

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Seventy-Second Legislature

OF THE

STATE OF MAINE.

1905.

HOUSE.

Wednesday March 22, 1905.

Prayer by Rev. Fr. Doherty of Augusta.

Journal of yesterday read and approved.

An Act to extend the charter of the Bluehill and Bucksport Electric Railway Company, came from the Senate, received in that branch under suspension of the rules and passed to be engrossed.

The House suspended the rules on its part and received the bill, which was then read three times and passed to be engrossed under a suspension of the rules in concurrence.

The following order came from the Senate: "Ordered, that the House concurring 1000 copies of House document 340, being entitled a general Act relating to negotiable instruments,—being An Act to establish a law uniform with the laws of other states on that subject; the schedule calling for Section 13 of said bill to be printed and placed in the hands of the State librarian, who shall upon request mail the same to any citizen of this State."

(Tabled on motion of Mr. Higgins of Limerick.)

From the Senate:

An Act to amend Section 35 of Chapter 65 of the Revised Statutes, in relation to costs in contested cases. (Read the third time and passed to be engrossed under suspension of the rules on motion of Mr. Johnson of Waterville.)

Majority report, reporting in a new draft resolve in favor of the Eastern Maine Insane hospital, and minority report, reporting "ought not to pass" on same, came from the Senate, that branch having substituted the minority report for the majority.

Mr. Morrison of Eden moved that the House accept the majority report, "ought to pass."

Mr. SEWAIL of Bath: Mr. Speaker, I cannot bring myself to vote for the acceptance of the majority report, neither do I want at this stage of the session to precipitate a discussion in the House on the merits of it. The question was very fully and ably discussed in the Senate, yesterday morn-

ing, and we have that discussion before us. At the same time I wish the House to come to a vote on the acceptance of the majority report; and if any gentleman who represents the committee has any arguments in favor of the acceptance of that report I think perhaps it would be better to have them now.

Mr. WHITMORE of Brunswick: Mr. Speaker, I believe it is the duty of this House to look into the doings of each of its committees, and when a member asks you to accept a report to protect the dignity of a committee, I believe that neither you nor I should deal in sentiment of that kind when we have to do with the social and financial interests of our citizens. I will tell you why I and other members of that committee signed the majority report. You have these institutions at Augusta and at Bangor. They belong to the State, they are the State's property, they are State institutions. You have placed them in charge of trustees who are your agents, your stewards. We have at the head of those trustees ex-Governor Robe, a man who was twice elected Chief Magistrate of this State; and he is entitled to your confidence and respect, and he has it. He is looking after the interests of the State in regard to these institutions, and when he does that he looks after the interests of the State at large; and I will say the same in regard to every member of that board of trustees. When that board of trustees came to us, as it was their duty to do, and reported to us the needs of those institutions, they were entitled to my mind to respect and consideration. Now, the normal capacity of the hospital at Bangor is 200; they have 270 patients there. The normal capacity of the hospital at Augusta is 583; they have 700 patients. Those institutions are there to take care of your friends and mine, our fathers and mothers, our sons and daughters, brothers, sisters, husbands and wives, in case they should be so unfortunate as to become insane. Neither you nor I want one of our friends to be compelled to sleep in a basement, as they are compelled to do at Bangor. We are confronted with this problem—we have got to devote a wing for the occupan-

cy of one sex. The committee recommend an appropriation of \$120,000 for a wing at Bangor. They cannot take in one more person today, and they require a wing to take care of their female patients in Bangor. I asked Dr. Sanborn and Dr. Vaughan if we could utilize this arsenal property here and avoid building a wing at Bangor. He said he did not think we could. We have got to take care of our female patients in Bangor. There is only one building connected with the arsenal property that can be utilized, and we recommended \$65,000 to change that building over and make it into a hospital. I know something about those buildings and there is only one of them that can be put to a practical use in taking care of our insane people.

The average increase for the last two years in the number of patients in the State has been 90 a year. The annual deficiency in running the institution at Bangor has been \$20,000. If you increase the capacity of that institution you will go a great way in wiping out that deficiency. If we renovate the arsenal building, that does not take care of the female patients. For myself I think I am justified in signing the majority report of that committee. I want to take care of the insane people in the best manner and I have faith in every member of that board of trustees and in their recommendations.

(Mr. Littlefield of Rockland in the chair.)

Mr. OAKES of Auburn: Mr. Speaker, it seems to me that the House should concur with the Senate in the adoption of the minority report. The expenditure of \$60,000 a year is no small matter for the State of Maine. It is certainly a matter which should not be endorsed unless there is the clearest reason for it. At the first of this session I should say that probably all of us would have been in favor of substantially such a measure, but events have occurred since the opening of the session which so far as I am concerned have caused my views to change. I refer of course to the large property which has been received from the United States government. We should make use of this property. The natural use for it is in the care of our insane. It seems to give us the most practical and immediate

opportunity of helping the condition of things with regard to the care of the insane. As I understand it, the construction of this new wing at Bangor will not be an immediate affair, that is, it cannot be completed for a considerable time. I understand that the new buildings across the river which we have received from the government can be put into condition for practical use in a comparatively short time. Now, for one, representing the interests of the whole State of Maine I believe that good economy and a wise care for the whole State should lead us to adopt the minority report, and refuse to expend this large sum of \$120,000 at the present time for the addition of this wing at the Bangor institution; and I hope that the minority report will be adopted as the action of this body.

