

# MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Seventy-Seventh Legislature

OF THE

STATE OF MAINE

1915

Academy for Repairs and Improvements, and also for the payment of certain indebtedness.

Resolve in favor of the Aroostook Central Institute for the payment of liabilities and also for repairs and improvements.

Resolve in favor of the town of Rumford for the payment of a claim for State Common School Funds for the year Nineteen Hundred and Thirteen.

Resolve in favor of Limerick Academy for aid and the maintenance thereof.

Resolve in favor of the Bridgewater Classical Academy for maintenance.

Resolve in favor of Somerset Academy for the payment of a sum of money equivalent to the amount said Academy would have received if its average attendance had exceeded thirty pupils.

Resolve in favor of Lee Academy for the payment of instructors.

Resolve continuing the unexpended appropriation provided by Chapter 321 of the Resolves of 1913, entitled, 'Resolve in Favor of Aid in the Construction of a Highway Bridge over the St. John River between Fort Kent, Maine, and St. Francis, New Brunswick.'

(This resolve carrying an emergency clause required a two-thirds vote of the members of the Senate. A rising vote was taken and 25 Senators voting in favor of the passage of the resolve and none opposed, the resolve was finally passed.)

Resolve in favor of the Treasurer of State to Enable him to Properly Balance and Settle Accounts with the Various Cities, Towns and Plantations for the year 1914.

(This resolve carrying an emergency clause required a two-thirds vote of the members of the Senate. A rising vote was taken and 26 Senators voting in favor and none opposed, the resolve was finally passed.)

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

(This resolve carrying an emergency clause required a two-thirds vote of the members of the Senate. A rising vote was taken and 24 Senators voting

in favor and none opposed, the resolve was finally passed.)

House 495: An Act relating to the hours of employment of women and children.

Mr. EMERY of York: Mr. President, I would like to inquire of the Chair as to whether it would be proper for me to offer an amendment to this bill at the present stage.

The PRESIDENT: It is in amendable stage, yes, by reconsidering the vote whereby it was passed to be engrossed.

Mr. EMERY: I move that we reconsider the vote whereby the bill was passed to be engrossed, in order that I may offer some amendments.

Mr. FLAHERTY of Cumberland: Mr. President—

Mr. EMERY: It would appear, perhaps, that there is some objection to offering any amendments at this time, and I would like to state briefly what I have to offer here, and I will say that I cannot conceive of anybody objecting to them, and I want to say further that they are being offered in perfect good faith, with absolutely no intention of delaying the passage of this bill more than the time it would take to act intelligently on these amendments, and if the Senate sees fit to re-consider the vote whereby the bill was passed to be engrossed, I would like to offer these amendments.

Mr. FLAHERTY: I don't wish to be discourteous to the Senator from York, but it seems to me that this bill—the fifty-four hour bill—was given an extensive hearing by the Committee, and they had it under consideration in executive session for a week, and amendments were offered in the House which were defeated, and also amendments offered here when the bill was passed to be engrossed.

I don't think it is necessary at this time, after the consideration that you have given this matter through your committee, who have voted unanimously "ought to pass," trying to meet the requirements of everybody, in order to make this a real fifty-four hour law.

Each of the political parties had it in their platform. Of course if the Senate wishes to do that, I have no objection, but I really believe we are getting toward the last of the legislature, and it was in

amendable form on its passage to be engrossed, and the Senate, in its wisdom, it may be called, voted "ought not to pass" on these different amendments.

I believe it has had all the consideration it ought to have at this time. I believe the President himself has stated the four great measures of this session to be the Massachusetts Ballot, Woman's Suffrage, the Workmen's Compensation Act, and the Fifty-four Hour Law. Of course if the Senate wishes to at this time, I have no objection, but I believe the bill has had consideration enough, and I think the committee on labor feels that way with me.

Mr. EMERY: I can't see that the Senator from Cumberland has assigned any good reason as to why we should not consider these amendments. The amendments which I have here have not been offered by anybody.

