

# MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Seventy-Fourth Legislature

OF THE

STATE OF MAINE

1909

**ERRATA:**

**The following errata are  
inserted because one or more pages  
in this session day have errors  
noticed and corrected here.**

readings and was passed to be engrossed.

On motion by Mr. Looney of Cumberland, House Document No. 170, "Resolve proposing an amendment of the constitution providing for the election of the Secretary of State, Treasurer and Attorney-General by the qualified electors," especially assigned for today, was taken from the table.

Mr. HASTINGS of Oxford: Mr. President and Gentlemen of the Senate: I move the acceptance of the majority report. The two reports before the Senate this morning for consideration—the majority, and minority report of the judiciary committee—touch and concern the amending of the constitution of the State, looking to the election of the Secretary of State, Treasurer of State, and Attorney General, by direct vote of the people. Eight members of this committee have signed the majority report; two members have signed the minority report; each report was signed in the utmost good faith. The resolve which furnished the basis for these reports was introduced at the session of 1907 by a gentleman who was then a member of the House. The notice of the hearing upon the resolve was sent to all the dailies in the State several weeks in advance of the hearing, as in the case of all important matters, that all the people of the State might appear in person or by petition. The gentleman who introduced the resolve appeared and was heard. No one else came. The committee felt that a resolve proposing an amendment to the constitution, was an exceedingly important and serious matter and not for a moment to be considered unless there was an unmistakable call and demand for its passage. There was no division of sentiment and the committee composed as it was of eight Republicans and two brilliant and able Democrats conspicuous for their leadership in the councils of great minority party, unanimsly refused it favorable consideration. The Resolve was referred to this legislature that it might again come up early in the session in case a demand for its passage developed.

Early in this session the resolve came to the committee and again a long and thorough notice of the hearing was given and at the day set who appeared. Did the people come with their petitions? Not a petition came—not one. No one came in person to champion the cause of this important resolve. The gentleman who had introduced it did not come though he was in the State House and in the room of the committee on that afternoon. And when the number on the list was reached the messenger of the committee was sent out to find the gentleman and bring him in, but he could not be found. The committee certainly was not overwhelmed by pressure for a favorable report. The people certainly did not clamor to gain an entrance to the hearing. There may have been louder and determined calls for the relief supposed to be contained in the measure but it did not materialize.

More than this and far more significant The State had just passed through a fiercely waged political contest—a contest in which no phase of the rights of the people had been overlooked intentionally. Caucuses had been held in every town and city by each of the two great political parties. The people had had a chance to be heard. The delegates came together in their conventions; they formulated their platforms with the utmost care and deliberation. A vigorous campaign was made. The State was thoroughly canvassed. No school district in the State was neglected. No stone was left unturned. Each party put forth its highest endeavor till the very eve of election.

But during all this time from the adjournment of the Legislature of 1907 to the convening of this Legislature was ever a word heard relating to this resolve—relative to the election of these officials by the people. Did anyone raise his voice in the preliminary canvass for this proposition? Did any newspaper in this whole State of whatever political persuasion and bias mention it? Was there a paragraph touching this resolve, was there a line touching this resolve, was there a word touching this resolve in the platform of either party? At the conventions in

the canvass did any speaker of any party ever give utterance to the thought that their several officials should be elected by the people, that the constitution should be amended as per this resolve?

This resolve slept quietly on the calendar of the House, unmentioned, absolutely forgotten and undisturbed till the coming of this session when it was brought out to see if it had any friends. The result was the same. No one appeared to want it and a majority reported against it.

And why, Mr. President, should the people of Maine want this amendment? Even though these officials are elected by the people in other states is that any reason why the intelligent conservative people of Maine should demand this change? Have other states more efficient officials? Has any secretary of State selected or now provided in the constitution brought any discredit upon the State? Have they not been from first to last efficient and competent? Has a treasurer of State ever abused the trust reposed in him?

Would the people have elected attorney generals more able, more scholarly, and of greater legal acumen and wider legal knowledge? Without calling the roll without going into the list would we have had greater men for the place than John A. Peters, the late brilliant chief justice, than Wm. P. Frye, our revered U. S. Senator than Thomas B. Reed, the great Speaker?

