record just a word as to two others concerned with these negotiations in the last few days, who are not able to speak here in their own defense. Those two men are Walter S. Wyman and William B. Skelton. William B. Skelton, an able and distinguished attorney, perhaps one of the leading authorities on the question of water power in this State, a man of the highest repute, who entered into this matter in the full confidence of his clients, duly authorized to discuss and consider what it was wise to do, an authorized legislative counsel of record; and Walter S. Wyman, a member of the committee concerned with this Kennebec Reservoir proposition, duly authorized to act fully in the matter and exercise his best judgment, and perhaps the ablest electrical engineer in this State,—both of them citizens of our own State, men whose fortunes, men whose interests are intimately tied up with the problems of Maine's proper development, that being their only interest. As Mr. Wyman stated to me night before last when the storm burst about his head, he has been charged in Augusta with being a fool and in Boston with being a knave. I wish to record here, in view of the great public concern in this matter, my high appreciation of his devotion to what he esteemed to be the highest interests of this State in the action which he took, and to have it recorded here, so far as my personal connection is concerned, that I have no question that he acted for what he deemed to be the highest interests of his clients and of the State.

Two factors entered into it which have not been sufficiently appraised, factors which I think this Legislature and every one else should consider. Mr. Wyman and Mr. Skelton knew, as no one else except the Governor knew, what the reaction

was upon the referendum proposal, so far as their personal clients were concerned. Considering merely their selfish interests, they may well have been guided by what they thought was the popular reaction upon the reservoir charter which seemed destined for referendum. That is so far as their selfish interest is concerned, and that was properly considered by them, and they are entitled to no criticism on that score. It was their best judgment and men in Boston were not so able to determine that as they on the spot, on the firing line.

Second, they were also in my judgment animated by considering the turmoil, the confusion, the chaos which confused the people of this State in trying properly to appraise this very serious problem which was going to be presented to them upon the referendum, whether they would be able to clarify the issue, get it out of personal and party politics into the realm where it could be properly considered, or whether it was going to come to a point where it would involve a great deal of irresponsible talk and discussion on this issue which would very greatly delay the proper settlement of the water power issue in this State. I believe they were animated in the very sincere effort which they made to settle this matter on a basis fair to all by mutual concession, not merely by the selfish interests of themselves and their clients, which they had properly considered, but also by a high regard for the best interest of this State and of the proper development of its natural resources in the interests of all the people, and I can do no less than pay here this tribute to what I believe was their sincere service in that cause.

I thank you.

Mr. ALLEN of York: Mr. President, I would like to ask the senator from Waldo, Mr. Buzzell, through the Chair, if he will take from the table the gasoline bill.

Mr. BUZZELL of Waldo: Mr. President, I agree to that. The bill was taken from the table.

Mr. ALLEN: Mr. President, I would like to inquire if my motion of last evening still prevails?

The PRESIDENT: The motion is still pending to recede and concur.

Mr. HINCKLEY of Cumberland: Mr. President, in view of the stand I have taken on this matter, it is only fair to

state that I still have no question as to the constitutionality of the proposition.

We are now approaching, or at least we are working in undoubtedly the last of this session. We have all been working hard and we all have been working for what we thought was right, and I cannot help feeling that in these closing days, realizing that a large crowd of high-class fellows in the other branch of the Legislature are so sincerely and determinedly interested in this matter, that it would be a fine thing to join with them on this proposition. I think it would help the feeling between these two branches, and I am going to be a good sport and I hope the other fellows will also be good sports and vote with them.

A viva voce vote was had and the Chair being in doubt a division was ordered.

(Senator Speirs was excused from voting).

A division was had, and eighteen senators voting in favor of the motion and eight opposed, the motion was carried.

The PRESIDENT: This involves certain reconsideration of votes, as the Senate passed this bill to be engrossed as amended by House Amendment A.

The Senate then voted to reconsider the action whereby the bill was passed to be engrossed, and then reconsidered the vote whereby the Senate adopted Senate Amendment A.

(House Amendment B was then read by the Chair).

House Amendment B was then adopted in concurrence and the bill as thus amended was passed to be engrossed in concurrence.

Passed to be Enacted

An Act to amend Chapter 132 of the Public Laws of 1919, as amended by Chapter 203 of the Public Laws of 1921, entitled "An Act to create the Maine Water Power Commission".

Finally Passed

Resolve for the construction and equipment of an infirmary and dispensary at the State School for Girls.

Resolve in favor of the State Park Commission.

Mr. CROXFORD of Penobscot: Mr. President, I will rise to a point of personal privilege.

The PRESIDENT: The Senator will state his point of privilege.

