

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Seventy-Ninth Legislature

OF THE

STATE OF MAINE

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Senate Amendment A, like its amendment which is offered today, is offered purely and simply for reasons of delay. The amendment was so drawn that had it taken effect, it would have taken effect by its terms on the first Wednesday of October, 1920. But this was clearly in conflict with the constitution of Maine, which provides that an act which has been submitted to the people and ratified by them shall take effect in 30 days from the date when the Governor issues his proclamation, which is to be issued after the vote has been canvassed.

Having found that this amendment is in conflict with our constitution, we are asked to attach to this amendment another amendment, so that we may have a special election in September of next year, and by that amendment, if it passes, the State will be subjected to the great expense of a special election, when I say—and I say it advisedly—that there is no general demand for a referendum.

The amendment now offered, Amendment B to Amendment A, raises another question, a question of constitutional law, and it is held by a great many able lawyers that this referendum, or any referendum, is in conflict with the constitution of the United States. I am firmly convinced that that position is properly taken, but I waive aside all constitutional objections and ask this Senate to consider this question entirely upon its merits.

I say that there is no general demand for a referendum upon this question at this time. I do not know what the experience of other senators has been during this session, but I have had 35 or 40, or 50 letters from various people relative to this act and among all those letters I have received only two wherein the writer expressed opposition to this bill, and I have received no letter asking for a referendum, whereas I have received several opposing the referendum. And I say again that there is no general demand for a referendum upon this subject.

The demand for a referendum comes from a small minority of the

people of Maine. Today the anti-suffragists are divided into two classes. The larger class is comprised of those who realize that woman's suffrage is no longer a mooted question; that it is a settled fact; that the current of world thought in the past two years has emancipated woman and placed her upon a plane with the men. These people are willing to accept the situation gracefully and acknowledge their defeat in good faith. There are some others who still, either on account of prejudice or conservatism, are willing to turn their backs upon the march of progress, and they, and they alone, are those who offer these amendments for purposes of delay only.

I feel sure that this Senate will agree with me in the position I take, and I take this opportunity to say that when we pass this act today, without amendment, though it be for partial woman's suffrage only, we may feel that we are paying some slight tribute to those noble women who so gallantly stood shoulder to shoulder with the men, here and in foreign lands, in aiding to make the world safe for democracy.

Mr. President, I move that upon this question, the yeas and nays be taken.

The PRESIDENT: The pending question before the Senate is the adoption of Senate Amendment B to Senate Amendment A, and on this question the senator from Somerset, Senator Folsom, calls for the yeas and nays, and is it the pleasure of the Senate when the vote is taken that it be taken by the yeas and nays?

A rising vote was taken and a sufficient number having arisen, the yeas and nays were ordered.

Mr. THOMBS of Penobscot: Mr. President and fellow senators: At the risk possibly of being termed conservative or prejudiced or as opposed to woman's suffrage in the State of Maine, nevertheless I should not feel that I had acquitted myself fairly in the office which honors me if I did not at this time voice my sentiments on this matter. And I do

not make bold to claim to speak for a great number of the people of the State of Maine, for, like the senator who has just preceded me, the proof that I might produce here on this question would be exceedingly small.

But, Senators, I believe that there will not be a greater question come before the Legislature of this year of 1919, than the one which you are now facing, and I believe that every gentleman of this Senate not only is willing to do his duty in the matter, but he is ready to go farther and strive as best he may to ascertain what is the will of the people of Maine, and what he ought to do as a senator of this State under these circumstances. And, fellow senators, I want to call your attention again to the importance of the question. Do you realize, and if you do not, pray stop a moment and think, that we 181 or 182 people of the State of Maine are taking action this morning which may double the electorate of Maine? And do you realize, too, that when you do this you have brushed aside the constitutional law under which the electorate has performed its functions in Maine since our separation from the state of Massachusetts in 1820? Can you imagine, senators, a question that is more serious, a question that is more deserving of the very best thought that you can give to it than this one?

I want to remind you that your act, if you do this at this time, may have a far wider significance than its effect upon the election of presidential electors in Maine. You may perchance take a step here that would change the complexion of the electoral college, thereby electing or rejecting one or the other of the presidential candidates. And if this be true, and I submit that it is and a fair statement also, then should you not stop and consider well the step that you are asked to take? And that leads me to say, fellow Senators, that it seems to me if we are going to cast about for some light on this matter, and as to what we ought or ought not to do at this time, we ought to realize the status of this question in the state today. Every gentleman who has had legislative or political activity for the last few years knows well the agitation

that has swept over the state, culminating on more than one occasion in a request to the Legislature that this matter be submitted to the people of Maine. And the Legislature, conservative if you please, but after a time realizing and impressed with the desire of a large number of the people of Maine that this matter be submitted to them, in 1917 granted this request to the people, and I do not need to recall to your mind or chide those friends of suffrage with the abject defeat that this most meritorious matter met at the hands of the electorate of Maine; and I do not care this morning, whoever he may be, if he rises in this assemblage and says that he has no mandate from the people of Maine.