Gentlemen, the people in whose behalf would-be champions rave are at a loss to know what it is all about. They have not asked for this legislation; there was and is no reason why they should ask for it. The majority of the committee, if I may voice their convictions, felt that they would not therefore be justified in recommending the passage of this resolve. The majority of the committee felt that the great constitution under which we have lived and prospered so long should be kept intact, unchanged except the demands for a change are imperative and overwhelming.

I renew my motion.

Mr. KNOWLTON of Piscataquis:

Mr. President: I certainly feel that no subject has come before us at this session of so much importance as this one. We have lived, since 1820, under a Constitution that has subserved every purpose and want, and our State is satisfied with the condition of things. It is one of the rules of the Good Maker above us all that when He has made a thing He lets it alone and develops it. It is one of the rules of business that when a man has anything in property that serves a good purpose, he lets it alone, and goes on in that line.

I admire the idea of the old Greeks. When they built a temple and adorned it and beautified it, if it did not please them, they tore it down—they never patched it up. Putting new cloth on an old garment is always wrong and disastrous. I object to it, Mr. President and Gentlemen, on this broad ground.

If you read history correctly, you will discover that, away back years ago, in the middle of Germany, there was a tribe of people called Saxons—a peculiar people, called of God, I believe, as truly as were the Israelites, to perform a great work in this world of ours. A portion of them went over into England. A portion of them went down to France. Now that Saxon tribe lived in England. They fought the Picts and Scots and Norsemen and Romans. They were conquered and reconquered, and yet, they ruled—the conquered ruled the conquerors; and that Saxon race started, in their early beginnings, to be a representative tribe. They never made their own laws. They selected wise men who legislated for them; and when they came over to England they did the same thing, when King Alfred called for help to repel the Norsemen. It was these Saxon men—not coming together as a mass, but sending representatives to King Alfred—and those representatives had conference with the King and made an agreement; and then the men came up, following their representatives, and they repelled the Norsemen. That same Saxon tribe went down into France, after the fall of the Roman Empire, and France today is what she is above

those other Romance nations, simply because the Saxon blood was infused into her; and that makes France today a representative democracy.

That Saxon race dominated England. William the Conqueror, I know, overran it; but the Saxon blood dominated, and that gives us the Parliament of England today, and a representative one. Those people came over to America and gave us a representative government—not a pure democracy, like Athens, that lived and died forever.

Now this Saxon race is bound, in the nature of things, to rule this world of ours; and that race everywhere—wherever they have predominated—have agreed upon and lived under a representative democracy. Our fathers brought their blood with them—that idea, to establish our Constitution here as a representative one; and we are here today, Gentlemen of the Senate, simply on that ground, representing somebody. If the people had not wanted us, they would have sent somebody else. We represent them, and I venture to say right here before this Senate that if the people that sent us here could have the right today to vote on all these little, petit measures that come before us, from a mud pond to the building of a State House—they would not do it. They send us here to do it and that is what we are for; and that old ghost of "the people's rights" comes up like Banquo's once in a while, and all we have to do is to say: "Down," to it, and keep it down.

No man living has a greater respect for the people, as the people are all over this State of Maine, than I. I respect them and regard them; but that little, unruly minority, that is always bobbing up somewhere and wanting something new, and which is never satisfied with what is, I have no respect for. In those days they are trying to destroy all our old traditions. Why, they have got the thing down so fine now, in amendments to the good Bible that we have felt that Heaven as protracted to us today is merely a happy hunting ground, or a summer resort and that Hades is something not so very undesirable. I do not believe in all this modern patchwork.

Give us the old Constitution in all its glorious simplicity, and let what is right and beneficial and glorious alone.

Mr. STAPLES of Knox: Mr. President: I have no occasion to go into the history of France, or to discuss ancient history at this time, were I qualified so to do. I do not know what they may have done at that time. They had their days of prosperity as well as of adversity; but we are a representative government. I belong to that minority which the senator says is "always bobbing up" to defend the people—the common people of the State. I am glad and proud to do that. I belong to that minority; and I think, by the history of the State of Maine for the last 20 years, in which I apprehend the senator from Piscataquis has also voted, if it had not been for that minority that has combed down the rampancy by which the majority party of the State has undertaken to take from the people they would not have those rights which the Constitution gives them and that immortal document, the Declaration of Independence, which gives to the people just what you (Senator Knowlton) say they ought not to have.

