

# MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Seventy-Fifth Legislature

OF THE

STATE OF MAINE

1911

Dover and Foxcroft Water District.

Resolve in favor of Cordelia Andrews, widow of Freeman B. Andrews, came from the House, passed to be engrossed under suspension of the rules.

Under suspension of the rules. The resolve was given its two readings and was passed to be engrossed.

A recess was taken until five o'clock.

#### After Recess.

House document 91. Resolve ratifying the proposed amendment to the Constitution of the United States, giving Congress power to lay and collect taxes on incomes, came from the House amended by the adoption of House amendment A, "That the Secretary of State be directed to notify the Secretary of State of the United States of the passage of this resolve."

The amendment was adopted in concurrence.

Mr. STEARNS of Oxford: Mr. President: May I take from the table at this time the primary election bill tabled by me this afternoon? I will say at the time I tabled these matters I supposed they were the various reports upon the two primary election bills before the Judiciary Committee, that is, the Davies primary election bill so-called, and the Administration, or Pennell, or Clifford bill—been called by various titles—which was also before the committee. I understand that the majority report of the committee on the Administration bill has been accepted this afternoon in my absence. That being the case, the only thing now before the Senate is the Davies bill. This has two reports, the majority report, which is Report A, signed by the six Democratic members of the committee—I think this was divided in that way—and Report B, the minority report, which was "ought to pass"—the majority vote being "ought not to pass."

This, the Senate will understand, is the bill which comes under the initiative and the referendum. And if the Legislature should see fit to pass this bill, the bill would become a law; but if the Legislature refuses a passage to this act, then it goes to the people under the provisions of the initiative and

referendum. That must either become a law under the action of this Legislature or go to the people. I move, Mr. President, that the Senate non-concur with the House in the acceptance of the majority report and that the minority report of "ought to pass" be substituted.

The PRESIDENT: The Senator moves that we non-concur with the House in adopting the majority report of the committee on Judiciary, which was that the "Davies bill" ought not to pass. That report was accepted in the House; and he further moves that the minority report, "ought to pass" be substituted.

Mr. STAPLES of Knox: Mr. President: That matter was before the Judiciary Committee and I take the same position now that I did there. I was opposed to the primary election bill. I was opposed to the Pennell bill. I give my reasons. If you adopt the primary election bill it will be almost impossible for any man of moderate means to become a candidate for office. Why? Everybody who has been in politics any, to run for office, knows that it is a very expensive matter to get voters out at the polls. If you have a primary election bill, you have got, if you are a candidate, to go round your whole district and get the voters out to the polls for the primary election, or caucus, as we call it, the nomination of any candidate. Now anybody that has been in the business any at all knows that it would be very expensive to get them out at the primary in the first place. Then if you are unfortunate, or fortunate enough—it would depend upon the office somewhat—to be nominated, then you have got to go over the whole ground again to get them out at the election. I don't believe there is any call for it by the voters of the State of Maine. And it would operate in this way, that a man would have to be very wealthy, or quite wealthy at least, to be a candidate for office for the reasons that I have given.

I move that we concur with the House that the matter ought not to pass. Of course there is a referendum attached to both of them and they come before the people. I want to put myself on record as opposed to it for that reason. I move that the Senate con-

cur with the House, "ought not to pass."

Mr. MILLIKEN of Aroostook: Mr. President: I want to say just a word in answer to what the Senator from Knox has said. I want to put myself on record as being squarely in favor of the principle of direct primaries, and I don't think there is any force whatever in the argument he has advanced about the expense. The proposition is to give the people a right to express directly their choice.

Now the main difference, as I understand, between the two proposed bills, is that the so-called Administration bill confines the operation of this principle to nomination for governor, Representatives in Congress, United States Senators. I believe it would be a very foolish thing for this Legislature to go on record as endorsing the proposition which in effect says to the people of Maine, you may nominate the governor and representatives in Congress by direct primaries but we don't want you to nominate us by that method. And I am in favor of the Davies bill as opposed to the so-called Administration bill largely for that reason.

And I want to say further that I object to the proposition embodied in this so-called Administration bill which provides for an entrance fee of \$50— if you want to be a candidate for governor you will have to pay \$50, and so on down. I hope that the motion of the Senator from Knox will not prevail.

Mr. STAPLES: Mr. President: I want it to be understood that I am opposed to both of them, the Administration bill and the Davies bill. I voted against it in committee. If it comes to the people, I will vote against it there.

Another thing, the delegates are chosen by the people to a convention. They, or the people who nominate them, represent the party in each town. Each party is represented. I think it is safe to leave it in their hands.

The PRESIDENT: The Senator from Knox moves that the Senate concur in the action of the House in adopting the majority report of the committee on Judiciary.

Mr. STAPLES: Mr. President: And I will move that the vote on that propo-

sition be taken by yea and nay vote.

Mr. GOWELL of York: Mr. President: I was one member of the Judiciary Committee to sign the minority report on the Davies bill so-called, because that bill was presented with 12,000 signatures. We had so many primary bills before us that we thought that one would be sufficient, and that one must be considered any way under the law at the present time, come in under the referendum. For that reason some of us endorsed that bill because it must come before the people if it was not enacted into law at this Legislature.

Mr. STEARNS: Mr. President: I desire to inquire as to what report was accepted upon the so-called Administration bill which was passed this afternoon. I make that inquiry because there were three reports upon that bill submitted. There were reports A, B and C. Report A was that the bill ought to pass, signed by four members of the Judiciary Committee. Report B was ought not to pass signed by two members. And report C, ought not to pass, with a recommendation that unless the Davies direct primary bill so-called was enacted without any change, that the Pennell bill, so-called be submitted to the people with the Davies bill. My inquiry is as to which one of those three reports was accepted this afternoon.

The PRESIDENT: I think Report A. I am not positive. The question before the Senate is on the motion of the Senator from Knox that we concur in the action of the House in adopting report A, majority report of the committee on Judiciary.

The yeas and nays were ordered and the secretary called the roll. Those voting yea were: Messrs. Allan, Blanchard, Boynton, Dodge, Donigan, Farrington, Foss of Androscoggin, Fulton, Hill, Kellogg, Leach, Moulton, Mullen, Noyes, Osborn, Pendleton, Sanborn, Staples, Winslow,—19. Those voting nay were: Messrs. Gowell, Irving, Milliken, Stearns, Theriault,—5.

So the majority report was adopted in concurrence.

Passed to be Enacted.

An Act to amend Chapter 8 of the