Mr. WHITMORE: I want to say that the committee recommended spending originally \$50,000 in renovating one of the wings over here across the river. Since the arsenal property has come into our hands, in place of that we recommended the spending of \$65,000 to renovate the arsenal. That is in place of what we would have recommended to renovate one of the wings; so if you strike out the appropriation of \$120,000 for the wing at Bangor, all you have in place of it are those small buildings, that piece of land, to take the place of the wing at Bangor.

Mr. MORRISON of Eden: Mr. Speaker, one word about the advisability of using these arsenal buildings for the purpose of the insane of the State of Maine. You will find that our majority report recommends the arsenal property for the temporary use of the insane. It is not practicable to establish a third insane asylum in the State of Maine, and that is what you are doing when you undertake to establish anything permanent with those old arsenal buildings. Those buildings are scattered over half of the arsenal grounds which consist of 40 acres of land, the buildings being distributed over 20 acres. They are far away from the present insane asylum. You must establish new cooking arrangements and everything connected with the buildings, and it is not practicable to establish a third insane asylum. Dr. San-

born asked the committee to recommend for the temporary relief of the male people the renovating of a building there and have them put into this building as a temporary arrangement. Gentlemen, I am sure if you attempt to establish anything permanent with those old arsenal buildings, you make a mistake.

Mr. SEWALL of Bath: Mr. Speaker, I dislike to differ with a gentleman of the instincts and knowledge possessed by the gentleman from Eden, but there is evidently another side to this question which he has not seen. There is no time or occasion today more than to call attention to the vast appropriations which have been made to the asylum across the river and the one at Bangor. When you consider them you will realize that you have here and now a chance to do a great service to the State of Maine in postponing the building of that wing at the Bangor asylum. The figures are absolutely startling which represent the amount of money that is gone out from this State to these two institutions. You have given to the insane hospital directly by resolves since the year 1890 over \$137,000. The amount paid to the Maine Insane hospital for insane state beneficiaries under the provisions by which the State pays for those coming from other towns, from 1890 to 1898, a total of \$682,000. And then going back 15 years we have over a million dollars; and for the last six years we have put in an average of nearly \$80,000 a year, and the Bangor asylum has gone along at the same rate. Although the arrangements were made for building it sometime prior to 1901 we have for the first six years \$406,850 there.

Now, I am on record in every way in this House at every Legislature at which I have been a member in favor of the most liberal treatment of the unfortunates of our State; but I do not believe in recognizing the principle of necessary geographical distribution of the money that we appropriate. That is to say, if we can do better for our State and as well for these people by centralizing our appropriations from now on across the river I do not recognize that the people of Bangor or of Penobscot county have an y right to make us deviate from that principle.

The matter of the railroad journey from Bangor to Augusta for people who don't know what the journey is, is a very different matter from a railroad journey for the sickly and suffering which has necessitated establishing small hospitals at convenient points about the State.

Mr. SARGENT of Brewer: Mr. Speaker, I would like to ask the gentleman from Bath if you think that Bangor is the only part of the State that is going to be benefited by this appropriation?

Mr. SEWALL: Not at all. I do not wish to be misunderstood, my proposition is, and it is only on this ground that I have spoken for the minority report, that those people can be cared for as well across the river, and I believe in the end at a cheaper cost to the State. That is the only proposition I stand on; and if the gentleman can convince me that I am wrong in that matter I would be very willing to be convinced.

Now, the men who have gone over this arsenal property differ in their testimony. I have been there and I can testify to the strength and capacity of those buildings, and I understand that Dr. Sarborn has stated that he can use those buildings for the excess patients. There are only eighty in excess, I understand, including all in Bangor and all across the river; and I hope that this House will utilize the splendid donation of the United States government and inaugurate now a principle of centralizing these unfortunate people where they can be cared for at a less cost to the State and with equal benefit to themselves.

The reports from the institution across the river, and they will apply equally to the Bangor institution, show from time to time what appears to be a surplus, a working capital, but when that surplus is analyzed you will find when you get down to a working surplus a capital of about ten thousand dollars, and when you consider the vast appropriations that have gone into these institutions you will find that it is a very different proposition from what it appears to be on its face. That surplus would simply be the savings

from the amount of money which the State has paid in from time to time to these institutions. The principle that we ought to strike at is just simply this,—that the principle of local pride in the establishment of an institution when the State can do the same amount of good for its people by a centralizing process which is recognized today in every great business corporation ought to be recognized here and now and we have a chance to do so by voting down the majority report.

Mr. GARCELON: I would ask the gentleman if the Augusta Hospital is on a paying basis?

Mr. SEWALL: It has been claimed I believe by experts that it is on a paying basis but when you analyze the figures you find that they have something like ten thousand dollars working surplus and it cannot be figured out as paying on a proper basis; that is my understanding.