I believe in that immortal document. I believe in the Constitution, and in the rights of the people. Pray tell me have you any doubt but what the people of the State of Maine by a general vote can vote for as good men as can the Legislature of Maine? You take that away from the people. To be sure, we have our representatives, and our senators, but they do not always fully represent their constituencies. What harm can be done to let the people of the State of Maine vote upon the election of the secretary of State, upon the office of attorney general, or upon the office of treasurer. The people should rule in this matter, and they should have just as much of a right in this matter as they have to vote for a Governor of the State, or any other officer.

The success of any state inheres in the education and patriotism of its people. The people will feel that they are a part of the government, if you give them the right to vote upon all these important questions. I,

for one, believe that in all of these matters, the people at the polls should have a right to say who they want, whether it is for attorney-general or for any other officer.

I know that every other state in this Union, so far as New England is concerned at least, elect their attorney-generals and every other officer by the people. Why should not Maine do it?

The House, the other day, voted for it by an overwhelming majority. Let us not say to our constituents in the different parts of the State of Maine, that we deny them the right to vote upon these questions. Let us not drift away from them. It is a step in the right direction to give people the right to mix in all of these matters. It is an education that makes better citizens and which makes people feel that they are a part of the government.

I hope the motion of the senator from Cumberland will prevail and that we shall get down nearer and nearer to the people as we go down the declivity of life; and not say to them, you are to do this thing and that thing, but say: You shall have the same right--everybody shall have the same right to vote as they please at the polls; and not leave it to the senators and representatives of the Legislature.

Mr. MILLIKEN of Aroostook: Mr. President: Just a few words on the question of what the people want in this matter. We are all of us aware that this proposition involves a serious matter, an amendment to the Constitution of the State; and if we are to follow the theory that all matters of that kind, once they are proposed, should be referred at once to the people, on the theory that the vote of the people will be right, we can all of us recognize at once the position in which we should find ourselves, namely: That any amendment to the Constitution--no matter what it is or what it proposed to do--should be at once referred by the Legislature of Maine to the people for their approval.

My position, in this matter--and I think the members of the Senate will agree with me--is that the question--the conclusive question upon which

this matter should be decided is the question: What is the feeling in fact among the people of the State--in a matter like this, involving as it does a division of authority between the Legislature and the people themselves. None of us could stand here as members of either branch of this Legislature and oppose a desire on the part of the people for a change; and I agree with those who favor this proposition that the conclusive evidence is what decision you have reached upon the question, what do the people actually want?

Now I have taken pains to find out, in my county, what the people want, about this matter. I have sent out several hundred letters to men in various towns, all over the county--representative men--and the answers to those letters have come in by scores; and I say to you that nine out of ten of those answers--and in my opinion nine out of ten of the people in my county are either opposed to the proposition or absolutely indifferent to it; and they say that they believe that the thing should be left as it is; and they believe further that there is so little interest in the proposition, that if it were submitted to the people, there would be no vote whatever, in any way expressing popular opinion on the subject. The people are indifferent, or opposed.

Now if the people of the State came here--if the people of my county came here to ask for this change, I should regard it as my duty to refer it to the people for them to vote upon; but I say to you that the people of Maine do not want this particular thing.

I respect the position of any man in this Legislature who votes for this measure because he believes that the people want it. I accord him the same consideration that I ask for myself when I vote for or against any measure and in doing what I believe to be the will of the people; but upon my own investigation, I believe the people do not want it.

There are plenty of things they do want. They want us to see that the taxes of this State are collected equitably from the various interests and

that the money appropriated is appropriated where it will do the people the most good; and they want us to sit here in this session of the Legislature until we complete the work we are here to do, whether we adjourn in March, April or May; but this particular thing they do not want us to do.

The position of the senator from Knox reminds me of the young man who started out with a desire to preach. He felt that he was called to preach; and he made his first attempt in the presence of his old pastor, who had known him from a little boy. After the service, the pastor and the boy walked home together; and after a painful silence, lasting some time, the pastor asked the boy why he had felt that he ought to preach.