We don't question the honest contentions of that committee, but we have a perfect right to question their wisdom, perhaps, and I think it would be proper, I am perfectly willing to state the nature of these amendments before we take any action at all.

The PRESIDENT: It would be perfectly proper, I think, Senator Emery.

Mr. EMERY: Amendment "B" simply calls for striking out the word "seven" in the fourth line and inserting in the place thereof the words "six-thirty."

Now I would say that this is being offered at the suggestion of the employees themselves. The representatives asked me to present this, or rather to so amend that bill, so that they might be allowed to think and act for themselves in this matter, that it should be left to them to say whether they should go to work at 6.30 or seven o'clock.

Now it seems to me that is a fair thing. Here are the people we are trying to help, and I feel that we are just trespassing on their rights a little when we say to them "You shan't go to work before seven o'clock in the morning." You don't want it said to you; I don't want it said to me. Why should we say that to them? They have asked this; I haven't. It doesn't make one cent's difference to the employer whether they go to work at 6.30 or seven. They expect nine hours' work in one day.

Now it is argued by them, and I think their ground is well taken, that they would rather get in a little earlier while it is cool in order that they might get out a little earlier in the afternoon. We all know that the hottest part of the day is along in the afternoon, three or four o'clock, and if they can get out at five o'clock and go home it gives them an hour to change their clothes and rest a little before they have their supper, and enjoy the long evenings in the summer. In the winter time the days are short; it is dark at 6.30, and they would much rather go to work at seven o'clock, and the employers would much rather they would go to work at 7 o'clock, because it is light then, and they would only have to light up on one end of the day.

That is the reason this amendment is here. We have no disposition to question the honesty of this committee, but no man who is as broad as baby-ribbon will refuse to welcome an honest criticism. We do have the right to question their judgment. That has been done with every committee here, and I know of no reason why this committee should be set up against the rest, and it seems to me that any fair-minded man will not object to these amendments being offered, because it is in the power of this Senate to reject that bill in toto, if they see fit, as it stands at this minute, although I don't think it is the desire of this Senate to do anything of the kind. We are all interested in it, and want to see it have a passage, but we want a bill that is fair to all. We must bear in mind we are not called upon to punish anybody, but to see justice dealt out to everybody alike.

I have another amendment here—

Mr. MURPHY of Cumberland: Mr. President, it seems to me it is proper to take them up one at a time.

The PRESIDENT: He isn't offering the amendments now. He is stating the reasons why the action of the Senate should be re-considered.

Mr. FLAHERTY: Can I reply to the Senator from York in regard to that amendment he just offered.

The PRESIDENT: Does the Senator from York yield to the Senator from Cumberland?

Mr. EMERY: Certainly.

Mr. FLAHERTY: I want to say for the benefit of the Senate, Mr. President, that this law only applies to women and children. It was the intention of the committee not to have these women and children out before seven o'clock in the morning, to give them a chance to rest.

That was all. If the men folks have to go to work earlier in the morning, they can do as they like, and they can get breakfast for them. But it was the intention of the committee that these women and children should not go to work before seven. I don't think they feel they are above criticism, or above correction. Our judgment is not infallible, by any means, but if you are going to have a fifty-four hour law, I don't believe in getting your children out early in the morning. That was the intention, I believe, of the fifty-four hour law.

Mr. EMERY: Mr. President, I am perfectly aware that this applies to women and children, but anybody who knows anything about the establishments that this is pointed at knows very well it would not be practicable to have the men go in at 6.30 and the women go in at 7.00, and have the men get out a half hour before the women, because the men and women do exactly the same kind of work; they work side by side; you know that; you know that in a manufacturing establishment they are supposed to be balanced up, so that your spinning and your weaving, for example, go on together, it wouldn't be a practicable thing to have it different.

Talking about little children, there are no little children working in these establishments. You can't call a boy sixteen years old a child. Many of these boys can carry muskets at that time. So I don't think that is any good reason why these amendments shouldn't be offered.

