

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Seventy-Second Legislature

OF THE

STATE OF MAINE.

1905.

HOUSE.

Friday, March 17th 1905.

Prayer by Rev. Mr. Josselyn of Gardiner.

Journal of yesterday read and approved.

Papers from the Senate disposed of in concurrence.

Senate Bills on First Reading.

Resolve in favor of George E. Morrison.

Resolve in favor of extra pay to Maine volunteers in the late war with Spain.

Resolve in favor of George G. Weeks Bill, to provide for enforcement of law against manufacture and sale of liquors.

Resolve in favor of Ida Yeaton.

The following were read three times and passed to be engrossed under a suspension of the rules:

An act relating to a winter speedway on the Kennebec River at Gardiner.

An act to authorize the town of Mechanic Falls to acquire certain property and rights in the Mechanic Falls Manufacturing Company.

An act to amend chapter 135 of the public laws of 1895, relating to the Bath Municipal Court.

An act to amend paragraph twenty of section one of chapter 114 of the Revised Statutes, relating to the salary of the commissioner of sea and shore fisheries.

Majority and minority reports of the committee on towns, relating to bill, an act annexing to the town of Roque Bluffs certain Islands forming part of the town of Jonesport, came from the Senate that branch having accepted the minority report.

On motion of Mr Shaw of Clinton, pending the acceptance of either report both reports and bill were tabled and Tuesday of next week assigned for their consideration.

Report of committee on inland fisheries and game, reporting "ought not to pass" on bill, an act to amend section one of chapter 301 of the private and special laws of 1903, relating to the protection of deer in the counties of Kennebec, Waldo and Lincoln, came from the Senate the vote reconsidered

by that branch whereby the report was accepted and the bill substituted for the report.

On motion of Mr. Littlefield of Rockland, the vote was reconsidered whereby the House accepted the report "ought not to pass," and on further motion by the same gentleman the bill was substituted for the report in concurrence with the Senate, and on further motion by Mr. Littlefield the rules were suspended and the bill received its first reading without being printed.

Pending its second reading, the bill was tabled by Mr. Whitmore of Brunswick.

An act to incorporate the Trinitarian Congregational Parish of Castine and to legalize the doings of said Parish as heretofore known under the Trinitarian Society of Castine, Maine, came from the Senate amended by Senate amendment A.

The House reconsidered the votes whereby this bill was passed to be enacted and passed to be engrossed, Senate amendment A was adopted and the bill was then passed to be engrossed as amended.

An act granting Ithiel C. Blackman the right to maintain a ferry, came from the Senate amended by Senate amendment A. The amendment was adopted and the bill was passed to be engrossed as amended in concurrence.

The following petitions, bills, etc., were presented and referred:

Appropriations and Financial Affairs.

By Mr. Morrison of Eden: Resolve in favor of the Secretary of committee on insane hospitals.

Placed on File.

By Mr. Cobb of Gardiner: Petition of N. F. Snow and 49 others of Portland for referendum; petition of Fred Fletcher and 34 others of Augusta and Hallowell for same; petition of W. G. Brooks and 40 others of Ellsworth for same; petition of Charles Barry and 37 others of South Brewer for same.

By Mr. Gray of Paris: Petition of G. W. Wright and 31 others for Sturgis bill; petition of C. Powers and 39 others for same.

By Mr. Treworgy of Surry: Petition of E. H. Bridges and 21 others in favor

of bill providing for the proper labelling of proprietary medicines containing alcohol and narcotic drugs.

By Mr. Baxter of Portland: Petition of C. E. Fogg and 8 others of Pownal for same.

Leave of Absence.

By Mr. Albert of Madawaska: Ordered, that Edwin O. Vittum, member from Concord, be excused after March 18th from further attendance at this session, and that the clerk be instructed to make up his pay and travel for this session.

By Mr. Hastings of Bethel:

Ordered, That George W. Walker, member from Lovell, be excused after March 17th from further attendance at this session, and that the clerk be instructed to make up his pay and travel for this session.

By Mr. Howes of Palmyra:

Ordered, That the sum of \$30 be paid to James A. Chase, mail carrier of the House, on account of expenses incurred by him in transportation of mail.

Reports of Committees.

Mr. Hale from the committee on judiciary, reported ought not to pass on bill, An Act to create a bridge district for the re-building of Vaughan's Bridge.