Mr. CROXFORD: Mr. President, I wish to render account of my stewardship in the part that I have played with Senator Buzzell from Waldo and with members from the House in the solicitation of the funds for the boy in the House, Robert Michael Senergie, and I wish to say that there is \$1500 on deposit, there is \$200 more pledged, and the prospect very, very good of making the fund exactly what we wanted, \$2000. The committee has appointed a board of trustees who will act and care for the fund and also have charge of the boy, and I feel down deep in my heart that I have been a little bit of a factor in doing something for one that couldn't help himself, and I want to thank you as members of the Senate for the contributions that you have given for this boy.

(A short recess was taken at this time).

After Recess

The Senate was called to order by the President at 9:50 o'clock.

Mr. HINCKLEY of Cumberland: Mr. President, I have been asked to present this Act out of order: An Act to amend the last paragraph of Section 46 of Chapter 219 of the Public Laws of 1917, as amended by Chapter 133 of the Public Laws of 1919, and as amended by Chapter 218 of the Public Laws of 1921, and as amended by Chapter 214 of the Public Laws of 1923, relating to the protection of fur-bearing animals.

I am informed by those who sponsored this bill and by the senator from York, and members of the House, and they tell me that every one is satisfied with the bill.

In the bill we passed we changed the open time on coons to the 15th of October. This bill puts it back to the first day of October, and I thought we better do it in this form rather than in the general bill that was passed.

I move the suspension of the rules that this bill may be received.

The rules were suspended and the bill was received. (The bill was read by the Chair).

Mr. EMERY of Washington: Mr. President, I would like to ask the senator through the Chair, if this bill has the approval of the committee on inland fisheries and game?

Mr. HINCKLEY: Mr. President, I understand that the bill has the approval of the fish and game commissioner.

Mr. WILSON of Aroostook: Mr. President, I will state to the senator that the commissioner of inland fisheries and game made it the 15th day of October at the request of the sweet corn growers. The amendment was presented by the senator from York. We had no particular interest in this bill up in our country and it was of no particular interest to any of us, but I understood it would deprive those who hunted with dogs of a good deal of pleasure, and I, myself have had that same pleasure.

The bill was given its first reading.

The bill was then given its second reading under suspension of the rules, and was passed to be engrossed.

(A recess was taken at this time).

AFTER RECESS

Senate called to order by the President at 11:20 A. M.

From the House: An Act to appropriate money for the expenditures of government and other purposes for the year from July 1, 1924 to June 30, 1925.

In the Senate under suspension of the rules, read twice and passed to be engrossed in concurrence.

Mr. HINCKLEY of Cumberland: Mr. President, I rise to a point of personal privilege.

The PRESIDENT: The Senator will state his point.

Mr. HINCKLEY: Mr. President, every member of this Senate has worked hard and conscientiously, but no members of the Senate, and you will all agree with me, has devoted as much time, and accomplished as much in this legislature as the efficient Senator from Oxford, Senator Eaton, as chairman of the committee on Appropriations and Financial Affairs. And I feel that this Senate at this time owes a debt of gratitude to Senator Eaton for the wonderful accomplishment of steering the financial affairs of this legislature, and the appropriation matters, to the point where this legislature can adjourn with a tax rate of seven and six and three-quarters mills.

It is a thing that none of us ever

dared to dream of, and I move that a rising vote of thanks be given in appreciation of this Senator.

(A rising vote was had amid applause.)

Mr. EATON: Mr. President and fellow senators, I appreciate your kindly feelings—I have done the best I could.

The PRESIDENT: The Chair feels that not only the Senate and the Legislature, but the State of Maine should thank this man for what a pretty level-headed Legislature has done here. I think it is really remarkable, under all the stress that we have been during this session, that we have come out as we have, and it certainly is due more to the Senator than any other one man in this Legislature, and he is entitled to all the thanks that can be given to him by this Senate, and the Legislature, and the State of Maine. (Applause)

From the House: Resolve appropriating money to set forth the natural agricultural, industrial and recreational advantages of the State of Maine.

In the House passed to be engrossed under suspension of the rules.

Mr. HINCKLEY of Cumberland: Mr. President, I do not feel at this stage, this matter having gone through, and the veto of the Governor having been sustained on it—that we can at this last stage open the door for this resolution, although I have been in favor of it and voted for it, I cannot agree to it at this time.

The PRESIDENT: Is it the pleasure of the Senate to suspend the rules and receive this resolve at the present time?

The motion failed of a passage and the Resolve was then referred to the next Legislature.

(A recess was taken at this time.)

AFTER RECESS

Senate called to order by the President at 11.45.

From the House: An Act for the assessment of a State Tax for the year 1923.

In the Senate read twice under suspension of the rules and passed to be engrossed, in concurrence.

From the House: An Act for the assessment of a State tax for the year 1924.

In the Senate read twice under suspension of the rules and passed to be engrossed, in concurrence.