Mr. FULTON of Blaine: Mr. Speaker, it was shown by the superintendents of the institutions who appeared before the committee that those institutions are now overcrowded. Dr. Sanborn says that the hospital with a normal capacity of 583 they now have over 700 patients in that institution. We are told that the Bangor institution with a normal capacity of about 200 has 270 patients. The gentleman from Brunswick tells you that on the arsenal grounds there is only one building that is available, and that would only relieve the crowded condition in the Augusta asylum. The committee on the occasion of their visit to Bangor saw the crowded condition and saw patients in the basement of that institution. This is not a question that appeals simply to the eastern or northern part of this State but it appeals to every man from whatever part of the State he may come. We should make the most ample provision for the care of this unfortunate class of people. It may be the lot of someone here to send to those institutions someone who is dear to them. This class deserve our warmest sympathies and our kindest sentiments.

I would call your attention to the

wants of the eastern section of the State. The increase of population in the five counties which the institution at Bangor is intended to accommodate, in the past ten years was over 15,000. The increase of the population in all the other counties of the State was only 17,000. In behalf of that portion of the State I ask you to consider this matter carefully before you vote upon it. Remember that it is an institution already established. Give them the means with which they can care for those that come from that section of the State, and care for them as they should be cared for. They have already in that place a heating and lighting plant and appliances which are sufficient for two other wings, and they could run one or two wings with no increased cost in that direction. Consider that the insane of all sections of the State will be better provided for by making this appropriation at Bangor. I feel interested in this matter, and as one who signed that majority report I ask you, especially those from the eastern section of the state, to stand by this report of the committee. (Applause.)

Mr. SARGENT of Brewer: Mr. Speaker, I rise in the name of suffering humanity, and urge this appropriation on account of the overcrowded building that was erected by the people of this State to take care of that large class in that section who are entitled to your consideration. I do not care anything about the figures which the gentleman from Bath has seen fit to introduce into this House. Has it cost any more that what the benefit has been which has been received? Don't we owe it to the \$250,000 people in the eastern section of the State that we should give them the same protection and care that you have in the western section of this State? Is there anything unfair in that, gentlemen? I will admit that it was a generous gift on the part of the United States in the case of the arsenal buildings. It provides a place where you can properly take care of the overcrowded conditions in this section. But what are you going to do for this section in eastern Maine? Are you going to compel them to send

them away down here from Aroostook county? I say, gentlemen, it is an unfair thing, it is unjust, it is inequitable. We have an institution there which is a credit to this State, and we need it, and gentlemen, I want you to support the majority report of this committee in this matter. It is fair, it is just, and it is honest. In the name of humanity let us take care of these poor unfortunates where they belong. The people of eastern Maine should have an opportunity to send their patients to Bangor, to an asylum situated so as to accommodate the people in that section, and it is fair and just that we should do it, and I hope, gentlemen, that you will support the majority report.

Mr. MORRISON of Eden: Mr. Speaker, I hope the house won't get misled in this matter. Our recommendation as to the reconstruction of this old arsenal building was only for the temporary relief of a ward in Augusta; and anyone going through the male ward at the hospital here and breathing the atmosphere that those inmates breathe will flee for relief to the open air. I was in one of those lower wards and in five minutes' time I was looking for a place to get out. I have talked with Dr. Sanborn about it and he says this was built about 50 years ago and there is no way of ventilating it. Now, to relieve that condition we have recommended a temporary place in the old arsenal building, the only building that is suitable to be utilized on the arsenal grounds for our insane. That is only for the temporary use of the male patients at Augusta. Now, that doesn't in any way provide for the relief of the overcrowded condition at Bangor. I don't care anything about that but I do care about the 70 odd patients that are crowded into the Bangor institution with no possible relief until we build something to relieve them there; and this wing ought to be built.

Mr. WHITMORE of Brunswick: Mr. Speaker, I move that the vote be taken by the yeas and nays.

Mr. HALL of Dover: Mr. Speaker, I am not a member of the committee. I have, however, become somewhat enthused on this subject since listening to the remarks that have been made on the floor of the House here. I live in the county of Piscataquis about 35 miles from Bangor. My profession is that of a physician, and I am in the way to know something of the condition of these things and the necessity that exists for this appropriation. It is a fact that within the last year and a half it has been almost impossible to get an insane patient into the Bangor hospital. When we have made requests for admission there word has come back, "Don't send any more patients; send them to Augusta." Now, I would like to ask what consolation it is to the citizens of Piscataquis or Aroostook to send patients to Augusta because they cannot be taken in at Bangor when the Augusta hospital is already overloaded by about 50 per cent?