Mr. Marshall from the committee on shore fisheries, reported leave to withdraw on petition from citizens of Friendship praying that no change be made in the present clam law as it would be detrimental to the industry in that vicinity.

Mr. Marshall from same committee, reported ought not to pass on bill, An Act for the better protection of shellfish within the limits of the town of Cushing, and petition accompanying the same.

Mr. Mullen from the committee on taxation, reported ought not to pass on resolve providing for an amendment to the constitution of the State relating to the taxation of wild lands in unincorporated townships and of the wild lands, so called, in the plantations.

Mr. Morrison from the committee on insane hospitals, on order of the Legislature relating to investigating the advisability of the State installing lighting plants in its insane institutions and also report the terms of the present contracts

for lighting the insane asylums, reported legislation inexpedient on so much of said order as relates to the advisability of the State installing lighting plants in its insane institutions; on so much of said order as relates to the terms of present contracts for lighting insane hospitals, the committee report that there is no contract at present, the hospital is paying ten cents per thousand kilowatts for its lighting and the company agree in writing to contract for five cents per thousand kilowatts, and recommending that the committee be authorized to make such a contract.

Mr. Irving from the committee on taxation, on bill, An Act to amend Sections 13 and 124 of Chapter 15 of the Revised Statutes, relating to the mill fund and school tax, reported that owing to the importance of the measure and the lateness of the session sufficient time cannot be given to its consideration and recommending that it be referred to the next Legislature.

Mr. Higgins from the committee on judiciary, reported in a new draft and ought to pass bill, An Act in relation to the holding of political caucuses.

Mr. Baldwin from the committee on shore fisheries, reported in a new draft and ought to pass bill, An Act to amend Section 34 of Chapter 41, of the Revised Statutes, relating to the taking of clams.

Mr. Nash from the committee on federal relations, reported in a new draft and ought to pass on bill, An Act to provide for the representation of the State of Maine at the Louis and Clark and Jamestown exposition without a State appropriation.

Mr. Poor from the committee on appropriations and financial affairs, reported in a new draft and ought to pass, resolve in favor of S. T. Kimball for services for clerk and messenger to the committee on railroads and expresses.

Mr. Tupper from same committee, reported ought to pass on resolve in favor of George N. Barrows, chairman of the committee on State School for Boys.

Mr. Leonard from the committee on taxation, reported ought to pass on bill, An Act to exempt soldiers and sailors of the Civil War from the payment of poll tax.

Mr. Hastings from same committee, reported ought to pass on bill, An Act re-

lating to the descriptions of public lands and townships for the purposes of valuation and assessment.

Mr. Shaw from the committee on towns, on bill, An Act granting certain powers to the town of Eden, reported that same be referred to the committee on judiciary.

The reports were accepted and the bills and resolves ordered printed under the joint rule.

First Reading of Printed Bills.

An Act to amend Chapter 213 of the Private and Special Laws of 1903 authorizing the county commissioners of Cumberland county to erect a county building in Portland.

Mr. Hale of Portland offered an amendment, by adding to Section 1 the following: "Said bonds shall be valid without first obtaining the consent of said county commissioners as provided in Sections 14 and 16 of Chapter 80 of the Revised Statutes."

The amendment was adopted, and on motion of Mr. Hale, the rules were suspended, the bill received its third reading and was passed to be engrossed.

An Act to prevent the pollution of the waters of Carleton pond.

An Act to amend Section 52 of chapter 32 of the Revised Statutes relating to search.

An Act to amend Section 2 of Chapter 11 of the Revised Statutes in relation to fees of trial justices in the trial of an issue in a criminal case.

An Act to empower the county of Aroostook to purchase and acquire title to lands adapted to agricultural purposes in said county.

An Act to revise, consolidate and amend the charter and laws of the city of Augusta.

Resolve appropriating money for the purpose of obtaining information in regard to the wild lands for the purposes of taxation.

Resolve in favor of the clerk and stenographer, and the messenger to the judiciary committee.

Resolve in favor of the clerk and stenographer, and the messenger to the legal affairs committee.

Resolve in favor of C. Bradstreet, clerk to the banking committee.

Resolve in favor of Charles Knowlton.

Resolve in favor of William B. Webb.

Passed to be Engrossed.

An Act to amend Section 23 of Chapter 48 of the Revised Statutes, relating to investment of deposits in savings banks.

An Act to amend Sections 36, 37 and 40 of Chapter 29 of the Revised Statutes, relating to the manufacture and sale of intoxicating liquors, and particularly the manufacture and sale of cider.

