

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Seventy-Fourth Legislature

OF THE

STATE OF MAINE

1909

"Resolve for screening Sebattus Lake outlet", that it "ought not to pass" was accepted.

The report of the same Committee on "Resolve in favor of Fish hatchery at Rangeley Lake" that it "ought not to pass" was accepted.

The report of the same Committee on bill "An Act creating a close time on otter in Waldo County and regulating the open season on white perch in Waldo County" that it "ought not to pass" was accepted.

The report of the same Committee on "Resolve in favor of screening lake situated partly or wholly in Hancock County," that it "ought not to pass" was accepted.

The report of the same Committee on "Petition for screening Highland Lake, Cumberland County," that "petitioners have leave to withdraw" was accepted.

On motion by Mr. Hastings of Oxford, House Document 768, "An Act to amend Section 51 of Chapter 79 of the Revised Statutes, relating to the appointment of auditors, surveyors and referees in vacation" was taken from the table; and, on his further motion, under suspension of the rules, the bill took its two several readings and was passed to be engrossed.

Mr. MACOMBER of Kennebec: Mr. President, I desire to call up a bill that was passed to be engrossed this afternoon. I do not know the title, but it relates to the uniformity of alcohol in spirituous liquors.

Bill "An Act to make uniform the standard relating to the use of alcohol in intoxicating liquors" was taken from the table.

Mr. MACOMBER of Kennebec: Mr. President, I believe as much as any Senator on this floor in the prohibitory law, and its enforcement in every proper and legitimate way. I believe on the other hand that the constant enactment of these outside propositions for the enforcement of the law belittles the law itself and is evidence in my mind that the advocates of the prohibitory law, or some of them, who favor these measures do not quite believe in the law itself. There is a catch to that clause in reference to cider. Now the gentleman from Aroostook explained that in a plausible

way and I am not going to undertake to contradict his explanation or to say that a strict construction of the language in the bill or in the amendment may not be just as he states, but I believe it is vicious legislation, and I believe there is no call for it. I move, Mr. President, that the vote whereby we passed the bill to be engrossed as amended by House Amendment A be reconsidered.

The motion prevailed.

Mr. MACOMBER: Mr. President: I now move that the bill be indefinitely postponed. ,,

Mr. Milliken of Aroostook: Mr. President: I said in the Senate this afternoon, and I repeat here, that the only persons who are affected by this bill are those who wish to manufacture in the State Uno Beer, so-called. Now just for a moment I want to call the attention of the Senate to the attitude these persons take in respect to this bill. None of them appeared before the Committee in opposition to it. No suggestion was made from any source to the Committee in opposition to this bill. And no suggestion of opposition has been made in this Legislature up to this moment. The whole idea of these people has been to beat this bill by indirection. The amendment was added to the bill in the House for that purpose. The attorneys or lobbyists in this State House, representing those who wish to deal in Uno Beer and those who do handle it, one of whom is located here in Augusta, were contented to leave the situation as it was, supposing they had fooled the agricultural element by this cider proposition. I showed in the Senate this afternoon that the amendment amounted to absolutely nothing. In the first place, the bill says that alcoholic liquors may not be sold without the payment of a United States revenue license. It adds nothing to put in cider. The proposition in this bill is simply that the standard with respect to what is regarded as intoxicating liquor shall be uniform with that of the United States Government, and that is all we are trying to get. Under the law as it is at present, a man may take out a United States Government license and sell Uno Beer, and no one can tell whether he is selling Uno

Beer or anything else, as he is licensed to sell Uno Beer. The only effect of this bill would be that no man would have a right to take out a license unless he sold intoxicating liquors.

Now the question is asked, what harm do these so-called small beers do? I think that has been pretty well put. The temperate man does not care for this small beer and the respectable drinking man does not want to drink that sort of stuff. The harm is that under cover of selling small beers, they can sell anything they please, and in the next place, they do tend more than anything else toward leading the young in the State into the habit of drinking alcoholic liquors. There is much to be said about the man who has acquired the habit of drinking intoxicating liquors. There is nothing to be said against the proposition that everything possible should be done to keep the young from acquiring the habit. And these people were not men enough to come out and oppose this bill before the Legislature. They have undertaken to beat it by indirection, and, within five minutes after the Senate adjourned this afternoon, the attorneys of these Uno Beer people were here in the Senate and trying to bring about what has been attempted by the Senator from Kennebec, to defeat the bill. It is a campaign that has been waged by a member of the Uno Beer interests and is not entitled to any respect. I do not know what the result is going to be here. I want to state the situation exactly, and I mean just what I say.