This is not a question of finance; it is a matter that economy should not enter into. The problem is this, that we have two asylums in this State, both overload-

ed. Twelve years ago diphtheria broke out in Augusta hospital just because it was overloaded and the sanitary conditions were unhealthy. The gentleman from Bath spoke about centralization. Centralization is not permitted in matters of this kind as it is in matters of business and business problems. When you get a large number into a small place, if they become overcrowded, they become unhealthy and sick. As to the gift to the State, I understand that we have a gift of a few acres of land and a few old buildings in connection with that built at the period of the revolution, military barracks which have never been sanitary even for military purposes. Now the question is whether we want to send our wives and daughters who have been unfortunate enough to become insane, to Augusta to occupy those old military barracks. I don't think the size of the appropriation should scare people. We made an appropriation a few years ago to build an entire new hospital at Bangor. I don't know that the State is any worse for it. Now, we have taken hold and we have assisted in making appropriations liberally for the cities of Portland, Lewiston, Augusta, Belfast and all that. Eastern Maine has not asked for any money of any consequence at this session of the Legislature except in this matter. This is not a local matter; it pertains to the whole State of Maine; and when the time comes that this Augusta hospital should be enlarged we will take hold and help you tax us to build it. We think it is right and necessary that this appropriation should be made; it has got to come. If this measure is defeated you will soon have it before you again. (Applause.)

(At this point the Speaker resumed the Chair.)

The question being shall the yeas and nays be ordered,

The motion was agreed to.

The SPEAKER: The question is on the acceptance of the majority report. All those in favor of the majority report, that is, appropriating \$120,000 for the new wing at Bangor, will say yes when their names are called; those opposed will say no. The clerk will call the roll.

YEA:—Allan, Baldwin, Barrows, Baxter, Belleau, Berry, Blanchard, Bradford of Friendship, Buzzell, Clark, Cole, Davis of Guilford, Drew, Fawsette, Foss, Fulton, Gannett Garcelon, Giddings, Grant, Gray, Hall, Hanson, Holmes, Hutchins, Irving, Jordan of Yarmouth, Lanigan, Leighton, Leonard, Longfellow, Lougee, Marshall, Milliken, Morey, Morrison, Morton, Mullen, Nash of Damariscotta, Norcross, Oakes of Milford, Page of Hampden, Powers, Price, Putnam, Russell, Sargent of Brewer, Sargent of Castine, Sawyer of Milbridge, Scribner of Charleston, Scribner of Springfield, Smart, Smith of Madison, Staples, Stearns, Terreault, Thompson of Orono, Thurlough, Tracy, Treworxy, Turper, Verrill, Weatherbee, Webb, Webster, White, Whitmore, Wilder—68.

NAY:—Abbott, Briggs, Bunker, Burkett, Cobb, Copp, Davis of Benton, Dennison, Downs, Hale, Hastings, Hathaway, Higgins, Hill, Hodgkins, Howes, Hussey,

Jillson, Jordan of Cape Elizabeth, Josselyn, Kimball, Kinsman of Cornville, Knapp, Littlefield, Martin, Merrill of Dixfield, Merrill of Skowhegan, Miller, Nash of Kennebunk, Newbegin, Newcomb, Oakes of Auburn, Peacock, Pendleton, Percy, Philbrook, Poor, Sanborn, Sawyer of Smithfield, Sewall, Shaw, Shevenell, Smith of Saco, Sparrow, Stevens, Swain, Swett, Talpey, Trickey, Turner, Usher, Washburn, Witherspoon—53.

ABSENT:—Albert, Bean, Bliss, Bradford of Livermore, Byron, Cousins, Cushman, Goodwin, Hagerthy of Ellsworth, Hagerthy of Sedgwick, Ingersoll, Johnson of Calais, Johnson of Hallowell, Johnson of Waterville, Jones, Kinsman of Augusta, Laliberte, Libbey, O'Brien, Page of Appleton, Perry, Purinton, Reed, Seavey, Thomas, Thompson of Roque Bluffs, Vittum, Walker, Witt—23.

So the majority report was accepted.

The resolve was then read once and assigned for tomorrow morning for its second reading.

From the Senate: Resolve in favor of the Eastern Maine Insane hospital. (Read once and assigned for tomorrow morning for its second reading.)

From the Senate: Resolve in favor of the Maine Insane hospital. (Read once and assigned for tomorrow morning for its second reading.)

From the Senate: An Act to amend Section two of Chapter 119 of the Revised Statutes, defining manslaughter.

The bill was read twice, and the House voted to suspend the rules in order to give the resolve its second reading at the present time.

Mr. Morrison of Eden, pending the third reading of the bill, moved to amend by striking out the words "treatment for the sick," in the seventh line of Section one, and inserting the words "medical attendance;" and in Section two, line 16 by striking out the words "treatment for the sick," and inserting the words "medical attendance."

On motion of Mr. Hale of Portland, the amendment was tabled pending its adoption.

The SPEAKER: The amendment carries the bill to the table.

From the Senate: Resolve in favor of C. O. Purinton, secretary of the committee on agriculture.

The resolve was read once, and on motion of Mr. Thompson of Orono, the rules were suspended, the resolve received its second reading and was passed to be engrossed.

From the Senate: Resolve in favor of

G. W. Irving, chairman of the committee on education.

The resolve was read once, and on motion of Mr. Irving of Presque Isle, the rules were suspended, the resolve received its second reading and was passed to be engrossed.

An Act relating to advertising hearings before legislative committees, came from the Senate with Senate amendment B adopted.

On motion of Mr. Higgins of Limerick, pending the adoption of the amendment it was laid on the table and assigned for tomorrow morning.