Resolve relating to the documentary history of Maine.

Resolve in favor of a feeding station for the Sebago Lake Fish Hatchery.

An Act to provide for the employment of male prisoners upon public ways or in preparing materials for the construction or repair thereof.

An Act to amend Section 23 of Chapter 114 of the Revised Statutes relating to relief of poor debtors.

An Act providing for a bounty on bears in Franklin county.

(Tabled on motion of Mr. Hastings of Bethel.)

Resolve requesting the repeal by Congress of Section 20 of Chapter 33 of the Revised Statutes of the United States admitting certain lumber manufactured in New Brunswick into the ports of the United States.

Passed to be Enacted.

An Act relating to the Bar Harbor and Union River Power Company.

An Act to authorize Justin M. Leavitt to maintain and extend a wharf to the harbor line into the tide waters of Cape Porpoise Harbor in the town of Kennebunkport.

An Act relating to a winter speedway on the Kennebec river at Hallowell.

An Act to authorize and empower the First Baptist church of Hampden to convey certain property to the Maine Baptist missionary convention.

An Act to amend Chapter 172 of the Private and Special Laws of 1891, as amended by Chapter 295 of the Private and Special Laws of 1901, relating to the consolidation of certain railroad corporations.

An Act relative to the artificial cultivation of fish by tyarian proprietors.

An Act to extend the charter of the Fish River Improvement Company.

An Act for the encouragement, development and conservation of the shellfish industry.

An Act to incorporate Alfred Light and Power Company.

An Act to amend and extend the charter of the Winterport, Frankfort and Prospect Electric Railway.

An Act to provide notice to beneficiaries under wills.

An Act to confirm the charter and enlarge the powers of the Old York Historical and Improvement Society.

An Act to incorporate the Stonington Trust Company.

An Act to abolish the common council and increase the membership of the board of aldermen of the city of Portland.

An Act to incorporate the Midland Power Company.

An Act to authorize the Sanford Light and Power Company to increase its capital stock, and to acquire and purchase the rights of the Atlantic Shore Line Railway to furnish electric light, heat and power in the town of Sanford.

An Act to authorize the North Brooklyn Wharf Company to extend a wharf into the tide waters of Bluehill bay at North Brooklin, Hancock county.

An Act to extend the charter of the Tyler-Fogg Trust Company.

An Act to amend Chapter 10 of the Revised Statutes relating to the collection of taxes on organized plantations taxed as wild lands.

An Act to incorporate the Orono Trust Company.

An Act to extend the powers of Eastern Timber Company.

An Act to amend the charter of the Devine Water Company.

An Act to amend Section 2 of Chapter 46 of the Revised Statutes relating to interest on loans on personal property.

An Act additional to and amendatory of Chapter 29, Special Laws of 1887, entitled, "An Act to incorporate the Kennebec Light and Heat Company."

An Act to amend Chapter 175 of the Private and Special Laws of 1903, in relation to the Atlantic Shore Line Railway.

An Act to make valid the municipal election of the city of Eastport in Washington county.

An Act to incorporate the Searsport Trust Company.

An Act to amend Section 44 of Chapter 41 of the Revised Statutes relating to close time for smelts.

An Act to extend the charter of the Hallowell Trust Co.

An Act to extend the charter of the Camden and Liberty Railway.

An Act to extend the charter of Union River Water Storage Co.

An Act to extend and amend the charter of the Pepperell Trust Co.

An Act authorizing the Ashland Co. to erect dams and make improvements on the tributaries of the upper Aroostook river.

Finally Passed.

Resolve authorizing the land agent to release the State's interest in Half Way Island in Hancock county.

Resolve in favor of the State school for boys.

Resolve in favor of the town of Trescott.

Resolve in favor of the Maine State Prison.

Resolve in favor of the town of Gray for reimbursement for money paid on account of Riley Plantation.

Orders of the Day.

DRUGGIST BILL.

Special assignment: Majority and minority reports of Committee on Temperance, reporting ought not to pass in new draft, and ought to pass in new draft, on Bill. To perfit registered apothecaries to sell alcoholic liquors.

