

MAINE STATE LEGISLATURE

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Legislative Record

of the

Seventy-Third Legislature

of the

State of Maine.

1907.

ed in this amendment as excluding the country towns. I see no difference between the danger of a steam tubular boiler located in a city and one located in the country. In my town in some of our school buildings, particularly in our college fitting academy, we have a steam tubular boiler, quite a large one, capable of standing considerable pressure. I can see where it would be very dangerous to have an incompetent person in charge of that boiler. I believe it is just as easy to procure competent help that will not be very much more expensive than incompetent help. I know that under certain conditions that boiler in our school building might be taxed to the extent of exploding if the water was allowed to get out, the boiler hot and water suddenly introduced into it. Those things do occur. As it is impossible for me to give my personal attention to that matter I think I have a right, as every citizen of the State has, to have these things controlled and have our scholars and ourselves protected from the dangers of these steam heating plants. I hope the bill will pass as it was reported.

Mr. WOOD of Bluehill: I do not wish to be on record as opposed to any measure that will protect the safety of the children in our school buildings, but it seemed to me that there was some other motive in this bill. It seems to me that these boilers should be inspected at least once a year to see if they are in proper condition.

Mr. DYER of Buckfield: I submit that the boilers might be inspected every day and yet some incompetent janitor might blow them up. In relation to this amendment I would suggest that the lives of children and of other people are just as valuable and just as precious in small towns as they are in large cities.

Mr. DOW of Brooks: I think this is a good, sensible bill. I believe it is a necessary one. I am opposed to all amendments that have been presented and I wish to go on record as in favor of the main bill.

Mr. MURPHY of Portland: It makes no difference to Portland whether you pass this bill or not. Whoever the majority party think is fit to take care of the boilers is going to take care of

them whether he is fitted or not. This law is not severe enough. It will not insure our having competent engineers to take care of the boilers. The men who pass on the ability of engineers are men who in many cases are incompetent to do so.

Mr. LORD of Parsonsfield: I do not want the impression to go out that I am against a measure that I thought was calculated to insure the safety of school children. I don't believe that this measure goes to that extent. We have been told of instances where accidents nearly occurred; we have not been told of any that did occur from this cause. It would remind one of the boy's composition on pins which had saved the lives of so many people by their not swallowing them. The steam plants I have in mind which my amendment would except have been represented to me as safe by people who I believe are competent to judge, in regard to that matter. I don't believe that this bill will add to their safety one particle. The municipal officers will simply require that the same persons who are now in charge of these boilers shall go to them and get a certificate.

The question being on the adoption of Amendment "B."

The amendment was lost.

The bill was then passed to be engrossed.

The Speaker appointed on the committee of conference on the part of the House on the bridge bill Mr. Pike of Eastport in place of Mr. Weeks of Fairfield, who was absent on account of sickness.

Initiative and Referendum.

Special Assignment: Majority and minority reports of committee on judiciary, each reporting on Resolve relating to initiative and referendum "ought to pass in new draft."

Mr. JOHNSON of Waterville—Mr. Speaker, these two resolves, one reported by the majority of the committee on judiciary and the other reported by the minority, constitute the report of the committee upon the great and perhaps the most important question which will come before the Legislature at this session—most important because it will work a very radical change in legislation

in this State. These resolves deserve your careful consideration. The committee had the question under consideration for several weeks. I am not speaking, I am aware, on a new subject to you. The initiative and referendum has become well known all over the State of Maine. It came before the 72d Legislature backed by thousands of petitions from labor unions and from the Granges of the State of Maine. Very little opposition appeared from the people. There was some opposition in the Legislature and in the judiciary committee to which it was then referred and of which I was a member. Whatever opposition there seemed to be at that time has disappeared, it would seem. Both political parties in their platforms in the last campaign had a plank favoring the passage of the initiative and referendum. I favored the measure when I was a member of the House two years ago. I have favored it ever since, and the more I have studied the question the stronger has become my belief in it. I believe that the more truly democratic we make our State government the more certain we are of peaceful progress. I believe the people of Maine can be trusted. I believe that Lincoln was right when he said that the great heart of the world beats true. I believe the great heart of the people of Maine beats true and that it can be trusted upon measures of public importance. I believe in it, too, because it enables us to vote for measures and not for men. It enables me to vote with my neighbor who may be affiliated with a different political party—to vote with him upon measures in regard to which we agree. The initiative and referendum enables men of different political affiliations to vote upon public measures, their honest convictions, without regard to party or to party candidates. It is a great educator, and will be. I know you realize as well as I do that there is too little interest taken in public affairs among the people of the State of Maine. I think the people of Maine are largely indebted to that great organization, the Grange, for a great and increased interest in public matters. But there is still too little. Our time at this session is too largely taken up with matters of a private and special nature. Your hearings on the great