An Act to prohibit the throwing of sawdust and other mill waste into Fish river down as far as the dam of the Fort Kent Lumber Co., also in the tributaries of said river, came from the Senate with Senate amendment A adopted.

The House reconsidered the votes whereby the 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.

From the Senate: Report of the committee on State printing. (Senate document No. 245.)

On motion of Mr. Sewall of Bath, the report was tabled pending acceptance.

An Act relating to fire insurance policies, came from the Senate with Senate amendment A adopted.

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 relating to the manufacture and sale of intoxicating liquors and particularly the manufacture and sale of cider, came from the Senate indefinitely postponed, the Senate refusing to join a committee of conference and voting to adhere.

On motion of Mr. Stevens of Portland, the House voted to adhere to its former action.

An Act to amend Section 112 of Chapter six of the Revised Statutes, relating to political caucuses, came from the Senate indefinitely postponed, that branch refusing to join a committee of conference and voting to adhere.

On motion of Mr. Higgins of Limer-

ick, the House voted to adhere to its former action.

An Act to amend Section ten of Chapter 12 of the Revised Statutes, came from the Senate with an amendment to the title. The House reconsidered the vote whereby this bill was passed to be engrossed, the Senate amendment was adopted, and the bill was then passed to be engrossed as amended.

A general act relating to negotiable instruments having been passed to be engrossed by the House, came from the Senate referred to the next Legislature.

On motion of Mr. Higgins of Limerick, the House voted to adhere to its former action.

An Act establishing a municipal court in the town of Skowhegan, having been passed to be engrossed by the House, came from the Senate indefinitely postponed.

On motion of Mr. Thompson of Orono, the bill was tabled.

Bill relating to sentences in municipal and police courts by trial justices, came from the Senate with Senate amendment A adopted.

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

An Act to exempt soldiers and sailors of the Civil war from the payment of a poll tax, came from the Senate with Senate amendment A adopted.

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

Mr. Oakes of Auburn offered an amendment by striking out the words "be and" in the fourth line.

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

Bill relating to trustee process, having been passed to be engrossed by the House, came from the Senate, that branch adhering to its action in indefinitely postponing the bill.

On motion of Mr. Johnson of Waterville, the House voted to adhere to its former action.

The following petitions were placed on file:

By Mr. Fulton of Blaine: Petition of J. H. Siminon and 58 others of Easton asking for the proper labelling of proprietary medicines.

By Mr. Baxter of Portland: Remonstrance of W. F. Trefethen and others against the passage of the lobster law.

Reports of Committees.

Mr. Tupper from the committee on appropriations and financial affairs, reported ought to pass on resolve in favor of Eugene Thomas, secretary of the committee on education.

Mr. Tupper from same committee, reported in a new draft and ought to pass resolve in favor of the secretary of the committee on sea and shore fisheries.

Mr. Tupper from same committee reported ought to pass on resolve in favor of Samuel Hill.

Mr. Tupper from same committee, reported ought to pass on resolve in favor of State House employes.

Mr. Hale from the Portland delegation, on bill, An Act to amend Chapter 25 of the Private and Special Laws of 1863, entitled "An Act to confer certain powers on the city of Portland," reported that the same be referred to the next Legislature.

Mr. Littlefield from the committee on judiciary, reported in a new draft bill, An Act to amend Chapter 180 of the Private and Special Laws of 1879, establishing a police court in the city of Belfast and that it ought to pass.

On motion of Mr. Grant of Freeport, this bill was indefinitely postponed.

Mr. Newcomb from the same committee, reported ought to pass on bill, An Act granting certain powers to the town of Eden.

Mr. Powers from the same committee, reported ought to pass on bill, An Act to amend Section 2 of Chapter 25 of the Revised Statutes relating to ferries.

Mr. Littlefield from the same committee, reported ought to pass on bill, An Act to amend Section 16 of Chapter 90 of the Revised Statutes, relative to partition of real estate.

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

Mr. Littlefield from the same committee, reported in a new draft bill, An

Act to authorize the town of Castine, Hancock county, to construct for itself and for persons and corporations a system of water works within said town, and that it ought to pass.

On motion of Mr. Sargent of Castine, the rules were suspended and this bill received its three several readings and was passed to be engrossed.

The committee of conference on the disagreeing action of the two branches of the Legislature in regard to House amendment A to bill, An Act relating to the compensation of certain state officers, reported that they have agreed to recommend in place of the above amendment the following: Strike out the words "the legal and usual" in line three of section four, and insert the word "all."

The report was accepted.

The House then reconsidered the vote whereby House amendment A was adopted. The amendment recommended by the conference committee was then adopted, and the bill was then passed to be engrossed as amended.

First Reading of Printed Bills.

Resolve in favor of towns for reimbursement spent on State roads in the year 1903 under the provisions of chapter 23, R. S.

(Read a second time under suspension of the rules.)

Mr. Hill of Buxton offered an amendment, and on motion of Mr. Hastings of Bethel, pending the passage of the resolve to be engrossed it was laid on the table.