Now as I said, I have one other amendment here which I would like to offer at the same time. It would be by striking out the words "the wages paid" in the fourth line of the sixth section. As it reads now it says "the wages paid."

As I understand it, this is a bill regulating the hours of labor, and wages

doesn't enter into this thing, and shouldn't enter into it in any way, and I think you are fair enough to admit, Senator Flaherty, that we are not trying to regulate wages in any way. When you open the door for that you are treading on dangerous ground. We know that we are getting into deep water, and wages should enter into it in any way, and there is no reason why you should open your books and have people come in and see the wages that you are paying your clerks. It isn't fair to the clerks and it isn't fair to you, and it isn't fair to us that our competitors should have someone come in and look our books over. And then there is a good chance for graft. Somebody can go right out and tell them what we are paying. They have just as much pride in their wages as we have in ours. It isn't a fair thing. Those words don't belong in that bill anywhere.

Those are the only amendments I have to offer. If they don't appeal to you as being fair you can vote against it.

Mr. MURPHY of Cumberland: It seems to me, Mr. President, we have considered this bill fairly well. This is the commencement of delay and trouble. This is the old-fashioned method of doing away with a bill. If we listen to everybody that comes here after there has been a hearing on a bill, and allow them to make suggestions before us, if we allow these amendments to go through, others have amendments they would wish to attach.

If you want to kill this bill, proceed to kill it at once, fair and open-handed. My friend Senator Emery hasn't described the sort of persons that are advocating these amendments, where they are from, nor how many of them there are, nor anything of the sort. If we proceed to do that, we will proceed to do the same for another class of people that want to be exempt. Where are we going to stop? How long will it be delayed in going to the House and back again? Therefore I rise in opposition to any amendments.

Mr. EMERY: Mr. President, I will

say there is no "class." I am not trying to exempt any class. I am trying to exempt them all that come within the scope of that bill. I am trying to delay the passage of the bill. I am as interested in this as Senator Murphy can possibly be.

He asks who has asked me to present it. I will tell him, the operatives of the concern that I have the honor to represent. There are some 3,000 of them. They have asked me, have sent their delegation to my office and asked me if I would not work in the direction of having that change made. Those are the only ones I have met personally, but I have been told that the operatives in Lewiston are in favor of this amendment, that the operatives in Biddeford are in favor of it. I have not seen them personally, but I have it as it is said to others, that the operatives would like to have a voice in this matter. Now it is for these people not for me, and it seems to me that they are just as well able to think for themselves as Senator Murphy and I are to think for them. If they want to go to work at 6.30, why should they be permitted? I say we are treading upon dangerous ground. I am wondering whether we are not interfering with their constitutional rights and liberties when we say they cannot do it. It is up to this Legislature. If they want to kill this bill they can kill it in a minute. Nobody wants to kill this bill.

Mr. MURPHY: I am very sorry to disagree with the Senator from York. We are also approached by many for and against this bill. There are two sides we have to listen to, and although it may be hard to go against our particular friends, we are compelled to use our judgment in regard to each particular class, if you want to call it class. I move that when the vote is taken it be taken by yeas and nays.

The question being upon the reconsideration of the vote whereby the bill was passed to be engrossed, the yeas and nays were ordered, and the Secretary called the roll.

Those voting yea were Messrs. Allen,

Ames, Bartlett, Boynton, Burleigh, Butler, Chatto, Clark, Colby, Cole, Conant, Durgin, Emery, Fulton, Herrick, Jillson, Peacock, Scammon, Thurston, Walker, Weld—21.

Those voting nay were Messrs. Dunton, Flaherty, Garcelon, Leary, Moulton, Murphy, Price, Swift—8.

Absentee: Hastings.

Twenty-one Senators having voted in favor, and eight having voted against, the motion prevailed, and the vote whereby the bill was passed to be engrossed was reconsidered.

Mr. Emery of York offered Senate Amendment A to House 495 and moved its adoption.