Gentlemen, I ask you how long this rejection that was given this matter in no uncertain terms by the people of Maine should have weight with you? It seems to me that it may be altogether too soon to assume that we are free agents, entitled to do our own sweet will with a question of this importance. And I quite agree with the Senator from Somerset, who preceded me, when he says that all great questions should be submitted to the people, and I have tried to demonstrate to you my belief, if you please, that this is not only a great question but a question than which I can conceive of none greater. I am willing to take him at his words, if that is his attitude.

And he says also that we have acquired the habit of referring matters to the people. Oh, I hope that the day will never come when an assemblage of the Legislature of the State of Maine will forget so good a habit as that. Let us foster it; let us care for it carefully; and let us utilize it on every occasion whenever there may be doubt as to whether or not it may be wise. Why should we, fellow Senators in this matter—not elected, any man here, with that issue before the people—why should we under those circumstances assume this superiority of wisdom, and I am almost led to say this usurpation of power, and thrust upon the people of Maine an additional electorate equal or exceeding in number the present.

And I want to say too that I do not

know that I correctly understood the Senator from Somerset, and I do not believe that he intended to imply that any Senator in this body is so unmindful of his oath of office or his duty to the public as to take a position in this matter for delay. I want to say to you, Senators, that that is not my position. I do not wish to delay this matter, and I cannot believe that he wishes to be understood as going on record giving that as a reason for the matter receiving the attention that it does this morning. There is no delay, and I want no delay, and I am sure that I speak for friends of the amendment too when I say the only delay that we are asking for is simply that the people, the electorate of the State of Maine, may have a fair and reasonable opportunity to express their sentiments on this great question; and if he or any other Senators feel that that is not a proper purpose for delay, then we shall have to differ with him now and ever.

And the matter of expense was touched upon and he says it is too bad to put the people of the State of Maine to such an expense. Senators, let me remind you that there are very many matters, or a number of matters at least, that are bound to go to a referendum in the State of Maine and those may or may not be combined with this and taken care of at the same time—I do not know—but I do know that I as one citizen of the State of Maine and a humble taxpayer, am willing to pay my part to show the people of the United States that Maine, that the grand old State of Maine, glorying in its title, "I direct" is still democratic enough so that they are willing to pay the expense of an election that concerns so important a matter and I hope, regardless of the fate of this particular matter, that the matter of the expense of such a proceeding will never be successfully urged to the defeat of a matter that is proper for the people to pass upon.

There is another thing that I want to call your attention to, Senators, lest there be any misapprehension in

this matter. It is the common understanding of us here that matters with which this Legislature has to do are all subject to a referendum by the people. That is to say, if we pass an act here in the Legislature of Maine, and ten thousand or more voters of Maine say that they wish to pass judgment upon this particular act, they have the right so to do, and it is accepted or rejected by them. And I want to remind any Senator here that he better pause and consider carefully whether or not the people of the State of Maine, if the Legislature acts finally on this matter, will not invoke the referendum.

Gentlemen, we are carrying out, in determining the manner of electing electors of President and Vice President, a mandate of the United States Constitution which says in effect that the Legislature may direct the manner of selecting these electors. In the first place this burden is put on the Legislature, but I do not believe that any gentleman will disagree with me that under the decisions pertaining to that particular point that have been rendered by the United States court, that the Legislature is limited to performing this important function itself, and the position that I take, putting it as clearly as I may—is simply this, that the Legislature is directing that the electorate be composed of both men and women, this direction to become complete if the people of Maine accept it.

Let me call to your mind that there is already on the statute books of Maine a law providing for the selection of electors, and if the present act should fail there is still a means of providing electors so that Maine will not lose its electoral vote, and I believe that we are amply justified in making the attempt to take into our confidence and ask the advice of the people of the State of Maine.

If this matter had been agitated in the elections last fall and the issue had been drawn and any man had been elected here under those circumstances, I ask you in all fairness if he would not consider that the mandate that he received at the hands of

his constituency should be entitled to some respect at this time? and inasmuch as nothing was said about it, then may it not be proper and right to ask this advice of the people now?