On motion of Mr. Fulton of Blaine, the rules were suspended and the resolve in favor of Eastern Maine Insane Hospital received its second reading and was passed to be engrossed.

(The following were passed to be engrossed under suspension of the rules.)

Resolve in favor of James Chase, mail carrier of the House.

Resolve in favor of the Secretary of Committee on Insane Hospitals.

Resolve in favor of Sereno T. Kimball, Secretary of the Joint Select Committee on State Printing.

On motion of Mr. Nash of Damariscotta, the rules were suspended and that gentleman introduced the following order out of order:

Orderel, The Senate concurring, that a resolve reported by the committee on appropriations and financial affairs referred to the next Legislature, be taken from the files and laid before the House.

The order received a passage.

On motion of Mr. Hastings of Bethel, resolve in favor of towns for reimbursement for money spent on State roads in the year 1903 under the provisions of Chapter 23, R. S., was taken from the table.

Mr. Hill of Buxton, moved to amend by adding on the fourth page the following words and figures:

"YORK.

Buxton	\$100.00
Eliot	75.00
Limerick	50.00
Newfield	100.00
Waterboro	50.00

\$375.00"

Also, amend page one, line two, by striking out the words "three thousand nine hundred thirty-eight dollars," and inserting the words "four thousand three hundred thirteen dollars."

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

Passed to be Enacted.

An Act to create the Portland Bridge District.

An Act to prohibit the throwing of sawdust and other mill waste into Breakneck brook and tributaries in Cumberland county.

An Act to amend Section 38 of Chapter 32 of the Revised Statutes, relating relative to enforcement of penalty for illegal seining.

An Act to provide for the representation of the State of Maine at the Lewis and Clark and Jamestown Expositions, without State appropriation.

An Act authorizing the payment of an annuity by the city of Portland to Charles D. Skillin.

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

An Act to amend Section 1 of Chapter 116 of the Revised Statutes relating to the salary of public officers and

compensation of members of the government.

An Act to incorporate the Old Town Water District.

An Act to incorporate the Kittery Water and Electric Light Company.

An Act to repeal acts incorporating Skowhegan Village Corporation.

An Act authorizing the compilation of the sea and shore fishery laws.

An Act to organize the plantation of Sandy River in the county of Franklin, State of Maine.

An Act additional to Chapter 27 of the Revised Statutes, relating to alien paupers.

An Act to amend a special act enacted and approved March 8, 1905, amending the charter of the Geo. A. Young Co., organized May 3, 1899.

An Act to amend an Act authorizing a topographic survey of the State.

An Act for the protection of clams in parts of the county of Sagadahoc.

An Act to amend Chapter 11 of the Revised Statutes relating to Register of Deeds.

An Act to provide for the appointment of a commissioner of highways and economy in municipal expenditures.

Finally Passed.

Resolve in favor of J. Perley Dudley.

Resolve in favor of Edward K. Milliken.

Resolve in favor of the clerk to the committee on ways and bridges.

Resolve in favor of the clerk and stenographer to the committee on appropriations and financial affairs.

Resolve in favor of Thomas Anderson for services as postmaster to the Senate at the organization of the 72d Legislature.

Orders of the Day.

On motion of Mr. Stevens of Portland, bill, to prohibit the use of titles applied to banks and trust companies by other than those duly organized, was taken from the table.

Mr. Johnson of Waterville, offered an amendment to Section 1 by inserting in line two after the word "corporation" the words "hereafter organized."

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

On motion of Mr. Josselyn of Portland, the vote was reconsidered whereby this bill was passed to be engrossed, and on further motion by the same gentleman the bill was tabled.

On motion of Mr. Oakes of Auburn, bill

enlarging the duties and fixing the compensation of the attorney general was taken from the table.

Mr. Oakes offered an amendment: Amend Section 8 of the bill as amended by House amendment A in line five by striking out the words "the legal" and inserting the word "all."

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

On motion of Mr. Baxter of Portland, the vote was reconsidered whereby the House passed to be engrossed bill to revise, consolidate and amend the charter and laws of the city of Augusta.

Mr. Baxter offered an amendment, by inserting after the word "any" and before the word "purposes" in the last line of Section 2 the word "other."

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

On motion of Mr. Littlefield of Rockland, bill to amend Section 34 of Chapter 41 of the Revised Statutes, relating to the taking of clams, was taken from the table.

Mr. Littlefield offered an amendment by inserting after the word "therefor" and also after the word "granted" in the first sentence of Section 34, the words "and the number to be granted."

The amendment was adopted.

Also an amendment to House amendment B by adding after the end of Section 2 as there amended, the following: "Nor of any law applicable to a particular locality passed by the Legislature in the year 195, but any town to which any special law applies may in addition have all the advantages of this Act if such town shall so vote."

The amendment to the amendment was adopted, House amendment B as amended was then adopted, and the bill was then read a third time and was passed to be engrossed as amended.

On motion of Mr. Oakes of Auburn, An Act relating to the compensation of registers of probate, was taken from the table.

Mr. Oakes offered an amendment by striking out from line 30 of Section 1 the words "the legal and usual," and inserting the word "all."