Senate amendment A to House 495: "Amend by striking out the word 'seven' in the fourth line of Section 2, and inserting in the place thereof the words 'six-thirty.'

(Amendment read by the Secretary.)

Mr. EMERY: I am wondering if that reads correctly. If I may just take the time to look the bill up.

Mr. FLAHERTY: Mr. President, I move that the amendment and the bill lie on the table and be specially assigned for tomorrow morning.

Mr. EMERY: I understand that they don't want to delay this matter, and I have no disposition to. I know no reason why we should desire this thing to go over. I can hardly see how I can be accused of delaying action in this Senate. I can't think of anybody that has taken up more of the time than the Senator from Cumberland has.

The PRESIDENT: Debate is not in order, except on the time for the assignment. Pending the acceptance of Senate Amendment A, the Senator from Cumberland moves that this bill with Senate Amendment A lie on the table and be assigned for tomorrow morning. Debate is in order on the time of assignment only.

Mr. EMERY: I don't want to be discourteous. I don't want to stand in the way of having this assigned for tomorrow if the rest of the Senate are willing, but I know of no reason why it should go over, unless it is simply a case of trying to delay matters.

Mr. ALLEN of Kennebec: Mr. Pres-

ident, I would like to ask here, if this is to be tabled, if amendments cannot be offered, we will have to go through the same process tomorrow morning. Why can't both the amendments be offered before the Senator from Cumberland makes the motion to lay on the table?

The PRESIDENT: Is the Senator from Cumberland willing to withdraw his motion to table until the other amendment is offered?

Mr. FLAHERTY: I merely wanted to table because the Senator from York doesn't seem to be familiar with the phraseology of his amendment, that is all. I am willing that the two amendments should be laid on the table and be specially assigned for tomorrow morning.

(The amendment having been corrected, the Secretary read the amendment, Senate Amendment "A" to House 495.)

Mr. Emery of York then offered Senate Amendment "B" to House 495, and moved its adoption. Senate Amendment B to House 495: "Amend by striking out the words 'the wages paid,' in the fourth line of the sixth section."

Mr. EMERY: I would say that that is an exact copy of the bill as reported by the committee, with the exception of the words which I ask to be stricken out. I have no desire to take up any further time of the Senate here. I think it is made clear to them, the purpose of these amendments.

The question being on the motion to lay on the table and have the bill and amendments specially assigned for consideration tomorrow morning, a rising vote was taken, and 11 senators voting in favor and 13 against, the motion failed.

The question recurred on the adoption of Senate Amendment A.

Mr. FLAHERTY: I move that when the vote is taken it be by yeas and nays.

Mr. COLBY of Somerset: I would like to ask a question from the Chair. I feel we are safe in saying there is no single man in this body that wants to kill this bill. I know that I am safe

in saying that. Assuming that the two amendments were carried in this body, and assuming that it was sent to the House and they were rejected, and a committee of conference was appointed, would it kill the bill, or simply the amendments, if the committee of conference didn't agree?

The PRESIDENT: If they didn't agree the bill would fall between the two houses.

Mr. COLBY: The bill, or the amendments?

The PRESIDENT: Both. The amendments, being adopted, are a part of the bill.

The question being on the adoption of Senate Amendment A to House 495, the yeas and nays were ordered, and the secretary called the roll.

Those voting yea were Messrs. Allen, Ames, Bartlett, Boynton, Butler, Chatto, Clark, Colby, Conant, Durgin, Emery, Peacock, Thurston, Walker—15.

Those voting nay were Messrs. Burleigh, Dutton, Flaherty, Fulton, Garcelon, Herrick, Jillson, Leary, Moulton, Murphy, Price, Scammon, Swift, Weld—14.

Absentee—Hastings.

Fifteen senators having voted in favor and 14 having voted against, Senate Amendment A was adopted.

The question recurred on the adoption of Senate Amendment B to House 495. The yeas and nays were ordered, and the secretary called the roll.

Those voting yea were Messrs. Allen, Ames, Bartlett, Boynton, Burleigh, Clark, Colby, Cole, Conant, Durgin, Emery, Peacock, Scammon—13.