Mr. O'BRIEN of Lewiston: Mr. Speaker as being the only member of the temperance committee who signed the minority report. I believe this is a matter that should be given something more than a passing notice. I believe, inasmuch as the action of this Legislature has been such upon the Sturgis bill and the Oakes bill, as it has declared and promised and pledged that there is no longer to be any place in which persons whether sick or otherwise shall be able to secure anything in the nature of a stimulant even for medicinal purposes, I believe

that we as reasonable men should consider the vital points in this bill. The substance of the bill is that registered druggists shall be allowed to keep on hand a supply of liquor for medicinal and mechanical purposes. The regulations imposed upon druggists by this bill, together with the stringent enforcement we all expect to have under the Sturgis bill are such that it seems to me there will not be any opportunity for any druggist or any other quasi druggist to open a shop under the pretence of doing a drug business but really for the purpose of selling liquor. This bill provides that a druggist may sell to persons who are known to him alcoholic liquors to the extent of one quart a week upon a reputable physician's prescription. The druggist is compelled to keep a record of the person to whom he sells the liquor and on Monday of each week he has to furnish the city or town clerk with a copy of the record of the persons to whom he has supplied this liquor. Those records are always open to inspection. At present the law is that the very fact of persons having a United States revenue license is prima facie evidence that that man is a liquor seller. This bill provides that if druggists sell liquor under the prescribed conditions the fact of their having a United States license shall not be prima facie evidence against them in court.

We have in this State a State Board of Pharmacy before whom young men desiring to become pharmacists must take an examination in order to secure a certificate as registered druggists. Under this bill if any druggist holding a certificate is found selling liquor for drinking purposes, the Board of Pharmacy shall revoke the druggist's certificate. I believe that a man holding a druggist's certificate which gives him his legal permission to keep a drug store, who has devoted years of his life and given his best efforts to the securing of that certificate, will hesitate before he sells liquor illegally, or even for medicinal purposes to any person unknown to himself. The bill provides that if any member of a man's family or any relative shall notify the druggist that he does not wish liquor sold to him, then that druggist is forbidden to sell to him even though

he should bring a physician's prescription that it was for medicinal purposes.

It strikes me that under this bill it will be almost impossible for any person engaged in the drug business to sell liquor contrary to its provisions without laying themselves open to the severest kind of a penalty as set forth in the bill.

This bill has not been drawn by the druggists. The druggists appeared before the temperance committee and informed that committee that they stood ready and willing to make any change in this bill that might be suggested, but that they did feel that they should be allowed some consideration. Take, for instance, the city of Bangor. There is no liquor agency there. According to the law today no druggist in that city can keep liquor in any form whatever for the purpose of compounding a physician's prescription without the great risk of being caught and brought into court as a common rumseller. I know that all druggists are not rumsellers; I submit that there are reputable men among them. And we can have confidence in them to believe that they will not abuse the privilege. In Bangor, for instance, a druggist is not allowed today to keep any liquor for the purpose of compounding a physician's prescription.

Mr. MERRILL of Skowhegan: I would like to ask if the gentleman claims that a druggist cannot use alcoholic liquors in compounding medicines?

Mr. O'BRIEN: I did not make any such claim. I claimed that under the present law he cannot keep liquor without the great risk of being brought into court, and the mere fact of his having his United States license for having liquor for the purpose of compounding medicines makes him prima facie a rumseller in the eyes of the law of the State of Maine; and my brother from Skowhegan knows that as well as I do because he has defended some rumsellers.

Mr. MERRILL: Can you state that from your own knowledge?

Mr. O'BRIEN: I supposed so, as a brother attorney. Now, I submit that with the enforcement such as we expect to have and undoubtedly will have under the numerous provisions of the prohibitory law, that there should be some

legitimate way for a person in a case of real sickness to be able to procure the necessary ingredients to fill a prescription of their physician. For that reason alone I signed the minority report; and I move that the minority report be substituted for the majority, and when the vote is taken I move that it be taken by the yeas and nays.