The amendment was adopted, and on further motion by Mr. Oakes, the bill was again tabled.

On motion of Mr. Balleau of Lewiston, the bill, regulating the taking of white perch and black bass in Whitney, Hogan and Tripp ponds, was taken from the table.

The bill was then read a third time and was passed to be engrossed.

On motion of Mr. Thompson of Orono, bill, relating to the fees of registers of deeds, was taken from the table.

The bill was then read the third time and was passed to be engrossed.

On motion of Mr. Thompson, bill, relating to the compensation of registers of deeds, was taken from the table.

Mr. Sewall of Bath, offered an amendment by striking out all of lines 18 and 19 after the words "one thousand dollars."

The amendment was adopted, the bill

was then read a third time and was passed to be engrossed as amended.

On motion of Mr. Oakes of Auburn, bill relating to the compensation of registers of probate, was taken from the table.

Mr. Sewall offered an amendment by striking out the words "eight hundred" in line 15 and inserting the words "one thousand."

The amendment was adopted, the bill was then read a third time and was passed to be engrossed as amended.

On motion of Mr. Higgins of Limerick, resolve appropriating money for the purpose of obtaining information in regard to the wild lands for the purposes of taxation, was taken from the table and assigned for tomorrow.

On motion of Mr. Gray of Paris, bill, An Act additional to Chapter 113 of the Revised Statutes, in relation to the assignment of wages, was taken from the table, and on further motion by the same gentleman, the rules were suspended, the bill received its three readings and was passed to be engrossed.

On motion of Mr. Higgins of Limerick, report of the committee on banks and banking, reporting ought not to pass on bill, An Act to authorize the Portland Savings Bank to invest in real estate, was taken from the table.

The report of the committee was then accepted.

On motion of Mr. Milliken of Island Falls, a recess was taken until half past two.

Afternoon Session.

The Speaker laid before the House the report of the committee on State printing.

Mr. Kimball of Rockland, presented the testimony and the exhibits in connection with the matter of State printing, and moved that they be filed with the report.

The motion was agreed to.

The bill recommended by the committee, An Act to abolish the office of State printer and to authorize the contracts for State printing on the basis of competitive bids, was then read twice.

Mr. Sewall of Bath, moved that the rules be suspended and the bill take its third reading.

The motion was agreed to and the bill was read a third time.

Pending its passage to be engrossed, the bill was tabled on motion of Mr. Higgins of Limerick.

Labelling Proprietary Medicines.

Special assignment: Majority and minority reports of the committee on Temperance, reporting ought not to pass in new draft, and ought to pass in new draft, on bill, to provide for proper labelling proprietary medicines.

Mr. MILLIKEN of Island Falls: Mr. Speaker and gentlemen of the House, I wish to call attention briefly to the provisions of this bill. It simply provides that no person shall sell or expose for sale any proprietary or patent medicine

containing alcohol, opium or any of its preparations, chloral, or cocaine or any of its salts, except with a label on the bottle or package stating the per cent of alcohol and the percentage or proportion of the other narcotic drugs which the medicine contains. The bill provides that it shall not apply to the prescriptions of a physician, that it shall not apply to ointments or liniments or other compounds for external use where the label so indicates. It provides that the bill shall go into effect July 1, 1906; and in the new draft there is a further provision, section seven,—“This act shall take effect July 1, 1906, but the provisions of the act shall not apply to stock actually on hand in wholesale or retail stores within this State prior to May 1, 1905.”

This bill comes to you with a majority report of the committee against it. But this last provision, section seven, was not in the bill when the committee considered it. I find on talking with some members of the committee who voted against it, that this provision makes it a little more agreeable to them. Now, I want to ask you to consider with me what the duty of the Legislature is in regard to a measure of this kind. We will all admit that it is our duty to enact such measures as in our best judgment are for the welfare of the people as a whole, the greatest good to the greatest number. That thing is axiomatic. And there is a further principle that is equally well established, supported by decisions of the United States supreme court, and that principle is this,—that in any measure which concerns the public health the first duty of the Legislature is to provide for the public health of the people, and that when a question concerning the public health is involved, no private interest whatever should interfere. If any measure in your judgment is shown to be necessary for the public health, then any private business considerations or the selfish interests of any corporation or individual must stand to one side. Now, following out that principle, certain laws have been passed by this country, certain principles are already established. The first principle is this, that in respect to anything which is used as food for himself or family, the consumer has the right to know what that food

product contains; and that is illustrated in the pure food laws passed by nearly every state in the country. This principle has been fully established in other states and this state that there must be no fraud, that any man has a right to know in regard to any food product, what it contains. The laws of various states in this respect establish the principle that whether there is injury or not to the consumer, the fact of adulteration calls for a label showing that the product is adulterated. Nobody claims, for instance, that butterine is harmful, but the position has been taken that butterine is not butter and that the man who buys butterine is entitled to know that it is butterine. That is the first general principle, that in the case of a food product or anything of that sort the consumer is entitled to know just what the product contains.