questions are more slimly attended than hearings in regard to the granting of a charter to some great private corporation. I believe the initiative and referendum will be a great educator of our people. It puts before them questions of a public nature upon which they are to vote and it will require from them study to inform themselves in regard to those measures and to make up their minds how they shall vote. The press, of course, will assist in doing that, public speakers may assist; but when men come to vote they can then vote upon measures and for measures of interest to our State having no connection with political parties whatever. For that reason I am heartily in favor of the principle and its adoption in the State of Maine. I have no gloomy forebodings which I hear from some quarters as to the future, that we are starting a revolution, if we adopt this great public principle, and that the people of Maine may be carried off their feet and that revolution may follow. I say I have no such gloomy forebodings. I believe the people of Maine can be trusted and that they can be trusted to vote upon measures of great public importance.

Now, briefly, as to the difference between these two resolves. They are exactly identical in language and provisions except in this particular; the resolve reported by the minority of the committee provides that the initiative and referendum may be applied to the Constitution of the State of Maine as well as to the statutes which are enacted by the Legislature. I am heartily in favor of the majority report, but I do not think it goes far enough. I therefore joined in the minority report because I believed it is as necessary to good government in Maine that the people have an opportunity to vote upon constitutional questions as upon those contained in our statutes. We are proposing many amendments to our constitution. We have before our committee at the present time I think five or six to be submitted to the people of Maine, to be voted upon if two-thirds of the Legislature concurs. Of course I realize that the answer to this position may be that now under the constitution two-thirds of each branch of the Legislature concurring,

an amendment to the constitution may be submitted to the people. But I believe we should adopt the principle of the initiative and referendum, I believe that the people themselves should have a right to propose an amendment to the constitution if they see fit, and I believe they should not be compelled to wait for two-thirds of each branch of the Legislature to concur in proposing to them any amendment. In the resolve proposed by the majority provision is made that no statute enacted by the Legislature shall become a law until ninety days after the final adjournment of the session of the Legislature which enacted it, and if within that time, within the ninety days, a petition signed by 10,000 of the voters of the State requests that any statute which has been enacted be referred to the people it shall be referred by public proclamation by the Governor not less than four months or more than six months after that at a special election, if so requested in that petition; or if there is no request for a special election it is to be voted upon at the next general election. That is the provision for the referendum, that it shall go to a vote of the people. The principle in regard to the initiative is that the people themselves, upon petition signed by 12,000 at least of the voters of Maine may propose certain measures to the Legislature by filing a petition with the proposed measure with the Secretary of State or with either branch of the Legislature at any time thirty days before its adjournment. The Legislature if it sees fit may enact that provision into law. If not, it must submit that question to the people to vote upon. The Legislature may submit a measure competing with that but it goes to the people, taking 12,000 signers for an initiative.

