

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Seventy-Eighth Legislature

OF THE

STATE OF MAINE

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1917

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The SPEAKER: The sum of \$60,000 is hereby appropriated.

Mr. ROUNDS: Mr. Speaker, if that is to make it fireproof, I have no objection to it, but to put a roof on a \$75,000 building, \$60,000 looks to me like quite a heavy expense. I do not want to stop this measure because I think it is all right, but I would not like to go home and have them say, "What are you doing—putting on a roof that costs more than the building?" I would like to have this explained here by some of these gentlemen that know about it before we vote on it.

Mr. PHILLIPS of Southwest Harbor: Mr. Speaker, I am chairman of that committee on the part of the House. I would say that the \$60,000 is to be used to make a fireproof building of the whole building. The roof of the second story, as well as all inside was completely burned out; the building itself from top to bottom was injured by fire and water, and they propose to make a fireproof building and want \$60,000 with which to do it.

Mr. ROUNDS: Mr. Speaker, that is all I wish to know.

The SPEAKER: As many as are in favor of the final enactment of the measure will rise and stand until counted.

A division being had,

One hundred and twenty-four having voted in the affirmative and none in the negative, the bill was passed to be enacted.

#### Finally Passed.

Resolve in aid of navigation on various lakes, rivers and thoroughfares in the State of Maine.

Resolve authorizing the treasurer of State to reissue matured State highway bonds.

Resolve in favor of Ernest E. Graffam of Poland.

Resolve for laying the county taxes for the year nineteen hundred eighteen.

Resolve reimbursing the town of Presque Isle for money expended on account of a certain pauper.

Resolve for the payment of expenses of last sickness and burial of Allan Shenneck, formerly a private, Company L, Maine Infantry, N. G. S. M.

Resolve in favor of the University of Maine for maintenance and for the construction of new buildings.

Resolve in favor of the Trull Hospital Aid Association for the care, support, medical or surgical treatment of indigent persons.

Resolve, appropriating money for the protection of trees and shrubs from the ravages of dangerous insects and diseases.

This resolve carrying the emergency clause requires a two-thirds vote of all the members of the House on its final passage.

A division being had,

One hundred and nineteen having voted in the affirmative and none in the negative, the resolve was finally passed.

Resolve, proposing an amendment to the Constitution, in regard to apportionment of representatives in accordance with population.

Mr. SISSON of Island Falls: Mr. Speaker, what is the number of this resolve, please?

The SPEAKER: House Bill No. 423.

Mr. SISSON: Mr. Speaker, I move that this resolve be indefinitely postponed.

Mr. JORDAN of Baileyville: Mr. Speaker, I second the motion.

Mr. BREWSTER of Portland: Mr. Speaker, I am responsible for this resolve and it has so far gone along without difficulty from anyone who has understood the purposes for which it was introduced. Several members of the House have spoken to me in regard to it as they did not understand what its effect would be, and I should be very glad to explain, as I did before the committee, its exact purpose and its exact effect. I do not know whether many other members of the House are inter-

ested, but perhaps ten or a dozen have spoken to me in regard to it and every one of them have been entirely satisfied after the matter was explained. Whether it is wiser to take up your time now or to table this until I can talk with the gentleman from Island Falls (Mr. Sisson) I am uncertain, but perhaps it would be wisest to discuss immediately his motion, if it is susceptible of discussion.

The apportionment of representatives under the original Constitution was under Section 3 as given in this act, giving as there set out one representative for 1500 inhabitants, and they have proceeded along with that down to this time. The only limitation was that no town—and by that they meant also any district sending a representative—should have more than seven. The immediate occasion of this resolve was the situation in Portland, where some ten years ago, when we had seven representatives, we annexed Deering, which had two representatives, and we then lost the two representatives because no place could have more than seven.

At present, conferences are going on between the cities of Portland and South Portland in regard to a merger. You are now putting through here a bill for the Portland Harbor District which expresses the entity that there is between those two places, located on that harbor as you witnessed, recently welded together by the bridge which you have here assisted in building, and the future development of that harbor and of those cities must be upon the South Portland side. The community of interest that exists between them—and I speak in this matter with the full agreement of the South Portland representative—must be strengthened by welding them together and creating a city of considerably greater size. The result of a merger, however, will be that South Portland or Portland, whichever they may choose to call it, will then lose two of the representatives which they now have.