Mr. MERRILL of Skowhegan: Mr Speaker, This is a bill calculated under the guise of a druggists bill, not only to provide a place for obtaining intoxicants, but it is a bill which in its results in my judgment would produce a state of affairs in this State more to be lamented, more to be feared, than though we passed an act resubmitting the constitutional amendment or authorized any and every man in the State of Maine to sell liquor at liberty. I do not want anyone to think that I propose to charge the druggists of the State of Maine with being desirous of becoming rumsellers; but among the druggists of this State you will find a great many who, under the law as it is proposed here by this bill, would become nothing more and nothing less than rumsellers. I have been in past years in different states where they have had practically this druggist bill. What has been the result of it? It has practically made rum shops of the drug stores. I was in North Carolina for several years at different seasons of the year and I stopped at a hotel in a little city where the druggists were allowed to sell liquor on a physician's prescription. That hotel keeper built a hotel with a veranda ten feet wide and extended it out beyond his building about twenty feet, and behind that veranda he built a drug store. He had a room ten by twenty feet in front with patent medicines and drugs on the shelves, and he had a room in the rear about forty by twenty feet filled with all kinds of liquors, and this landlord hired a regular practising physician and a pharmacist to take charge of that end of the hotel. The result was that under the color of the law he opened a regular wholesale and retail liquor business. Without reflecting upon the druggists at all, it seems to me if you pass this bill you will find that the hotel keepers,—those that have shown a disposition to sell in the past,—will have a drug store

the next door to their hotels; and I believe there would be more danger flowing from the enactment of this bill than from any possible bill almost that will be enacted at this session.

I have been before the courts of this State about 30 years and I have failed yet to learn of one druggist being fined for selling liquors in the compounding of his medicines; and while the United States license is prima facie evidence of the fact that a druggist is doing an illegitimate business, the minute that druggist should be indicted upon that license he can go into court and say that he is not in the business, and then the burden is on the State to prove that he is doing an illegitimate business.

Mr. O'BRIEN: I would like to ask the gentleman whether it is admissible in court for a man, even though he is in the drug business, when liquor has been found in his place and he has a United States license, if the evidence would be admitted in court that he kept that liquor simply for medicinal purposes?

Mr. MERRILL: Certainly.

Mr. O'BRIEN: Do you think it was admissible in the case of certain druggists in this State who have been tried under that evidence?

Mr. MERRILL: I don't see any reason why not. I don't know what case you refer to. Reputable druggists need not fear from the courts any punishment when they use liquors in compounding their medicines. I have never known of such a case unless the druggist had violated the spirit of the law, and had become a common seller under the law.

After we have passed the Sturgis bill I ask you if you are going back on that record and are going to undo all and more than all that you have already done for the prohibitory law. The gentleman has referred to Bangor. Are we going to legislate to furnish Bangor with places in which to buy their liquor? If Bangor wants a liquor agency they can have it. They have had one until quite recently, but they have seen fit to do away with it. If the people of Bangor themselves don't want any place to buy liquors for medicinal purposes, is it our duty to provide them with 40 places when they don't want one? They have said they don't by abolishing their city agency. If it is such a necessity for the welfare of the State that there be those places, the law already provides the means whereby they can have those places in every town and city in the State. Word has come to me directly that in my town a man who has been in the liquor business there up to within two years, when this druggist bill was introduced in this House, within 48 hours he went to one of the druggists in the town and wanted to know if he would sell to him his business. What for? He was not a druggist; but he wanted to be able to be a benefactor to the sick and ailing members of the community, in or-

der that he might be legally protected in selling to the head of every family and every young man and every laboring man a quart of liquor for medicinal purposes once in seven days! If this bill becomes a law, pray tell me what the sheriffs or the deputies or the commissioners under the Sturgis bill would do with all these drug stores authorized by law to sell a quart to the head of each family every seven days? If this law commends itself to your judgment as temperance men, then vote to open these drug stores. Vote in such a way that the ex-saloon keeper, the ex-rum seller can hire a regularly licensed pharmacist and have his shop beside another building in which he may pretend to do business, with a door cut through the walls and then you will have absolutely stabbed to the very heart the prohibitory law under which we live.

Gentlemen, I hope that you will not vote for this minority report.

Mr. O'BRIEN: Mr. Speaker, I wish to refer to some of the arguments that the gentleman has made. It is not true that under this law a man can go to one drug store and get the permitted amount and then go to another, under a different name, in the same town and there get the same amount, and so on until he makes the rounds of all the drug stores in the town. That very case is provided for in this bill. Unless a person is known to the druggist he must be identified by some reputable citizen, and then he must make a statement to the effect that he has not within the last seven preceding days bought any liquors at any place in that or any other town, and together with that fact there is a penalty attached so that if he makes any misstatement to the druggist in that particular, the result would be that on the following Monday morning the record of his first purchase would appear upon the records of the town or city clerk, and the minute the record of his second purchase goes to the town or city clerk under this bill he is liable to a fine or imprisonment or both. Isn't that sufficient to keep a man from going to different drug stores for liquors? I say it is not possible for a man to secure seven or eight or nine quarts in one week under this law. If a man is a stranger and is unable to secure a reputable person to identify him, then he cannot secure any liquor whatever under the provisions of this bill.