Senators, I could not hope, if I stood here and endeavored to enlighten you on this matter, to add to the knowledge which you already possess, but I do wish to urge upon you again what seems to me to be the importance of this matter, and I want to ask you if you believe that this Senate should take this step without at least giving the people of Maine a right to pass upon it? Why, my brother refers very eloquently to the changes that have taken place in the 24 months just gone, and I agree with him—great changes indeed have been wrought, and the end is not yet. But I want to remind you that one of the things that have been held up, one of the things that caused American boys to cross 3000 miles of mine and submarine-infested ocean to that far land of France, and there give up their precious young lives—I want to remind you that one of the things that they fought for, and which is not an unimportant one either, was the self-determination of every nation; and it seems to me, senators, that it is an apt illustration, and that we should not forget these boys who lie yonder in the soil of France, their voices continually calling—and I hope that it may ever fall upon appreciative ears—that the people, the plain, common people, that make up the brawn and sinew of every nation, should, upon every matter that concerns them, be taken into the fullest confidence by their governing power—I care not whether you deem it king, emperor, president, or even the sovereign legislature of the State of Maine. And senators, I hope that the importance of this matter—I hope that the duty that I know that you feel you owe to the voters of the State of Maine and the desire to do your exact duty between man and man, will cause you to reflect carefully before you record your vote on this matter.

Senators, I hope that the amendment as proposed by the senator from Washington may have your favorable consideration. I believe that

you can justify your action to your own conscience, and more than that you can go back to those parts of the State of Maine from which you come, and there say to the people of Maine: "I did not desire, although I had the power, to act in a dictatorial way at all, but I tried and was willing to refer to you, to be settled as your own judgment dictates, a matter not only of State but of national importance as well."

Senators, I hope that the amendment may have your approval.

Mr. FOLSOM of Somerset: Mr. President, I am very loath to take any more of the time of this Senate, but I feel that there are a few comments that should be made at this time. I do not want to delve into the history of this government or recite any of the heroic deeds that were performed in the world's war; but I wish to say to you, fellow Senators, that the heroines in that war matched the heroes in their devotion to the great cause. Who won the war? The women as well as the men.

This government of the United States and the government of the State of Maine is a representative government. I hesitate to speak upon that phase of this subject for fear of repeating many of the things which were said by a distinguished member of this legislature in discussing this same question on the floor of the House of Representatives a few days ago. He well said this is a representative government, and no one can convince me or you that the Act which created the initiative and referendum took away from us our functions. If we have firm convictions upon any question of right I believe that we should vote accordingly, and that we would be shirking the responsibilities imposed upon us by those convictions should we attempt to shift the burden from our shoulders to the shoulders of the people. I would vote this morning to pass this Act along without amendment if for no other reason than to pay tribute to the generous act which one Maine woman consummated here this morning.

Mr. DEARTH of Penobscot: Mr. President and Gentlemen of the Senate, I am aware that I am not on the program to speak this morning —

Mr. DAVIES of Cumberland: You are always on it.

Mr. DEARTH: —and I do not intend to burden you with my remarks but for a few moments. But inasmuch as my friend, the Senator from Washington, Senator Ames, in my absence a week or ten days ago referred to some remarks that I made two years ago in the House upon a resolve asking for an amendment to the constitution extending to women the full right of suffrage, wherein I expressed as my views upon that question so important and far-reaching, as it was, that I should feel it to be my duty to refer that question to the people on a referendum. I feel that same way today, and if I were called upon to vote upon the question as to whether or not the women should be extended the full right of suffrage I should then, as well as two years ago, say that that responsibility should be assumed by the people and not by me as a member of this Senate.

But the question that is before us today is not of that importance. Let us proceed like Mr. Webster when he said "Let us take our bearings and see how far in our discussion we have moved from the true course." We are not discussing here today a question of the importance of the Declaration of Independence; we have no need to feel upon our shoulders rests the great responsibility that would rest upon them if we were to vote to extend the full right of suffrage; we are simply to say today whether we will allow them to participate with the male voters in determining who the Presidential electors shall be, that and nothing more. It is nothing more than a license, if you see fit to extend it to them; it is nothing but what the Legislature at any time can take from them by revoking that license if they do not properly exercise it, and that is a very different question than it would be if we were considering whether we would extend

to every woman the full right of suffrage. You will see at a glance that the question that was before the House two years ago in its transcendent importance is far greater than this little simple question that is before us today: this is a question of extending only partial suffrage to women, if you see fit to extend it to them, and I hope you will and as near unanimously as you can; if you see fit to extend it to them any legislature at any time can take it away from them and they will not have a word to say on that question, whether it shall be taken from them or not. Now, that is all there is before us. Now don't get excited; don't let them make you think you are deciding a question of the importance of the constitution or the Declaration of Independence, because it is not so important a matter at all; it is a simple matter, and let us give the ladies a chance, and then if they abuse this privilege we will take it away from them. (Applause.)