The committee which heard this matter represented all classes and all communities and after a full consideration unanimously recommended that this

limitation should be removed from the Constitution. What will be the effect of that? It will not affect in the slightest degree the present existing apportionment. The apportionment of representatives comes not under this section which you see in this act but under the previous article of the Constitution, which says that in not less than five nor more than 10 years the legislature shall apportion representatives. The legislature under that has full discretion in the apportionment, subject only to the ordinary rules of reason.

You understand also that as the present situation exists and as it would then exist, the representatives will always be apportioned to Cumberland county. It will only affect the distribution in that county. It will not now and it cannot ever affect the number of representatives which any other county will have because your Constitution under the previous article provides that the representatives shall be apportioned to the several counties in accordance with their population. That is done now and that will always be done. It will only be a question of how they shall be distributed within Cumberland county.

I have talked with perhaps six or eight of the representatives from other sections of Cumberland county, and the gentleman from Bridgton, Mr. Chaplin, was a member of the committee which considered this matter, and they all agreed that Cumberland county itself, which was the only county which could be affected or which could be interested in this matter in any way, had no desire to impose any obstacle on the union of those two cities.

Now, would it be an obstacle? When that union is under consideration between those two cities, one of the most pertinent considerations is going to be this matter of representation. Ten years ago in the case of Deering and Portland they let the matter pass and lost their representatives, but when it comes further, when it comes to a case of South Portland losing two of her representatives, it is going to be a most important consideration in the minds of those people in determining the matter.

Is it of any consequence to any of the rest of the State whether you do place any obstacles in the way of that result being achieved? It seems to me that it is, because the development of that harbor is going to affect very vitally, it seems to me, the development of the whole State, and any restriction or any hampering that comes to that union and to the harmonious development of that harbor is going to affect to a certain extent the rest of the State.

But, waiving that matter, it seems to me on a simple question of justice that the representatives here assembled would certainly not object to leaving it—where? With yourselves. The legislature now has and will always have full powers of apportionment, and this cannot affect in the slightest their action in the future.

With that explanation I trust that I have covered all the points. I should be glad to answer any questions that might arise in any of your minds in regard to it. In private conversation I have found no one who after consideration wished to take any action to hamper this relieving of the legislature from that limitation. In the Senate two or three senators spoke with me in regard to it, and they agreed in the wisdom of that act. I am aware that the action of the Senate is not a very good authority in here, but the question I am perfectly willing to leave with your sense of justice. I think that I have stated the case exactly as it is, that it does not affect the existing apportionment in any way, that it cannot ever affect any future apportionment except so far as the legislature itself here assembled shall see fit to adopt it, and that it will be a substantial restriction on the harmonious development of the situation there in Cumberland county if we do not have this limitation cleared away.

Mr. BARNES of Houlton: Mr. Speaker, what is the Constitution, among friends? If we are going to amend the Constitution of Maine five or six times next September, let's give her another dig. It is a preposterous statement that this harmless little bill, 423, will not affect repre-

sentative apportionment! Have you read it? Have you read the Constitution of Maine since you were in the high school? Article 4, Section 2, says, the House of Representatives shall consist of 151 members. It is not Article 2 we are going to amend. Article 2 will stand, and the next House will number 151.

It will not affect representative apportionment? The best way to argue a proposition is to come right out square and use words that have no ambiguous sound. A week ago there was a debate here; I wear no muzzle; there are no strings on me, and I discussed the proposition from my viewpoint at the Augusta House. Late that night I was confronted by a gentleman, who is not a farmer, who notified me in so many words that my future was zero. Granted. That don't worry me any; I have no political ambitions. And he said that the cities of Maine would come to the next legislature prepared to take care of themselves, and I smiled.