The gentleman from Skowhegan says that if we pass this law one-half of the landlords of the State will immediately begin to look for registered druggists. The gentleman must know that there is a provision in the statute which makes the landlord who leases his property to a person who is engaged in liquor selling, or who is convicted in court of liquor selling, just as liable as the man who sells the liquor himself. Isn't that pretty near enough to take care of the landlord?

Mr. MERRILL: I would ask, if he was a regularly licensed druggist and this bill should become a law, if that statute would be applicable?

Mr. O'BRIEN: If he is a regular drug-

gist and this law should be passed and holding his permit under that law, you will not find him selling any liquor except for medicinal purposes because the restrictions in this law are such that he is not going to take the risk of losing his entire investment.

The gentleman says that if any of the people in the towns of the State desire, they can have an agency. There are only 15 agencies in this whole State of Maine. He says that in Bangor they have voted to do away with the agency. I am not responsible for the acts of the municipal government of the city of Bangor; but the fact that the municipal government of Bangor has voted to do away with the only legal place where they could procure liquors under a physician's prescription, does not prove that the people of the city of Bangor do not believe in having a place where physicians' prescriptions can be compounded without the man who compounds them making himself liable to be indicted and convicted as a common rum-seller. He said that he could not see how a man in the drug business could be brought into court and convicted of liquor selling. It is well known that druggists have been brought into court and that no further evidence was necessary to convict them other than their having a United States license. It is absurd for him to make any such claim.

He says that if the druggist comes into court and says that he has the liquor in his possession for the purpose of filling prescriptions, there will be no danger of his conviction. I submit to you, and especially to the members of this House who are attorneys, that that evidence is not admissible in court by druggists. A druggist may be allowed to introduce that testimony but what effect does it have? It is not a question of the motive with which he keeps liquor on his premises, it is not a matter of whether he has it for medicinal purposes or not. The fact that liquor has been found there, together with the fact that he holds a United States license, makes him liable in the eyes of the law, and he cannot get out of court without being convicted. He says, also, that he does not know of an instance in which that has been done. In the city of Bangor some few years ago 15 druggists were brought into court, each one of them having a United States license. The only thing for them to do was to plead guilty. It was submitted at the hearing that if they had taken their chances with the jury they would have got out. But the prosecuting attorney did not need to go any further than to produce the records from Portsmouth showing that those men had United States licenses and immediately they would be found guilty without further trial. I think my friend will admit that.

Mr. MERRILL: Not one word of it.

Mr. O'BRIEN: Do you deny that the fact that a druggist holds a United States license is prima facie evidence to convict him?

Mr. MERRILL: The statute provides

that the license shall be prima facie evidence.

Mr. O'BRIEN: Then that is all the proof that the prosecuting attorney needs to set up. He has simply to produce his record. Some of you gentlemen have served on juries, some of you have been tried by juries. (Laughter.) Take your chances with the jury! The only manly, sensible, honest and truthful thing to do is to do what all those druggists did in Bangor, to go in and plead guilty. They plead guilty and they were fined \$110 apiece. My friend may say that those druggists were not reputable druggists. I only need to remind him that one of those men who was fined \$110 in Bangor was a man than whom there is none more reputable, trustworthy or honest man in the State of Maine in any business, and that man today is a member of our State board of pharmacy and appointed by the Governor, which is pretty good evidence, and that is Mr. Davis of the board of pharmacy. And the records of the supreme court at Bangor will show that he has been fined \$10 for liquor selling upon the mere fact that he held a United States license.

The gentleman would have you believe that the moment this bill becomes a law, every person running a so-called drug store is going to have the privilege of selling liquor for medicinal purposes. This bill especially provides that the only persons in the drug business must be reputable druggists, and that fact is to be determined by the State board of pharmacy, and unless they receive their permit as reputable druggists from the State board of pharmacy, then they cannot sell liquor without being in the same class as the common liquor seller. If we place in the hands of that board the authority to issue the permits under which by the provisions of this bill certain men shall be allowed to keep liquor for medicinal purposes, I believe that the great majority of the members of this House should have no fear but that they will do it justly and honestly, that there will be no man who has been in the liquor business, none except reputable druggists will receive these permits. Then it will be possible for any man to go to a reputable man in his own town or city and have a prescription compounded in case of illness in his family, without asking that man to make himself a criminal in the eyes of the law of the great State of Maine.