"Why," the boy said, "I am called by the Lord to preach."

"John, my boy," the old pastor said, "are you sure it was the call of the Lord you heard? Wasn't it some other noise?"

With all due respect to the senator from Knox and to those who really believe that the people of the State want this, in my judgment it is not the voice of the people they have heard, but some other noise.

Mr. STAPLES: Mr. President: I appreciate what the gentleman from Aroostook has said about the indifference of the people. The great trouble is to get a full expression by the people of the State. The great trouble in the future is the indifference of the voter as to going to the polls to vote upon these questions. Why does that indifference exist? Because you have taken away from the voter the right and lodged it otherwise is the reason for the indifference which exists in the State of Maine today. For that reason we must do something. The great trouble today in the State of Maine is the indifference of the common voter upon these great questions. They have drifted into that indifference because you have taken these matters from the people and lodged them in other places. Our elective franchise should be the guardian of the people's rights. I have had some experience in political matters, and I find from year to year, not

only in my county but in Aroostook county and in every county in the State, that the people are growing more indifferent about going to the polls and voting upon these various questions. I believe we should encourage them to go to the polls and vote upon these matters. When that is done you will find it is a great thing for the upbuilding of the suffrages of the people of the State of Maine. Deny to them the right to vote for attorney general, secretary of State and treasurer and you drive them further into this condition of indifference that exists in the State of Maine today. Encourage them. Let them feel that they are part and parcel of our State and that it is their duty to go to the polls and declare for those they want to vote for for this office, or that one or another.

I admit what my brother upon my right says, that the long list of attorneys general in the State of Maine and of our treasurers is one of honorable men. I do not forget that the Hon. John A. Peters was one of the grand attorney generals of Maine. I do not forget that long line of men who have filled that important position; but don't you suppose that the people would have elected just the same men, perhaps, if the matter went before them? The people loved John A. Peters and they love his memory forever.

My friends, Arthur I. Brown has been my friend from boyhood; and no man that ever filled that office has filled it better or can fill it better than my friend the present secretary of State. But that is not the question. Encourage the voter of the State to take interest in these matters and it will be for the upraising and upbuilding of the suffrages of the voters of the State of Maine.

Mr. President, I would ask that when the vote is taken it be taken by a yea and nay vote.

The PRESIDENT: Two reports are before the Senate: The majority report of the judiciary committee "ought not to pass" upon "Resolve proposing an amendment of the Constitution providing for the election of the secretary of State, treasurer and attorney general by the qualified electors" of the State; also a minority report "ought to pass" upon the same. The question arises upon the



motion of the senator from Oxford, Mr. Hastings, to adopt the majority report "ought not to pass."

The yeas and nays being ordered, the vote being taken, resulted as follows: Those voting yea were Messrs. Baxter, Colcord, Eaton, Gowell, Hamilton, Hastings, Howes, Knowlton, Looney, Macomber, Milliken, Reynolds, Shaw, Smith, Theriault, Walker, Warren Wheeler, Wyman (19). Those voting nay were Messrs. Boynton, Donigan, Hill, Irving, Kellogg, Lowe, Minott, Mullen, Osgood, Staples (10).

So the motion prevailed and the majority report "ought not to pass" was adopted.

On motion by Mr. Milliken of Aroostook, Senate Document No. 203, "An Act to make uniform the standard relating to the percentage of alcohol in intoxicating liquors," was taken from the table; and on further motion by the same senator

the same was referred to the committee on temperance.

On motion by the same senator, Senate Document No. 204, "An Act to amend Section 2 of Chapter 153 of the Public Laws of 1907, relating to the issuance and acceptance of free transportation by State officials," was taken from the table; and on further motion by the same senator was referred to the committee on salaries and fees.

On motion by Mr. Walker of Hancock, House Document No. 187, "An Act relating to the charter of the Hancock County Railway Company," was taken from the table; and on further motion by the same senator, Senate Amendment A: "Amend the typewritten bill, of House Document No. 187 by adding the words 'An Act relating to the charter of the Hancock County Railroad Company.'"

As amended the bill took its second reading and was passed to be engrossed.

On motion by Mr. Shaw of Kennebec, the Senate adjourned.