The PRESIDENT: The pending question before the Senate is on the adoption of Senate amendment B to Senate amendment A. Upon that question the yeas and nays have been ordered. Those voting yes will vote to accept the amendment; those voting no will vote against the adoption of the amendment. The secretary will call the roll.

Those voting yes were: Senators Ames, Chick, Clement, Gordon and Thombs—5; those voting no were: Senators Babb, Baxter, Butler, Cobb, Davies, Dearth, Deering, Emerson, Folsom, Gannett, Googin, Grant, Gurney, Holt, Lord, Metcalf, Parent, Peacock, Stanley, Thornton, Tuttle, Walker—22. Paired: Lewis, yes; Ricker, no.

The PRESIDENT: Five having voted in the affirmative and 22 in the negative, the motion to adopt Senate amendment B to Senate amendment A is lost.

The pending question being on the adoption of Senate amendment A.

Mr. Davies of Cumberland moved that it be indefinitely postponed.

The motion was agreed to.

On motion by Mr. Folsom of Somerset, the rules were suspended, the bill received its second reading and was

passed to be engrossed, and sent down for concurrence.

The PRESIDENT: Specially assigned for today is S. D. 160, An Act to abolish the common council of the city of Lewiston, tabled by the senator from Androscoggin, Senator Parent, pending its second reading.

On motion by Mr. Parent the bill was given its second reading.

Mr. PARENT: Mr. President, I now offer Amendment A and move its adoption.

The PRESIDENT: The secretary will read the amendment.

The secretary read as follows:

Senate Amendment A to an Act entitled An Act to abolish the common council of the city of Lewiston.

Section 1. This Act shall be submitted for approval or rejection to the qualified voters of the city of Lewiston at an election to be held the second Monday in September in the year 1919, and warrants shall be issued for such election in the manner now provided by law for the holding of municipal elections, notifying and warning the qualified voters of said city to meet in the several ward meetings of said city, there to cast their ballot for the approval or rejection of this act.

The question proposed on said ballot shall be substantially in the following form:

Shall an act passed by the Legislature in the year 1919 approved (insert date) entitled An Act to abolish the common council of the city of Lewiston, be accepted, otherwise said ballot shall be in form provided by law when a constitutional amendment is submitted to the vote of the people. The provisions of law relating to the preparation of voting lists for municipal elections shall apply to such election and said election shall in all other respects be conducted as municipal elections in said city are now conducted by law, and the results thereof shall be determined in the manner now provided by law for the determination of the election of mayor. If a majority of the ballots deposited as aforesaid shall reject, this act shall not go into effect, but if a majority of the electors voting at said ward meetings shall approve, then

this act shall take effect as herein provided.

Section 2. So much of this act as authorizes the submission of the acceptance of this act to the electors of the city of Lewiston shall take effect as provided in the constitution of the State, but it shall not take further effect unless accepted by the electors of the city of Lewiston as hereinbefore provided. If accepted by the electors of the city, then this act for the purpose of nominating and electing officers hereunder shall take effect at the expiration of the term of the present city council of the city of Lewiston.

The motion was agreed to and the bill as amended was passed to be engrossed.

On motion by Mr. Grant of Cumberland, it was

Ordered, the House concurring, that H. D. 202, Resolve in favor of the State department of health, be recalled from the committee on engrossed bills and be delivered to the secretary of the Senate.

On motion by Mr. Deering of York, it was

Ordered, the House concurring, that bill, An Act to amend Chapter 215 of the Public Laws of 1867 entitled An Act to incorporate the city of Saco, and Resolve authorizing DeForest Keyes to bring a suit at law or in equity against the State of Maine, now in the hands of the Governor, be recalled to the Senate for the purpose of making amendments thereto.

On motion by Mr. Gannett of Kennebec, it was voted to reconsider the vote whereby S. D. 161, Resolve, authorizing and empowering the Governor and Council to acquire by purchase the residence of the late James G. Blaine, and such other property contiguous or adjacent thereto to be used in connection therewith as said Governor and Council may determine, for an executive mansion, was passed to be engrossed, and on further motion by the same senator the bill was referred back to the committee.

On motion by Mr. Ames of Washington, it was