From the House: An Act appropriating moneys for the expenditures of government for the year from July 1, 1923 to June 30, 1924.

In the Senate read twice under suspension of the rules, and passed to be engrossed, in concurrence.

From the House: An Act appropriating moneys for the expenditures of government for the year from July 1, 1924, to June 30, 1925.

In the Senate, on motion by Mr. Eaton of Oxford, read twice and passed to be engrossed, under suspension of the rules, in concurrence.

From the House: Resolve appropriating money to set forth the natural agricultural, industrial and recreational advantages of the State of Maine.

This Resolve was indefinitely postponed in the House.

On motion by Mr. Hinckley of Cumberland, indefinitely postponed in concurrence.

Mr. CROXFORD of Penobscot: Mr. President, I rise to a question of personal privilege.

The PRESIDENT: The Senator may state his question.

Mr. CROXFORD: Mr. President, In these closing hours we have omitted to mention a faithful officer, a man who has at all times been at the service of the members of this Senate. And I move you at this time, Mr. President and Senators, that we present to our efficient secretary the beautiful flag at our President's side. (Applause)

Secretary THORNTON: Mr. President, may I have the privilege of saying a few words?

The PRESIDENT: Certainly.

Secretary THORNTON: Mr. President and Senators, I want to say that I thank you for this expression of your good feeling towards me. You made your kindly feeling manifest during the first days of the session, and it has made the session very easy for me.

I want to take this opportunity to acknowledge the very efficient help of the Assistant Secretary, and that of the two young ladies in the office. If it had not been for them the work could not have been done as well.

I certainly shall remember this as long as I live.

I thank you.

The motion of the Senator from Penobscot was adopted unanimously.

Mr. CROXFORD of Penobscot: Mr. President, I move that the song be presented to the Senator from Cumberland, Mr. Hinckley.

Mr. HINCKLEY of Cumberland: Mr. President, this song has been ringing in my ears all winter, and yesterday it got nearer than that, but I appreciate the offer.

Reports of Committees

Mr. Eaton from the committee on Cole Report, on An Act to amend Chapter 132 of the Public Laws of 1919, as amended by Chapter 203 of the Public Laws of 1921, entitled "An Act to create the Maine Water Power Commission," reported same ought not to pass.

The report was accepted.

Final Report

Mr. Eaton from the committee on Cole Report submitted its final report.

The report was accepted.

Passed to be Enacted

An Act in relation to the Board of Registration of Medicine.

On motion by Mr. Allen of York a recess was taken until 1.30 o'clock this afternoon.

AFTER RECESS

Senate called to order by the President at 1.30 o'clock.

Final Report

Mr. Eaton from the committee on Appropriations and Financial Affairs submitted its final report.

The report was accepted.

Passed to be Enacted

An Act for the assessment of a State tax for the year Nineteen Hundred and Twenty-three.

This bill being an emergency measure, and having received the affirmative vote of twenty-two members of the Senate, was passed to be enacted.

An Act for the assessment of a State tax for the year Nineteen Hundred and Twenty-four.

An Act to appropriate moneys for the expenditures of the Government for the year from July First, Nineteen Hundred and Twenty-four, to June Thirtieth, Nineteen Hundred and Twenty-five.

An Act to amend the last Paragraph of Section Forty-six of Chapter Two Hundred and Nineteen of the Public Laws of Nineteen Hundred and Seventeen, as amended by Chapter One Hundred and Thirty-three of the Public Laws of Nineteen Hundred and Nineteen, and as amended by Chapter Two Hundred and Eighteen of the Public Laws of Nineteen Hundred and Twenty-one and as amended by Chapter Two Hundred and Fourteen of the Public Laws of Nineteen Hundred and Twenty-three, relating to the protection of fur-bearing animals.

An Act to appropriate moneys for the expenditures of the Government and for other purposes for the year from July First, Nineteen Hundred and Twenty-three to June Thirtieth, Nineteen Hundred and Twenty-four.

Finally Passed

An Act providing for a tax upon gasoline and other products used in operating internal combustion engines.

Resolve in favor of Louise Stratton, stenographer for the committee on Ways and Bridges.

Mr. SMITH of Somerset presented the following order:

Ordered, that the Governor be requested to return to the Senate An Act to provide for an issue of State Aid or Second Class Highway Bonds.

Which was read and passed.

Subsequently, the bill having been returned to the possession of the Senate in compliance with the above order, on further motion by Mr. Smith of Somerset the Senate reconsidered its action whereby the bill was passed to be enacted, and the bill was indefinitely postponed.

Sent down for concurrence.

Mr. MORNEAU of Androscoggin: Mr. President, may I say a few words

to the Senate, as long as we have no other business before us.