Now the bill itself is not a cranky one and adds no new load to be put upon the prohibitory law, but it merely cuts out this swill and slops which are being sold in this State.

I hope that the motion of the Senator from Kennebec will not prevail. If his objection is directed to the amendment, the proper thing would be to move that the amendment be stricken out.

Mr. MACOMBER: Mr. President, my objections are to the amendment and to the bill as well. If there is no advantage in having the amendment, I do not see any reason for it. On the other hand, so far as the Uno Beer business is concerned, I do not want any Uno Beer, and no attorneys representing Uno Beer

have come to me about it. I believe that the people of the State of Maine want the prohibitory law, and I believe they have got it. I do not believe there is any demand for the constant attachment—this year one thing, next year Jamaica Ginger and next year Peruna—and Moxie will come next. I do not believe there is any call or demand for it, and I believe it is a bad thing to be hitching something on to this law. That is my objection and I hope that the Senate will indefinitely postpone this bill.

The question being put upon the motion that bill be indefinitely postponed, the Yeas and Nays were ordered, and the vote being had resulted as follows: Those voting Yea were Messrs. Baxter, Colcord, Emery, Gowell, Hamilton, Looney, Macomber, Reynolds, Shaw, Smith, Walker, Warren, Wyman (13). Those voting Nay were Messrs. Boynton, Donigan, Eaton, Hastings, Hill, Howes, Irving, Kellogg, Knowlton, Lowe, Milliken, Minott, Mullen, Osgood (14).

So the motion was lost.

Thereupon upon motion by Mr. Milliken of Aroostook, the bill was passed to be engrossed.

Reports of Committees.

Mr. Eaton, for the Committee on Appropriations and Financial Affairs, on "Communication from the State Auditor under date of January 15, 1909," reported that same be placed on file. (Report accepted.)

Mr. Eaton, for the same Committee on "Order directing said Committee to make up the payrolls of the Senate and House," reported "Resolve on the payroll of the Senate" and that it "ought to pass." (The report was accepted.)

Mr. Wyman, for the Committee on Shore Fisheries submitted the final report of that Committee.

The Committee of Conference on the disagreeing action of the Legislature on bill "An Act to amend Section 23 of Chapter 32, as amended by Chapter 5 of the Public Laws of 1905, relating to the damage done to growing crops by deer," reported same "ought to pass," by the following amendment, by substituting "seventy-five" for "fifty" in the fifth line of Section 1. (The report was accepted.)

On motion by Mr. Wyman of Washington, the Senate voted to reconsider

its vote whereby the foregoing bill was passed to be engrossed. On further motion by the same Senator, the bill was amended in accordance with the report of the Committee on Conference. On further motion by the same Senator, the bill as amended was passed to be engrossed.

Mr. BAXTER of Cumberland: Mr. President, if in order, I would move that the bill we have just passed to be engrossed, relating to the intoxicating liquor standard, be laid upon the table.

Mr. MILLIKEN of Aroostook: I do not understand the purpose of that motion.

Mr. BAXTER: Mr. President, there are several members of the Senate who are absent, and I thought it might be well to postpone final action upon that matter until tomorrow morning.

Mr. MILLIKEN: I hope the motion of the Senator from Cumberland will not prevail, and if necessary, I ask for the Yeas and Nays.

The question being upon the motion to lay upon the table, the Yeas and Nays were ordered and the vote being had resulted as follows:

Those voting Yea were Messrs. Baxter, Colcord, Emery, Gowell, Hamilton, Looney, Macomber, Reynolds, Shaw, Smith, Walker, Warren, Wyman (13). Those voting Nay were Messrs. Boynton, Donigan, Eaton, Hastings, Hill, Howes, Irving, Kellogg, Knowlton, Lowe, Milliken, Minott, Mullen, Osgood (14).

So the motion was lost.

Mr. MACOMBER of Kennebec: Mr. President, I want to inquire of the Chair if it would be proper to make a motion to eliminate the amendment in relation to cider.

The PRESIDENT: A motion may be made to reconsider the vote whereby the Senate adopted House Amendment A; and then, a motion could be made to non-concur with the House in the adoption of House Amendment A, and the bill could then be passed to be engrossed without the amendment.