Those voting nay were Messrs. Butler, Dutton, Flaherty, Fulton, Garcelon, Herrick, Jillson, Leary, Moulton, Murphy, Price, Swift, Thurston, Walker, Weld—15.

The PRESIDENT: The senator from Hancock, Senator Chatto, did not vote when his name was called. The secretary will call the name of Senator Chatto.

Mr. CHATTO: Mr. President, I heard that amendment read, but I will admit I don't understand enough about it to vote, and therefore I refuse to vote.

The PRESIDENT: The senator must

vote one way or the other, being present in the Senate:

Mr. CHATTO: I would like to have the amendment read.

(Amendment read by the secretary.)

The PRESIDENT: The secretary will call the name of the senator from Hancock, Senator Chatto.

The name of the senator from Hancock, Senator Chatto, being called, he voted yes.

Mr. WALKER of Somerset: Mr. President, I desire to change my vote from no to yes.

Fifteen senators having voted in favor of the adoption of the amendment and 14 opposed, the amendment was adopted.

Mr. Ames of Washington offered Senate Amendment "C" and moved its adoption.

Senate Amendment C to House 495: "Add the following section: 'Section 11, this act shall take effect Jan. 1, 1916.'"

Mr. AMES: Mr. President, I am asking this amendment simply that the factories, or the business men, who have contracts to fulfil may have a chance to fulfil their contracts before they reduce their time to 54 hours, and I think it is fair to offer this amendment.

The question being on the adoption of Senate Amendment "C," a rising vote was taken, and six senators voting in favor and 11 opposed, the amendment was rejected.

The bill was then passed to be engrossed as amended and sent down for concurrence.

#### Orders of the Day

Mr. ALLEN of Kennebec. Mr. President, I wish at this time to offer a resolution and move its passage.

The resolution was read by the secretary, as follows:

"Whereas, through his illness, the Senate of the 77th Legislature has been deprived during a considerable part of the session of the genial, kindly presence of the senator from Androscoggin, Senator David R. Hastings of Auburn, and

"Whereas, the members of this body have sadly missed in their deliberations his broad business knowledge, keen, unbiased judgment, and his ready support of every measure de-

signed to advance the prosperity of the State at large; therefore be it

Resolved, That the Senate of the 77th Legislature, here assembled, extend to the senator from Androscoggin, Senator Hastings, its sympathy in his illness, its pleasure to learn that he is recovering, and its hope that he may fully and speedily be restored to health, and be it further

Resolved, That this resolve shall be suitably engrossed, and a copy thereof, signed by each member of the Senate, shall be sent to Senator Hastings."

The question being on the adoption of the resolution, a rising vote was taken, and the Senate voted unanimously to adopt the resolution.

On motion by Mr. Cole of York it was

Ordered, the House concurring, that 1500 extra copies of the Workmen's Compensation Act, Senate Document 380, be printed for the use of this Legislature.

#### Specially Assigned.

The President laid before the Senate Senate 258, Veto of the Governor on "Resolve in favor of the Commission of Pharmacy."

The PRESIDENT: The question before the Senate is: Will the Senate, on reconsideration, agree to pass the resolve, the objections of the Governor to the contrary notwithstanding.

Mr. AMES of Washington: Mr. President, I wish to state that I think arrangements are being made in this matter to take care of it in some other manner, and I will tomorrow morning, under suspension of the rules, present an act which I think will be satisfactory to all.

With that understanding I move that the veto of the Governor be sustained.

The PRESIDENT: The motion is not in order. The question is whether on reconsideration the Senate will agree to pass the resolve, the objections of the Governor to the contrary notwithstanding. On this the yeas and nays are ordered as a matter of course.

The secretary called the roll.

Those voting yes were Messrs. Allen, Bartlett, Chatto, Durgin, Emery, Fulton, Scammon, Swift--8.

Those voting nay were: Messrs. Ames, Boynton, Burleigh, Butler,