The resolve which the minority of the committee offered provides further that upon petition of at least 15 per cent of the voters who shall vote at the last general election, requiring over 20,000 voters of the State of Maine—if 15 per cent. of the voters file a petition with the Legislature asking that an amendment to the constitution proposed by these signers be submitted to the people, that such constitu-

tional amendment shall go to the people for a vote of the people and a determination by them at the next general election. That is the difference between the two resolves. I believe that the resolve reported by the minority of the committee contains the full principle of the initiative and referendum as they have it in Oregon, for instance. I want to call your attention to the last election in Oregon. We are told that the people will not take an interest in these matters referred to them. There is the ballot (showing) that they threw in Oregon. Down at the bottom is one question referred to the people for a referendum vote, a question of a large appropriation which the Legislature had made, and it was held up and went to a vote of the people. The whole vote for Governor in Oregon last June was 96,711. One question went by a referendum to the people appropriating a large sum of money, and on that there were 70,676 votes cast, 43,000, nearly 44,000, voting yes and 26,000 voting no—the people thus sustaining the Legislature and silencing any criticism that might have been made in regard to the wastefulness of the Legislature and its appropriation. There were ten questions submitted to the people by the initiative. In Oregon the number of signers is much smaller than is provided in these resolves, only five per cent. of the voters are necessary to refer a measure to the people which has been enacted by the Legislature, and eight per cent. to initiate a measure, and only eight per cent. to propose an amendment to the constitution of the state of Oregon—the same number required there to initiate a proposed amendment to the constitution as to propose any measure which is to be enacted into law. Here were ten measures submitted to the people of the state of Oregon. Five of those questions were constitutional amendments, five relating to statutes, and I want to read the result in answer to the criticism of the opposition that has developed to the initiative and referendum that the people cannot be trusted. Here are some of the things which the people in Oregon voted up-

on in June, measures initiated by them and which they proposed to have submitted to them. The first question was a constitutional amendment for equal suffrage for women, and the people voted upon that, 46,000 no, 36,000 yes, a total vote of 83,899. By a provision which they have in Oregon, when that question was submitted the proponents of the measure had a right to file with the secretary of state their arguments in favor of the measure. Those opposed could file theirs. And the State circulated them, put into the hands of the voters the arguments both pro and con. So there went out to the voters of the State of Oregon on the question of woman suffrage a pamphlet like that (showing) containing articles furnished by the Woman's Suffrage Association supporting the measure, and in the latter part of it some more articles furnished by those opposed to the extension of the suffrage to women. So it was with other measures. Another law proposed was for an amendment of the local option law, and upon that 81,000 people voted in Oregon, 45,000 voting no and 35,000 voting yes. Then here was a measure to buy a coal road out there owned by a private corporation and submitted to the people of Oregon. They voted, 44,000 no and 31,000 yes, a total vote of 76,000. There was another constitutional amendment voted upon by the people which applied the referendum to all laws affecting constitutional conventions and amendments. They voted, 47,000 yes and 18,000 no. Another constitutional amendment voted upon was an amendment giving to cities and towns exclusive power to amend their own charters; and upon that 52,000 voted yes and 20,000 voted no. Here was another constitutional amendment proposed, to allow the state printing and binding and printers' compensation to be regulated by law at any time. Upon that the people of Oregon voted 63,000 yes, 9000 no, a vote of 73,000. Another constitutional amendment for An Act prohibiting free passes and discrimination by railroad companies and other public service corporations. Upon that there was a vote of 57,000 yes and 16,000 no. For an act requiring sleeping car companies, refrigerator car companies

and oil companies to pay an annual license upon gross earnings, 69,000 voted yes and 6000 voted no. Another act requiring express and telegraph companies to pay an annual license upon their gross earnings, an excise tax, was voted upon, and the people voted 70,000 yes and 6000 no—large questions, one of them at least you have today felt was important enough for the Legislature to refer to the supreme court of Maine. The people of Oregon had those questions submitted to them upon a popular vote; and this is the result. Now, I fail to observe in the decision of the people of Oregon anything revolutionary in the votes which were cast at those elections, but that the great number of voters in Oregon took an interest in those public measures; and it must have been a great education to them to inform themselves in regard to these questions; and so I believe it will be in Maine. The people in Maine will have an opportunity to interest themselves in measures which are to be voted upon as well as in party candidates. (Applause)

Mr. SMITH of Patten—Mr. Speaker, I shall take only a moment or two of the attention of the House and in that moment or two I shall not undertake to discuss the referendum. Members of this House have been for weeks, I have no doubt, very many of them, making a study of the general proposition. The people of Maine have been thinking of a general proposition for a long time. The matter has been before the Legislature and has been passed upon to a certain extent. In the last conventions, as has been stated by my Brother Johnson, both political parties declared for the initiative and referendum, and the day of discussion as to whether or not we shall adopt that has gone by. That chapter is closed. The members of both political parties are pledged to the people upon the general proposition, and they must keep faith with the people upon that proposition. But there are some differences. In the Republican platform the declaration was that the initiative and referendum should apply only to the statute law. The Republicans in convention assembled did not think it wise at this time to go beyond that. We do

not deem it advisable to apply that to the constitution of the State of Maine under which we have lived so successfully and prosperously for so many years.