Bless the cities of Maine! Hurrah for Portland! Let her annex the whole State and call herself "Greater Portland," provided she will be fair to us who feed her and clothe her, pay a portion of her bills for education and are asked, and properly, to assist her. The first call that interests Maine has been issued from Washington relative to the condition we are in now. What was it? Was it to the cities of Maine? Read the paper. What is first? The United States Secretary of Agriculture publishes over this broad land an appeal that comes out today. To whom? To the men who keep the United States going—to the men that feed the lawyer that makes the talk—to the farmers of Maine—that they plant heavily—that they put in big crops. That is the first call. Will not change the representative apportionment?

Mr. WILSON of Portland: Mr. Speaker, I rise to a point of order.

The SPEAKER: Will the gentleman state his point of order?

Mr. WILSON: Mr. Speaker, the gentleman is not discussing the matter before the House.

The SPEAKER: The Chair is of the opinion that the gentleman is discussing the matter before the House and cannot regard the point of order as well taken.

Mr. BARNES: (Continuing) Will not affect the representative apportionment? Think of the old Constitution as you studied it in high school! Think of the cities that you were taught in high school! What do you know about the law? The law is that there shall be now and there will be until Section 2 of the Constitution of Maine is changed, 151 men in the House of Representatives. Let me repeat that. The law is and the law will remain, until the Constitution is changed, that there shall be 151 members, no more and no less, in the House of Representatives of this State. The law is and has been since 1911—the law is, and has been since 1911, that the apportionment shall be as follows: Androscoggin 12, Aroostook 15, and Cumberland 23, if I have got my figures right. Now, then, the law is, and will so remain until changed by the legislature, that certain towns are classed together and certain towns send one man, certain towns and cities send two men, and no city can send more than seven men.

Will not affect representative apportionment? If this law goes into effect and this legislature sees fit to change the legislative classes, Portland may have more representatives than seven. Will not affect the apportionment? So sure as Portland has more than seven, the country sections of Cumberland county will have less than they have today.

If this were a frank and fair proposition that you could discuss with your neighbors on the street corners at home, in your offices and in your homes, they would be presenting to us this proposition, that Section 2 should be changed so that there might be more than 151, or they would have already introduced a bill, which under the law they have a right to do, to change the apportionment, to change the classes and redistrict the state—is the word we used in 1911.

Gentlemen, the only result of accepting this report is that the representation from the cities will increase at

the expense of the representation from those sections of Maine that are not cities. It may very well be that the men from the country can raise crops and children. He must never, however, raise his voice to speak for what he considers his inalienable rights. To that doctrine I do not subscribe, and the men of Maine who can vote, to the number of nine out of every ten agree with me and do not subscribe to it. In many matters the wisdom of the gentlemen of the cities excels anything that can be brought from our rural sections; in many matters they are wiser, but they are not otherwise, however, and we still have our say.

I have not overdrawn the proposition. I have not stepped outside the realm of strict truth. The attempt is one of those insidious, subtle attempts to drive in the entering edge of the wedge and its whole dissevering body is to follow.

Now, we have had our joke, if joke it is—and it seems to appeal to some classes of wit—as to Aroostook. Pass it all up. I am not talking for Aroostook. The major portion of Maine is country sections still. In the country sections of Maine we are bringing up the boys to take the lead and do the business of the cities, not only of Maine, but of every city in the world. That is the law of Nature. Bred in the fields under the sunlight, into their stalwart frames they store the strength that enables them to go into the cities and put their shoulders to the herculean tasks of the men who live in the great centers. They are represented here; they do not ask to control the legislature; they are satisfied with the apportionment of representation which they have today, and until that matter has been thoroughly discussed, until the matter is known from one end of the State to the other, until there is a call for a change in representation, I hope that you, who represent the men that sent you here, will put your foot on this measure in spite of any recommendation of any committee which we have before us. (Applause)

Mr. PURINGTON of Mechanic Falls: Mr. Speaker, the gentleman from Portland, Mr. Brewster, has stated here

that he has heard no protest from the rural parts of Cumberland county in regard to this matter. I have. It happens that the northern part of Cumberland county comes up pretty near my section and I frequently communicate with some of the people. At their request I introduced a little electric light measure here to give light and water to the villages down in Casco, a few miles from my town. That measure has been kicked and cuffed about here and amended by Portland gentlemen so that they will not recognize it, gentlemen, when they see it, and I have had some communication from part of Cumberland county.