Mr. HOWES of Palmyra: Mr. Speaker, I think that the gentleman from Lewiston is consistent with his previous record here in regard to the temperance issue. But we have a bill here which the druggists themselves are divided on. Some of the best druggists in our State do not want this bill. This is the same bill that has been tried in Kansas and has been found wanting; it has been found merely the open door to the rum shop. If a man wants a quart of rum he is going to have it and he don't care anything about that certificate. It amounts to nothing in my

judgment. I live within a few miles of three different drug stores in three different towns. I could get a quart of liquor in each of those three towns and nobody would know whether I had done so or not. You have been told that this law is protected by the State board of pharmacy. Section 6 of Chapter 30 of the Revised Statutes says, "If the full board sitting at such hearing shall find that the person so complained against is guilty of the acts charged against him, said board may suspend his registration as a pharmacist and his certificate thereof, for such term as the board in their judgment, after due consideration of the facts, may deem for the best interest of the public, or may revoke it altogether, but the certificate of registration of a registered pharmacist shall not be suspended or revoked for a cause punishable by law until after conviction by a court of competent jurisdiction."

That says that this board of registration cannot revoke these certificates of registration until after the man has been convicted in our courts, and the man perhaps would be a year in getting convicted in our courts.

In Section 12 it provides, "Whoever engages in or is found in charge of or carrying on a business, or displays any drugs, medicines, drug store fittings or furnishings, or any sign recognized as peculiar to a drug store to give the appearance of an apothecary's store, or claims to be or represents himself to be an apothecary, contrary to the provisions of this chapter, shall be subject to a penalty of fifty dollars a month for the first offence, and one hundred dollars a month for each and every subsequent offence." This has been found to be inoperative at the present time. I will say simply this, if you want high license, support this bill; if you don't, then sustain the report of the committee.

The question being on the acceptance of the majority report, "ought not to pass," Mr. Powers of Houlton, moved that the vote be taken by the yeas and nays.

The motion was lost.

The question being on the acceptance of the majority report, "ought not to pass," the motion was agreed to.

On motion of Mr. Hastings of Bethel, the rules were suspended and that gentleman introduced a bill (title not read) out of order, and on further motion by Mr. Hastings, it was tabled for printing pending reference.

On motion of Mr. Higgins of Limerick, resolve in favor of Matthias C. Cullam, was taken from the table.

The resolve was then passed to be enacted.

On motion of Mr. Merrill of Skowhegan, the rules were suspended and that gentleman introduced the following order:

Ordered, That on account of sickness Frank Fellows be excused from further attendance as page at this session of the Legislature, and that he receive the same

pay as pages of the last session.

The order received a passage.

On motion of Mr. Merrill, bill, relating to election of selectmen, was taken from the table.

Mr. Merrill offered amendment A, by adding after the word "three" in the fourth line of the title, the following words "relating to the election of selectmen, overseers of the poor and assessors."

The amendment was adopted and the bill was then passed to be engrossed as amended.

On motion of Mr. Hastings of Bethel, the vote was reconsidered whereby the House passed to be engrossed bill to amend the Revised Statutes, relating to the law of the road.

Mr. Hastings offered an amendment which was adopted, and the bill was then passed to be engrossed as amended.

On motion of Mr. Merrill of Skowhegan, House order, relating to description of land sold by the State for taxes, was taken from the table.

On motion of Mr. Higgins of Limerick, the order was again tabled.

On motion of Mr. Whitmore of Brunswick, the bill relating to moving buildings through street, was taken from the table.

On motion of Mr. Whitmore, the House non-concurred with the Senate and referred the bill to the next Legislature.

On motion of Mr. Oakes of Auburn, bill relating to the compensation of certain State officers, was taken from the table.

On motion of Mr. Oakes, the House voted to insist on its action and appoint a committee of conference.

The Chair appointed on that committee on the part of the House Messrs. Oakes of Auburn, Baxter of Portland, and Powers of Houlton.

On motion of Mr. Treworgy of Surry, the rules were suspended and that gentleman introduced resolve in favor of Moses Moon, a Civil war veteran, and on further motion by Mr. Treworgy the resolve received its first reading without reference to a committee.

On motion of Mr. Littlefield of Rockland, the resolve was tabled to be printed pending its second reading.

On motion of Mr. Giddings of Gorham, Adjourned.