Mr. MACOMBER: Mr. President: I will move the reconsideration of the vote whereby the bill was passed to be engrossed, and I will state that it is for the purpose of making a motion to eliminate the amendment in reference to

cider.

Mr. MILLIKEN of Aroostook: Mr. President: What the Senator from Kennebec wants is to beat the bill. He knows and I know that the amendment amounts to nothing, and, having been unable to get it defeated here in the Senate, he wants to get the amendment changed in order to have disagreeing action between the two Houses and have it beaten in that way. Under ordinary circumstances I would have no objection to changing the amendment, but if the intention of the Senator from Kennebec is carried out, the precise effect will be what I indicate. That is what he wants—to beat the bill—and I hope that the motion to reconsider the passage of this bill to be engrossed will not prevail, and on that motion I ask for the Yeas and Nays.

Mr. LOONEY of Cumberland: Mr. President: Whether the object of the Senator from Kennebec is to beat the bill or not I do not know. I assume, however, and believe that the Senator from Kennebec is one of the most honest and honorable men in this chamber and that the members of the Senate can place implicit reliance upon what he says, but he does not need any defence from me.

But this is true, that the enemies of the prohibitory law—those who are deadly opposed to the prohibitory law—are in alliance with the Temperance Committee upon forcing upon this Legislature and this Senate this legislation. Why look at them? These men hate the prohibitory law worse than the devil hates holy water, and yet, they come up here and pose as temperance men. Why, the farce would be sidesplitting if a man did not become indignant before he became amused. The object of these men is simply this: they don't conceal their object; they are open about it and perfectly honest; they want to make the prohibitory law appear so ridiculous and so loaded down with one law after another that a reaction will set in all over the State and so that the pendulum will swing so far that at the next election a wave will sweep all over the State that will destroy every vestige of the prohibitory law.

Mr. SHAW of Kennebec: Mr. President: I heartily concur with what the Senator from Cumberland has said. I

do not believe there is anything that has come up this winter that will disgust the farmer so much as the amendment to this bill, and I think it is an imposition on the intelligence of the people of this State to pass a bill with that amendment. I certainly hope there will be some way of getting it out.

Mr. HAMILTON of York: Mr. President. A man once drove up to my house one night and he was slightly inebriated. I asked him what the news was, and he said that he had a brother that was a minister, and they were having a terrible time. He said that John called Henry a liar, and that Henry called John a liar, and, he says, "I believe them both." I do not want to believe all that has been said with reference to the motive of these gentlemen. If I believe one, I shall believe them all. I believe they have the best intentions. Now so far as I am personally concerned, there is no Senator here that would go any further upon this temperance question than I. There is no penalty too severe and no law too harsh to close up the sale of intoxicating liquors. But there is such a thing as intemperate temperance men. There are those who believe in and who want to bring the people up to their standard by the enactment of law. You have got to get people up to that standard by degrees and by education.

There is another class of people that would load the law so heavily, even to the extent of a penalty of murder, for the purpose of killing the law. I have seen that since I have been here.

Now as to the question here, I believe with the Senator from Kennebec County, that it is not wise legislation, nor in the interests of prohibition to keep loading the law in this way with these outside issues.

Take this question of cider. The Senator from Aroostook says that it is harmless, in so many words. I understand him that it would leave the sale of cider just as it stands now. If it does, why have cider in that bill and why have it come to the people that you have prohibited the sale of cider. Think of it for a moment. Why load it with something that does not amount to anything and with something you say is of no consequence to the bill in one way or

another. I ask you, Senator from Aroostook, who is a very considerate technical man, why you should hold that the temperance men and the temperate men--those who are interested in it and sincere in it--shall say that it is ridiculous. You have got it to such an extent that you cannot drink cider, even if it is new cider. That will be the way it will be construed by the court and by many people who are the enemies of prohibition. Certainly I can see no object in doing it.

Mr. MILLIKEN of Aroostook: Mr. President: I think I have made it plain that my interest is in the bill and not the amendment. I have not any objection whatever to the adoption of the amendment cutting out House Amendment A, provided it is not intended to use it as a means to beat the bill. It seems to me fair to infer that this motion is made now to beat the bill. I want to ask the Senator from York, or the Senator from Kennebec, or any of those who voted against the bill, if the Amendment A being removed, their objection to the bill would be removed, so that they could vote for it. If any of those who voted against the bill would find their objection removed if the amendment was stricken out, I would be perfectly willing to risk falling into a trap. But I submit, if every member who voted against the bill in its present form is intending to vote against it with House Amendment A stricken out, it is not fair to go to the trouble of striking it out and sending it to the House and so risk the defeat of the bill.