As I understand it, Cumberland county now has 23 representatives apportioned to them. Portland has seven, leaving 16 to be divided around amongst the rural towns. My informant, and I agree with his figures, informs me that, if this bill goes through—this amendment to the Constitution—Portland will have 12 representatives and the remaining parts of the community will have the rest, and that they will have four representatives transferred from the rural towns into the city of Portland.

Now, I do not think that is a fair thing. Our forefathers in their wisdom made this a part of our fundamental law, that no city should have more than seven representatives, and when the city of Portland absorbed Deering both municipalities went into it with their eyes open and they knew what the result would be. If their ambition is to assimilate South Portland, they must take it with the consequences.

I sincerely hope that this measure will not pass. It looks to me to be a dangerous and disastrous thing for the State of Maine in the rural communities. If Portland can do it, then Lewiston, Bangor and other cities can do it. (Applause.)

Mr. BREWSTER: Mr. Speaker, it probably is not necessary for anyone to discuss the matter further as the sentiment of the House is, perhaps, sufficiently apparent, but I do wish simply to put into the record my protest against the exhibitions which we have here from time to time by attacks upon the character

and integrity of representatives from the city, noting this charge, "This is an insidious attempt to undermine the country districts." If these gentlemen were fair, if they wished to do what was right and square in this matter, would not they submit to a proposition that that limitation should simply be raised from seven to nine or ten? I do not believe any of you gentlemen who have considered this matter fairly, believe that that would be an unfair proposition. I am perfectly willing to do anything that will simply handle the situation which we have before us there. I simply appeal to you in fairness and justice to consider the matter in that way. You control this legislature and you will control future legislatures. As my brother from Houlton, Mr. Barnes, has well said, the country districts do predominate.

I do, however, have to disagree with him when he says that the country districts are never heard from—that their representatives come down here and hold silence during the entire session. I do have to take exception to that portion of his remarks.

But coming squarely to the issue of the comparative occupation of the record here by the several districts, we have had an illustration during this session of a gentleman who has first confessed that there was a time when he did not know all there was to know about taxes, but that was not the present time. Later he went along, and we heard that he knew all there was to know about the big woods, not the foxes; and we found later that, not only did he comprehend all that knowledge, but he even took in the humble lobster. Then he again with his knowledge reached out with the tentacles of the octopus to grasp the sea and shore fisheries commission. And later we heard all there was to know of the final summary on the school fund. And now we come to a constitutional question, and again the last word must be said and the oracle must speak. I simply wish to register my protest; I care not for the fate of this other than it affects the justice of the representation of this State.

There was one question, however, that

he avoided. When the gentlemen fails for argument, he uses sarcasm. It glosses over the weak spots. Now, he says the city of Portland will double its representation if this bill goes through. In the first place it rests solely within this legislature as to how they shall apportion. Have they discretion? I see before me here representatives from the several cities and the representatives from the city of Portland, practically one for 8000 inhabitants. If it was within the limitation of this Constitution, if you removed the restriction, we would have you understand that Portland would get the same apportionment as other cities or towns. Well, what if they did? I can turn and across the hall here see a gentleman from Sanford, Mr. Allen, who represents, not 8000 people, but 12,000 people, and that under the existing apportionment, without limitation in the constitution. That shows the discretion which the legislature has, and that shows the falsity of the charges which that gentleman from Houlton (Mr. Barnes) would hurl across the hall. The legislature does have full discretion, and it will always have, and the existing apportionment, as I stated in the beginning, will not be affected by this resolve.