Two resolves were submitted to the judiciary committee of this House, and every member of that committee have signed either the majority or the minority report indorsing one or the other of the two resolves submitted to you. Great attention was given to the details of these resolves. In every particular they are identical excepting in one. The minority of the committee, composed of the gentleman from Waterville (Mr. Johnson) and the gentleman from Camden (Mr. Montgomery) thought that it should, be applied not only to the statute law but to the constitution. The other eight members of the committee differed and decided, while agreeing with the minority in every other detail, that the time had not arrived when we should apply the provisions of the initiative and referendum to the constitution of the State. We had a long and exhaustive hearing. We found behind the general proposition what we believed was the voice of all the people of the State. But the draft of the resolve which provided that it should apply to the statute law of the State and limiting its application to that and not extending it to the constitution, was the resolve recommended and indorsed by the federation of labor, it was the resolve recommended and indorsed by the Granges, so far as I discovered; and with one or two exceptions every witness there, of which there was a large number, endorsed the resolve, the essential principles of the resolve, which the majority has presented here. Therefore, the majority believed at the hearing and they believe now that they are representing the great voice of the people of the State when they present to you this majority report limiting the provisions of the initiative and referendum to the statute law of the State.

Now, another reason for the conclusion of the majority is this: There is today upon the statutes in the laws of our State referendum of constitutional

provisions. We have since the organization of the State under that instrument made some changes to meet the changed conditions in our State. I have never known that changes have not been made in the constitution by the methods now provided whenever the great voice of the people demanded these changes. You already have the referendum as to the constitution. It is the kind of a referendum that safeguards that instrument. The majority did not believe that you should subject the fundamental law of the State as embodied in that instrument to the passing thought of the hour. Now it is safeguarded by those wise provisions so that the constitution shall not be amended until the question is referred to the people in the manner provided by the constitution itself, by a two-thirds vote of the House and Senate. Whenever it has become necessary and popular feeling has been aroused so that it expressed itself, after careful deliberation by the Legislature, constitutional amendments have been submitted to the people and acted upon and have become a part of the organic law of the State. It seemed to us that this proposition should not be extended beyond that. The committee did not think it wise to go beyond the point of allowing it to apply to the statute law of the State in accordance with the platform of the party.

There is another practical reason for adopting the majority report. I feel that the members of this House are deeply interested in the passage of a referendum resolve. I am satisfied, however, that there are dozens of men on the floor of this House who would not want it to apply to the constitution. If this is adopted it must be done by a two-thirds vote; and if the friends of the minority proposition should succeed, they would not get the legislation they desire. We are with you up to a certain point. Those who believe in the minority report ought to be willing to take a part upon which we can all stand, if they cannot get the whole. The gentleman from Waterville (Mr. Johnson) does not disagree with me that it should be applied to the statute law. Now, if you apply it to the

statute law, I assume that any man who is in favor of the whole proposition is in favor of a lesser proposition. It strikes me as a practical proposition that the success of this measure depends upon whether or not you defeat the motion to substitute the minority report for the majority.

Another thing: I believe if you are going out to the people of the State with a proposition to amend the constitution you would get thousands of votes for the proposition endorsed by the majority of this committee to make it apply to the statute law of the State—thousands more votes than you would get on the proposition to have it apply to the provisions of the constitution. I hope that the motion to substitute the minority for the majority report will be defeated, and then I hope that the majority report which I shall move will prevail.

Mr. JOHNSON: Mr. Speaker, I move that the minority report be substituted for the majority, and upon that question I move that the yeas and nays be called.