I believe it is quite fitting, as a minority member of the body, to thank you, in behalf of my two Democratic colleagues and myself, for the courtesy and consideration that have been extended to us through this session. It has been my good fortune to be a member of the lower House several times, back in the days of Governor Cobb and such men as Forrest Martin, Charles Johnson and Don Powers. They were great men on the floor, but it seems to me, as the years go by, that other Johnsons and other Forrest Martins and other Weeks replace them.

I have enjoyed very much the beautiful speeches made here this winter and I do hope that in two years these same gentlemen can go over the same steps that they have taken this winter and delight us with several speeches.

Therefore, gentlemen, I thank you very much for the courtesy and consideration extended the minority members of this Senate. (Applause Senate rising).

The PRESIDENT: I am sure the Chair voices the entire Republican portion of the Senate when he says that party lines have not been in existence here, that they have been entirely obliterated and that if the three Democratic senators have enjoyed the session, I am sure that the Republican members have enjoyed their presence here in this Senate.

Passed to be Enacted

An Act to appropriate moneys for the expenditures of the Government for the year from July first, nineteen hundred and twenty-three to June thirtieth, nineteen hundred and twenty-four.

An Act to appropriate moneys for the expenditures of the Government for the year from July first, nineteen hundred and twenty-four to June thirtieth, nineteen hundred and twenty-five.

Mr. CROXFORD of Penobscot presented the following Resolutions and moved their adoption.

"Resolved: That the members of the Senate of the 81st Legislature herewith desire to express to their co-worker and friend Honorable Taber D. Bailey of Bangor one of the Senators from Penobscot county their

sincere sorrow at his absence from among them during the past few weeks and extend to him their heartfelt sympathy in his time of affliction and be it further

Resolved: That a copy of this Resolution be forwarded to the Senator by the Secretary of the Senate and be spread upon the records of the Senate and be it further

Resolved: That the absence of the Honorable Taber D. Bailey from the Senate has deprived his associates of the counsel and good judgment of a clear thinker as well as of the companionship of one whom they had learned to love and respect for his splendid manhood and endeavor to do his duty according to honest convictions".

The Resolutions were adopted unanimously.

After Recess

Senate called to order by the President at 6:20 P. M.

From the House: An Act for the assessment of the State tax for the year 1923.

This bill was passed to be enacted by the House and by the Senate today. By the House it was recalled from the Governor, and now comes to the Senate, passed to be engrossed by the House as amended by House Amendment A.

On motion by Mr. Eaton of Oxford, the vote was reconsidered, whereby this bill was passed to be enacted, and also the vote whereby it was passed to be engrossed.

On motion by the same senator House Amendment A was adopted and the bill as thus amended was passed to be engrossed, in concurrence.

Passed to be Enacted

An Act for the assessment of the State tax for the year 1923.

This bill carrying the emergency clause required the affirmative vote of two-thirds of the members of the Senate on its passage to be enacted. Twenty-two senators voting in the affirmative and none in the negative, the bill was passed to be enacted.

On motion by Mr. Buzzell of Waldo, it was

Ordered, that a message be sent to the House of Representatives informing that body that the Senate

has transacted all business before it and is ready to adjourn without day.

Senator Buzzell conveyed the message, and subsequently reported that he had delivered the message with which he was charged.

On motion by Mr. Allen of York, it was

Ordered, the House concurring that a committee of three on the part of the Senate, with such as the House may join, be appointed to wait upon the Governor and inform him that both branches of the Legislature have acted on all matters before them and are now ready to receive any communication which he may be pleased to make.

The Chair appointed as such committee on the part of the Senate Messrs. ALLEN of York,
BEMIS of Somerset,
ELLIOT of Knox.

The committee retired and subsequently reported that they had delivered the message with which they were charged, and that the Governor informed them he would send a messenger with his communication immediately.

Message from the House

A message was received from the House conveyed from the gentleman of Augusta, Mr. Maher, informing the Senate that the House had transacted all business before it and stood ready to adjourn without day.

Message from the Governor

A message was received from the Governor, conveyed by the Secretary of State, transmitting the following message:

"STATE OF MAINE

OFFICE OF THE GOVERNOR

Augusta, April 7, 1923.

To the President of the Senate and the Speaker of the House:

I herewith transmit a list of the Acts and Resolves passed by the present Legislature. I have approved 347 Acts and 123 Resolves. Three acts and twelve resolves were passed without my approval, thus making a total of 350 Acts and 134 Resolves.

I have no further communication to make.

Respectfully,

(Signed) PERCIVAL P. BAXTER,
Governor of Maine."

In the Senate read and sent to the House.

The communication was accepted in concurrence by the House.

Mr. BEMIS of Somerset: Mr. President, I move that the Senate adjourn without day.

The PRESIDENT: And the Chair wants to say, before we do that, that he wishes you all Godspeed.

The Senate then adjourned without day.