Now, gentlemen, you may do as you please. I told the people of my vicinity that in coming here I would simply present this case, as it was one of the obstacles to the advancement of the districts from which I come. You may do as you see fit. But, if these gentlemen simply wish justice and equity, wouldn't it be the fair and equitable proposition simply to raise that limitation from seven to nine? Will they make any proposition like that? No. They simply say that their forefathers, far back there when the people little realized what the developments of the future would be, when they had no conception of the future commercial progress and prosperity of this State and its communities, when they had no suspicion that such a situation would ever arise as confronts us now, put that limitation there because that was the limit at that time of any district getting representatives. We do not need any more representatives than 151.

Why should it be charged that we would extend that matter. It is simply a case of continuing the existing apportionment under the discretion of this legislature until the legislature shall see fit in its wisdom to change it, and I do not feel that I am guilty of any insidious acts or that I am imposing upon the credulity of this legislature or these men, or that I can ever do so, in simply asking you to leave this question to the people and to this legislature. That is all that it will be left to. Some other gentlemen do not seem as prepared to trust either the people or this legislature. I, for one, am not of their class.

I apologize for having consumed your time, but I do wish my position to be made clear and my honesty to be vindicated if it can be against the charges which were leveled against me. (Applause).

Mr. CHAPLIN of Bridgton: Mr. Speaker and Gentlemen of the House, it is not my purpose to take up any time in this matter; I think we yield to the city in the matter of taking up time in discussion, but I wish to square myself, as I have been quoted as being favorable to this resolve by the gentleman from Portland (Mr. Brewster).

As I recall it, the day that he was drawing the bill in the committee room, I asked him what he was up to. He explained to me what he was up to, and the conversation ended, and I have had no conversation with him since then about the matter.

I feel that the representatives of towns in the northern part of the county understand what this means, and I think they have their minds made up as to how they will vote. I think it is votes that will count, rather than words, here. The good sense of the members of the legislature will see the objects of this resolve, and I feel that we can safely leave it to that good common sense. I simply wish to square myself on the record, and I think I voice the sentiment of all the representatives in the county of Cumberland as they will voice it later on this matter.



Mr. BREWSTER: Mr. Speaker, I would like to inquire of the gentleman from Bridgton, Mr. Chaplin, whether he was a member of the committee on legal affairs which considered this matter and unanimously reported that it ought to pass?

Mr. CHAPLIN: Mr. Speaker, it was considered in our committee and no minority report was reported therefrom.

Mr. BARNES: Mr. Speaker, after a man has been in court for a few years, it does not worry him any if he is belabored, but a man has to be in court a few years before he can get that equanimity of spirit so that he can take all sorts of thrusts with a smile. It is a grand thing for a man to learn, and all young men will learn it if they have experience in court. I am only saying this in regard to one proposition. When the record is ready next week sometime, the House will observe that a good many of the things which the representative of Houlton is charged with having said, were not said, and it is a great deal better thing to know so many things you know, than to know so many things that are not so. I charged that the act which we are to vote on today was an insidious and subtle attempt to accomplish something, if I can remember my words.

Gentlemen of the House, my reputation as a lawyer and my reputation for integrity is all that I have outside of my family. I stated to you that the law must be changed before a representative can be taken from a country section of Cumberland county and given to Portland. No man who reasons will dispute that, and, if this attempt to increase the representation in the cities to more than seven was made in an out and out fair manner, the first thing that would have been suggested would be, or a bill would have been introduced, to redistrict this State so that northern Cumberland county could know just which towns would be classed together, where the men would come from and which one would have to surrender or let go to Portland.

We will read the record when it comes up, and we will all of us—my Brother will have to and I shall be pleased to—stand on the record.

Mr. REDMAN of Ellsworth: Mr. Speaker and Gentlemen of the House, I am not going to take but just a moment of your time. I represent a city, a small city, and I represent several small towns in the northern part of my district, and I have always had the feeling that the interests and the welfare of that city that I represent and those towns that I represent are one and identical, and I think that the same principle applies to the State of Maine.

Since I came over here in January, I have noticed a constant clash in this legislature between the towns on the one hand and the cities on the other. I tell you, gentlemen, we are facing a national crisis in this country today. This is a time when we, in the State of Maine, should stand together whether we come from towns or from cities. And I say to you, gentlemen, that so far as this bill is concerned, if it does have merit in it, let's make the people or the representatives of Portland feel that they are not our enemies but that they are our friends.