Mr. COBB of Gardiner: Mr. Speaker, two years ago I came here as a representative knowing but very little about the initiative and referendum, and I got interested in it at that time; and as Brother Johnson has said for himself, the more I have studied into the matter the more deeply interested have I become and the more in favor of the measure; and I ask the indulgence of the House for a few moments while I put myself on record on this question.

Nothing is more essential to the successful working of a representative government than that it shall be representative; representative in fact as well as in form. Nothing is more essential to the preservation of a republic than that watchful statesmanship shall meet all changed conditions in such a manner as to maintain the free and untrammelled will of the people, as the determined influence in the making of all laws. That the people must be the fountain head and the ratifiers of all government, is a fundamental principle on which a democracy must rest. This is the one distinguishing feature which differentiates a democracy from

a class-ruled people. The principle of the old-fashioned town meeting is fundamental and safe, and the referendum is but an adaption of the same principle to making city and state laws under modern conditions.

Improvement in methods of government has not kept pace with improvement in processes of producing things, nor with modern business methods. Our present system utterly fails to fulfill its requirements whenever an attempt is made to cope with such problems as fair taxes and impartial freight rates, or the proper regulation of those who exploit franchises against the interests of general business. The people are rapidly losing faith in the efficacy of government by a few selected, even though superior persons, to cope with such propositions.

The common people are fast losing control of the machinery of government, and the present agitation for the referendum is but an effort on their part to regain their control. Abraham Lincoln, in his first inaugural address, said: "Why should there not be a patient confidence in the ultimate justice of the people? Is there any better or equal hope in the world? The very idea of monopoly is repugnant to popular sentiment; and its practice must always be a menace to popular rights and an injury to business interests.

An essential function of government—the making of laws—is now a close monopoly in the hands of a selected few. Under the present arrangement of our law-making machinery, it is possible for a few senators to defeat any measure, no matter who nor how many want it. The opinion of a few may be weighed against that of an unlimited number of the very people they were elected to represent, and if the few so decide, any number of petitioners may be utterly ignored; and the people's redress lies at the end of a long road, through a maze of political guideboards, among which the average voter is prone to lose his way.

If there is a better way let us make it our way. Break up this monopoly of the law-making business, and the other monopolies will fast disappear. When a proper number of citizens petition to have a measure submitted, let

it be submitted and let the people vote on it. The rights and welfare of the people can be guarded and promoted, only by the people themselves; never by a selected few.

I believe that it would be a real improvement to provide through the referendum, that the voice of a majority of all the voters should be regarded, not merely as optional but as mandatory. The referendum requires the people to understand their own interests; with it they can easily manage their own affairs; or if they are not yet fit to manage them, then they must mismanage them until they become fit. The only way the people will ever learn to manage public affairs will be by assuming their management and learning by experience: no people or class of people have ever yet qualified for the management of their own, or public affairs, in any other way, because there is no other way.

The optional referendum teaches voters the true art of citizenship by setting them to work at it; just as one learns to blow a cornet by blowing a cornet, not by watching others do it. The voters will soon learn to consider public questions in the light of their own interests, after they are called upon to decide them, separate and disentangled from all other issues; but they will never learn to govern themselves watching the politicians do it. If the people are ever so dissatisfied with any law passed by their representatives, as to assume the necessary trouble and expense of petitioning for the submission of the measure to a referendum vote, in such a case I submit that a majority of all the voters are as competent to veto such measure, if they wish, as would be a few senators.

No argument can possibly be made against the referendum that does not apply with equal force against the general proposition of self-government. For hundreds of years we have been taking step after step along this same road; for this is but one more step in the direction of a more and more perfect self-government.

There is not one reason why the people should vote for public officers, that is not just as good a reason why they

should vote directly upon such laws as they really wish to vote upon. Cannot the same people who are so lauded for their wisdom in the selection of their representatives be trusted with selection of laws? Are they wise only when voting for candidates for office? Have they no idea what they want of their representatives after they have elected them? Do those voters whose wisdom is so extolled just before election, immediately forget it until the next election day and then as suddenly recall it?