Mr. HAMILTON of York: Mr. President: I would say in reply to that in all my votes here I have endeavored to be sincere and have voted just what I believe was right, and I believe further the Senator has done the same. I know that we have heard of this lobbying business, but it never affected me nor touched me. You know that lobbyists know men pretty well and they know pretty well who would be susceptible of being lobbied. I voted to strike out cider and I did it sincerely, as I stated; and I state to the Senator now, that I meant what I said, that I did not believe that cider in the way he had it in that bill amounted to anything. I was not opposed to the other part of the bill.

Mr. MILLIKEN of Aroostook: Mr. President: I am willing with the explanation that the Senator has made to agree to a reconsideration as to the adoption of the amendment suggested by the Senator from Kennebec.

Mr. MACOMBER of Kennebec: Mr. President: I want to say that, while I have objected to the whole bill and believe it is unwise, at the same time, the most serious part of it is this cider clause. And, if I could not get the whole thing defeated, I should have to be content with the defeat of the cider amendment, and if the amendment was stricken out, I should make no further amendment.

Mr. LOONEY of Cumberland: Mr. President: I would say that I have no objection to the bill itself, but I do object to the cider clause.

The PRESIDENT: The pending question is the motion to reconsider the vote whereby the bill was passed to be engrossed as amended by House Amendment A.

Mr. BAXTER of Cumberland: Mr. President: I do not wish to deceive the Senator from Aroostook. I am opposed to the bill with or without the cider clause. I thought I ought to give him fair notice so that he would not be led into any trap. I am opposed to the bill in any form, because I do not think it reasonable. I am opposed to the amendment and I hope the entire bill will be defeated.

Thereupon, on motion by Mr. Macomber of Kennebec, the Senate voted to reconsider the vote whereby the bill was passed to be engrossed.

Mr. MULLEN of Penobscot. Mr. President: Could the enemies of this bill be excused from voting?

The PRESIDENT: The Chair informs the Senator that the enemies of the bill will be required to vote.

On motion by Mr. Macomber of Kennebec, the Senate voted to non-concur with the House in the adoption of House Amendment A.

On further motion by the same Senator, the Senate voted that the bill pass to be engrossed without the amendment.

"Resolve on the payroll of the Senate." (On motion by Mr. Hastings of Oxford, under suspension of the

rules, this resolve took its two several readings and was passed to be engrossed.)

On the joint order to inquire into the advisability of establishing a juvenile court in the State of Maine, the President appointed as the Committee on the part of the Senate, the order having received a passage in both branches of the Legislature, Senator Looney of Cumberland.

On the order appointing a Committee consisting of two members of the Senate and three members of the House to consider the advisability of changing the law relating to the incorporations of this State, the President appointed on the part of the Senate, Messrs. Wheeler of Cumberland and Gowell of York.

Passed to be Enacted.

An Act to amend Chapter 8 of the Revised Statutes relating to the Board of State Assessors.

An Act to amend Section 11 of Chapter 81 of the Revised Statutes in relation to records of proceedings in Court.

An Act to amend Section 15 of Chapter 54 of the Revised Statutes, relating to expenses of the inspector of boilers, and engines, and their appurtenances, of steamboats on inland waters.

An Act to amend Section 44 of Chapter 9 of the Revised Statutes, as amended by Chapter 174 of the Public Laws of 1907, relating to the assessment and collection of taxes on lands in places not incorporated.

An Act to amend Section 11 of Chapter 22 of the Revised Statutes, relating to the taking of beaver.

An Act to correct certain clerical errors in "An Act to amend an act entitled 'An Act to create a lien on manufactured staves and laths,' approved March 18, 1909."

An Act to prefer Maine Labor and Maine contractors upon all work performed for State, municipal, charitable and educational institutions, buildings or public works, or any building or institution supported or aided by the State or municipalities.

An Act creating a State Board of Arbitration and Conciliation.

An Act for the licensing of dogs and for the better protection of sheep.

An Act relating to the employment of