I thank you. (Applause.)

Mr. MESERVE of Naples: Mr. Speaker, as a representative from northern Cumberland, I want to state before this House that I am opposed to this resolve, and I call for the yeas and nays on the motion that it be indefinitely postponed.

The SPEAKER: The Chair would suggest to the gentleman that as it carries the emergency clause, it would take 101 votes. Perhaps he would be satisfied without the roll being called.

Mr. BREWSTER: Mr. Speaker, I do not understand there is any emergency. As a resolve amending the constitution it requires a two-thirds vote. I do not understand how the emergency phrase got on it.

The SPEAKER: If it amends the Constitution, it requires a two-thirds vote of those present.

Mr. BREWSTER: Mr. Speaker, I should be very glad to have the record of this matter, but it will take considerable time. I think perhaps a division of the House would amply settle it.

The SPEAKER: Is that satisfactory to the gentleman from Naples, Mr. Meserve?

Mr. MESERVE: Yes.

Mr. FARRINGTON of Augusta: Mr. Speaker, I understand the motion before the House is to indefinitely postpone.

The SPEAKER: The gentleman is right, and the Chair stands corrected. The motion before the House is the motion of the gentleman from Island Falls, Mr. Sisson, that the resolve be indefinitely postponed. As many as are in favor of the motion to indefinitely postpone will rise and stand until counted.

A division being had,

Ninety-two having voted in the affirmative and 31 in the negative, the motion to indefinitely postpone prevailed.

Mr. FARRINGTON of Augusta: Mr. Speaker, I trust that the House will pardon me for just one word as it is not on any motion. During the balance of this week and during the week to come there are going to be a good many matters upon which we are going to have differences of opinion. I feel that we have the right to assume that every man who rises on the floor to make a motion or who by remarks endorses anything with which we do not agree, is entitled at our hands to the belief that he is sincere and that he has no motives which are not reasonable and right; and I trust that any debate which may be made upon the floor from this time out will be made with that in view. We cannot all agree; there will be many things upon which we will disagree, but I do think that we can agree on the one proposition of attributing to every man who is in favor of a measure the very best and the most sincere motives. (Applause.)

Mr. BUZZELL of Belfast: Mr. Speaker, in addition to what the gentleman from Augusta (Mr. Farrington) has already said, I wish to add a word. I think I am safe in saying that from our own viewpoint we are all good fellows, and I hope our fellow col-

leagues entertain that same idea of us. My position on any question is—and it does not matter what it is, whether little fishes or larger propositions—I want to satisfy myself, and when I feel I have voted the way I think, I know there is at least one man satisfied. In addition to what the gentleman from Augusta has just said, if we are going to vote in that way and going to be square with ourselves, I would like to see everyone vote one way or the other, for when a vote is called for, if there is anything I detest, it is to see a man sit still all the time. Let him vote one way or the other. (Applause).

The SPEAKER: The Chair lays before the House, An Act to authorize the Oxford Electric Co. to extend its lines to and within the town of Hebron and to purchase the equipment and franchise of the trustees of Hebron academy, for passage to be enacted.

Mr. BAXTER of Portland: Mr. Speaker, I move that we reconsider the vote whereby this act was passed to be engrossed in order that I may offer the following amendment.

The motion prevailed and the House reconsidered its vote whereby the bill was passed to be engrossed.

The SPEAKER: And the gentleman from Portland, Mr. Baxter, proposes the following amendment to An Act to authorize the Oxford Electric Co., and so forth, by striking out everything after the enacting clause and by substituting therefor the following—and the first four sections of the amendment are similar to the sections in the original bill, and Sections 5 and 6 are added, which the Chair will read if the House wishes.

Mr. BAXTER: Mr. Speaker, I move we dispense with the reading of all the sections except the last.

The SPEAKER: "Section 6. This act shall not take effect until said Oxford Electric Co. shall have filed at the office of the secretary of State a certificate showing that the company has accepted all the provisions of the said act by vote of its stockholders at a meeting held on or before January 1,