Mr. WALDRON of Dexter: **MI.** Speaker, I had not intended to make any remarks upon this matter before the House at all, but it seems to me it is necessary just to state one thing that occurs to me which has not been referred to by either of the speakers thus far Yesterday in this House the parties were lined up upon a principle which has been discussed over and over again, and which was settled and settled well. Now, under this bill, as I understand the bill, the same principle is before this House as was voted down yesterday and it is that if you apply the referendum to the constitution of this State, if this referendum were adopted, not twenty-four hours would elapse before you would see a petition circulated throughout this State and signed by the Democratic voters of this State to submit to the people of the State the very question that you voted down yesterday. It is a political trap. And just as sure as you adopt the minority report you nullify the action of the House here yesterday. I speak particularly to my Republican friends because I want them to distinctly understand that that proposition is being attempted now which you voted down yesterday; so I hope every man of you who has any respect for his home, for his boy and for his family and for the good of this State will vote against the minority report. I will not repeat the arguments of yesterday but I appeal to my Republican friends in this House and to my Democratic friends if you have any regard for my boy and for your own not to adopt this minority report, but stand as a wall against this assault which failing yesterday is now attempted to be passed

here under a different guise. I ask every Republican to stand firmly by the majority report. There was no argument at all in favor of a referendum that should apply to the constitution before the committee, it was all in reference to a statute referendum. That is all the people want, and they do not want to get at the constitution except for political purposes. Lawyers are educated to be somewhat conservative but I believe they are never deaf to the real call of the people, and that is what the eight members of the committee decided was the proper and right thing to do. I hope the Republican members will vote solidly against the minority report. (Applause.)

Mr. McKINNEY of Bridgton: Mr. Speaker, I regret exceedingly that a proposition which comes before this Legislature presented by both political parties cannot be discussed upon its merits without entering into a political discussion of parties. It seems to me that we have some members here who have an idea that the Democratic party is made up of a class of men who only desire to destroy the interests of the people of this great State. Both parties had a plank favoring the initiative and referendum, and I am not going to oppose the will of the two parties and I shall vote for the initiative and referendum. But I confess I have no heart in it when I remember that any will of importance passed before this Legislature must remain three months before it becomes a law if in that time 10,000 voters petition to have that question referred to the people, and then the Governor of the State may take from four to six months before he calls an election for the people to act. During this session we have passed some important appropriation bills, including appropriations for the University of Maine. They need this money now. If we had a referendum it would be almost a year before this could become available if a referendum were called for. (To Mr. Johnson) Am I right about that?

Mr. JOHNSON: No, you are not. (Applause.)

Mr. McKINNEY: Why?

Mr. JOHNSON: There is a provision in this act that emergency bills, those calling for the payment of salaries, etc., are not included.

Mr. McKINNEY: Those are not emergency bills. Now, we are a representative government, and for a long while the people have been governed by representatives; and it is well known that if we pass any law at this session which is not satisfactory to the people they will let us know it before another Legislature is elected. It seems to me that when political parties meet in convention and adopt platforms and lay down principles upon which those platforms stand and the people go to the polls and vote upon them, that is as good a referendum as we want. On principle I am opposed to the referendum. I am not so much opposed to the other part of the measure, the initiative; but after the people elect representatives and they enact laws and send them out to the people, I do not think it will be productive of good results to allow the people, a small portion of the voters of our State, to call our people together again to vote upon those propositions.

With regard to the constitutional amendment, of course that is always made a political question here. There is not a man here who knows how I would vote on the question of temperance if those questions should come before the people or the members of this Legislature. And when you announce that only the Democratic party want the constitution referred to the people you make a great mistake. There are many Republicans who desire it as well as the Democrats. I happened to be present at the hearing before the committee on this question. There were a great many men present at the head of the labor organizations and universally they were asked: "Are you in favor of applying it to the constitution?" Several of them said that their organization was more in favor of the principle of the referendum and they had not discussed the question of the constitution at all; but those who answered otherwise, three out of every four of them said they wanted it to apply to all questions, constitutional as well as statute law. And a gentleman who was before that committee and who led the hearing on behalf of the Granges of the State, when I asked him

what he thought about its applying to the constitution, said to me: "Why, of course, it ought to apply to the constitution. The people have as good a right to vote upon that as they have to vote upon statute law."

I have made my statement in regard to how I feel. I shall vote for the bill because my party has put it in its platform as a principle of the party. The Republican party has done likewise. The Republican party is supposed to represent the people of the State. And I will vote for what I think is not the best thing to do because the people have demanded it; and I only trust it will prove of benefit to the people of the State.

Mr. JOHNSON—Mr. Speaker, I want to make one further statement. I sat with you upon the first day of the session of the 73d Legislature and listened to the address from our Chief Executive, a conscientious, sincere man as I believe. He said in that address, speaking of the great question which we discussed yesterday and which is the great paramount question before the voters of Maine today, that he would like to see that question submitted to the voters of the State of Maine if it could go to them without condemnation from the Legislature by an adverse vote of the Legislature. The means are provided in this resolve reported by the minority of the judiciary committee by which the voters of the State of Maine can comply with the wishes of the Chief Executive of this State expressed in his annual message, upon petition from the people themselves without an adverse vote of the Legislature. (Applause.)

The question being, shall the yeas and nays be ordered,

The motion was agreed to.

The SPEAKER—All those in favor of substituting the minority for the majority report will say yes as their names are called; all opposed will say no. The Clerk will call the roll.

YEA—Allan of Dennysville, Blanchard, Brown, Brown, Copeland, Cyr, Dondero, Donigan, Duncan, Duntun, Edwards, Farnham, Flaherty, Frost, Gallagher, Grinnell, Harriman, Harris, Harthorn of Milford, Higgins, Johnson of Waterville, Jordan, Kelley, Leader, Leighton, Lowe, Lynch, McClutchy, McKinney, Michaud,

Minahane, Montgomery, Moore, Morneau, Mullen, Murphy, Newbert, Noyes, Perry of Randolph, Pike, Pinkham, Pooler, Preston, Scates, Skidmore, Skillin, Snow, Stevens of Jonesport, Stover, Strickland, Thomas of Harpswell, Tolman of Portland, True, Tucker, Waldron of Portland, Wardwell, Witham.

NAY—Allen of Columbia Falls, Allen of Mt. Vernon, Allen of Richmond, Baldwin, Barrows, Brackett, Charles, Chase, Cobb, Colcord, Crosby, Danforth, Davidson, Davies, Davis, Decker, Dow, Dyer, Emery, Farrar, Folsom, Giddings, Gleason, Goodwin, Gordon, Hadlock, Hall of Caribou, Hall of Dover, Haskell, Harthorn of Detroit, Herrick, Hill of Machias, Hill of Monticello, Irving, Jacobs, Joy, Kendall, Knowlton, LaBree, Lane, Langley, Libby, Lord, Loring, Lovejoy, Martin of Rumford, Mayo, Merrill, Merry, Milliken, Newcomb, Newton, Oram, Peacock, Perkins of Alfred, Perkins of Kennebunkport, Perry of Fort Fairfield, Reynolds, Safford, Smith of Lisbon, Smith of Patten, Spear, Sprague, Stearns, Stevens of Portage Lake, Stuart, Stubbs, Theriault, Thomas of Howland, Titcomb, Waldron of Dexter, Whitehouse, Wight, Wood, Young.

ABSENT—Barker, Emerson, Havey, Hawkes, Horgan, Johnson of Calais, Martin of Bangor, Merriman, Tarbox, Tolman of Glenburn, Walker, Weeks.

Yeas, 57; Nays, 75. Absent, 12.

Paired: Hubbard, yes; Clark, no. Weld, yes; Fulton, no.

So the motion was lost.

On motion of Mr. Smith of Patten, minority report was then rejected.

On further motion by Mr. Smith, the rules were suspended, the resolve receives its two readings and was passed to be engrossed.

Mr. JOHNSON—Mr. Speaker, I move that the resolve pass to be enacted at the present time. I wish to say to the members of the House who voted for the minority report that when they vote upon the final passage of this resolve, accepting the majority report, I hope they will vote in its favor. I believe it should apply to constitutional as well as to statute law, but if that is not to be, I am in favor of accepting the other resolve, and I hope that the members who voted for the substitution of the minority report for that of the majority will vote yes on the acceptance of this resolve reported by the majority. (Applause.)

The question being on the motion to suspend the rules in order that the resolve might be finally passed.

The motion was agreed to.

On the final passage of the resolve

the roll was called by the Clerk, as follows:

YEA—Allan of Dennysville, Allen of Columbia Falls, Allen of Mt. Vernon, Allen of Richmond, Baldwin, Barrows, Blanchard, Brackett, Brawn, Brown, Charles, Chase, Cobb, Colcord, Copeland, Crosby, Cyr, Danforth, Davidson, Davies, Davis, Dondero, Donigan, Dow, Duncan, Dunton, Iyer, Emery, Farnham, Farrar, Flaherty, Frost, Gallagher, Giddings, Gleason, Goodwin, Gordon, Grinnell, Hadlock, Hall of Caribou, Hall of Dover, Harriman, Harris, Haskell, Hathorn of Detroit, Hibbard, Higgins, Hill of Machias, Hill of Monticello, Irving, Jacobs, Johnson of Waterville, Jordan, Joy, Kelley, Knowlton, LaBree, Lane, Langley, Leader, Leighton, Libby, Lord, Loring, Lovejoy, Martin of Rumford, Mayo, McClutchy, McKinney, Merriman, Merrill, Merry, Milliken, Minahane, Moore, Moreneau, Mullen, Murphy, Newbert, Newcomb, Newton, Noyes, Oram, Peacock, Perkins of Alfred, Perkins of Kennebunkport, Perry of Fort Fairfield, Perry of Randolph, Pike, Pooler, Powers, Preston, Reynolds, Safford, Scates, Skidmore, Skillin, Smith of Lisbon, Smith of Paten, Snow, Spear, Sprague, Stearns, Stevens of Jonesport, Stover, Strickland, Stuart, Stubbs, Thomas of Harpswell, Thomas of Hewland, Titcomb, Tolman of Portland, True, Tucker, Waldron of Dexter, Waldron of Portland, Wardwell, Weld, Whitehouse, Wight, Witham, Wood, Young.

ABSENT—Barker, Clark, Decker, Edwards, Emerson, Folsom, Fulton, Hathorn of Milford, Havey, Hawes, Herrick, Horigan, Johnson of Calais, Kendall, Lowe, Lynch, Martin of Bangor, Michaud, Montgomery, Pinkham, Stevens of Portage Lake, Tarbox, Theriault, Tolman of Glenburn, Walker, Weeks.

Yeas, 123; Nays, 0. Absent, 26.

So the resolve was finally passed.

Bill, to authorize the Penobscot Chemical Fibre Co. to make, generate, use, transmit and sell electricity, came from the Senate amended by Senate amendment "A."

The House reconsidered the vote whereby this bill was passed to be engrossed. Senate amendment "A" was adopted in concurrence, and the bill was then passed to be engrossed as amended.

Bill, authorizing the Bodwell Water Power Co. to generate, use, transmit and sell electricity, came from the Senate amended by Senate amendment "A."

The House reconsidered the vote whereby this bill was passed to be engrossed. Senate amendment "A" was adopted in concurrence and the bill

was then passed to be engrossed as amended.

On motion of Mr. Dow of Brooks, majority and minority reports of the committee on temperance, reporting on bill for repeal of State liquor agency law, "ought to pass" and "ought not to pass," was taken from the table, and on further motion by Mr. Dow the reports were reassigned for tomorrow morning.

On motion of Mr. Pike of Eastport, the majority and minority reports on the State highway bill were ordered printed.

On motion of Mr. Dow of Brooks,

Ordered, That the clerk cause to be printed 1000 extra copies of the debate in this House on the question of re-submission, on March 13, 1907, for distribution among the members of the House.

On motion of Mr. Tolman of Glenburn.

Adjourned.