There is another class of laws following out another principle and which has been equally well established in this and in other states, and that is, that there are certain drugs which, while they may be necessary, and are necessary when properly used, are in themselves so dangerous and so liable to misuse, that even when sold with the full knowledge on the part of the consumer of what he is buying, they must be labelled showing their contents. Among those drugs are the drugs mentioned in this bill, together with others, opium, cocaine and chloral. In regard to alcohol the position has been taken in this state and in some other states, that while it is necessary in some instances, it is so liable to abuse that its sale for a beverage is absolutely prohibited. Two things have been established,—in the first place, that in regard to a food product there must be no fraud and the thing must be what it claims to be. In the second place, in regard to these particular drugs, not only there must be no fraud but when the consumer knows what he is buying, even then they must be labelled because the thing in itself is dangerous. Now, the proposition in this bill is that in case where there is both liability to fraud and the certainty of danger, there shall be a label; in other words, that a man is entitled to know what he eats when he is well, he is equally well entitled to know at any rate what dangerous ingredients there are in

the medicine which he takes when he is sick; and if he is entitled to know when he buys morphine that it is morphine, he is entitled to know when he buys some patent medicine that it contains morphine if it does. That is the whole principle of this bill.

This proposed law is not new. It is new in this state, but it is not new by any means. In the first place, I want to quote from a presidential address delivered before an Illinois association, found in one of the standard pharmaceutical publications in this country: "There is not another country on the face of the globe which permits the indiscriminate sale of manufactured patent medicines as this country does." Every civilized country outside of this has some regulation in regard to this matter. In our country up to this winter no state has passed a law just like this one, but during the very winter a similar bill to this has been introduced into no less than fifteen state legislatures in this country. It has been passed in North Dakota. It passed the House of New Hampshire and was defeated in the closing hours of the session in the Senate. The fact is that the principle is being applied and is going to be applied in the different states in this country, following out the provisions of this bill.

Now, I have shown that in a matter of this kind the thing we have to consider is the public health; that even if there is a very serious business inconvenience resulting, that must not weigh with the question of the public health. I have shown what the principles are that have been established in this respect, first, that there must be no fraud; second, that in the case of these dangerous drugs there must be a label. I have shown that this law itself in various forms exists now in other countries, has been passed by one state this very winter, and is being agitated in other states. Now, the consumer has a right to the protection that this bill provides in the interests of public health. And first I say that the consumer has a right to this much protection on the ground of the fraud alone that is being perpetrated now by these patent medicines,—in other words, if there were no damage being done directly to the health of the people, the actual fraud that is being committed by some

of these medicines would entitle us to this much protection. On this matter of fraud irrespective of the question of damage to health, I want to call attention to one medicine as an example of the kind of fraud that is being perpetrated on the people. Here is a medicine that is widely advertised. It is claimed that two million dollars have been spent to let the sick of America try this medicine. Here is a booklet recommending this medicine for forty or fifty different diseases. Here is a statement in here that the manufacturers of this medicine pay \$100,000 for the American rights for the formula, a statement that the process is secret, that it takes fourteen days to make it, that nobody is admitted to the place where it is made, and so forth. Now, what is the fact about that medicine? I have here the analysis of it which is as follows:

Sulphuric acid,	0.001 of one per cent.
Sulphurous acid,	0.006 of one per cent.
Ash,	0.036 of one per cent.
Water,	99.994 of one per cent.

In other words it is a very diluted solution of sulphuric and sulphurous acids. Here is where the fraud comes in. The cost of the whole thing exclusive of water is seven and one-quarter cents per barrel. That medicine is advertised as a wonderful germ cure, that it will cure germs in the body; and a doctor told me the other day that he has a case now where a woman has got what will probably be a serious and long continued illness from the use of this particular medicine under the impression that it was going to cure all the germs in the body. I cite that as an example of the fraud in connection with this matter.

Another reason why this thing is necessary for the public health is this, that a great many people in this state now are being led through the use of these patent medicines into using alcohol or opium when it is against their conscientious scruples to do so. That may not seem like a very weighty argument to you, but I submit it has some weight. Many people now are taking alcohol as a stimulant without knowing it when their conscientious scruples would prevent them if they realized that to be a fact. The total abstainer has some rights as a consumer which the manufacturer of medicines is bound to respect; and if any medicine depends for its effect not

upon its medicinal qualities but merely upon the alcohol it contains and which acts as a stimulant, the consumer is entitled to know about it. And another reason why this is necessary for the public health is that people are induced to use a patent medicine under the impression that it is going to benefit them when, by the use of that medicine proper treatment is delayed so long that the treatment when it comes fails of its effect. I have here a statement of more than two hundred physicians who say that in their own practice they have met with cases where the continued use of these many remedies has in their judgment either rendered the case incurable or at any rate delayed it very much by reason of its use. And I want to call attention to this fact, that at the present time people are giving to little children in this state medicines that contain morphine or various forms of opium which they would not give to their children if they only knew what the medicine contained. I was told by one gentleman who was interested in one of these medicines that contained a compound of opium that the ignorant classes have a prejudice against morphine and would not buy the medicine if they knew that it contained morphine. I confess myself to belong in that ignorant class that he spoke of. I have a decided prejudice against giving morphine to any of my children unless a doctor says it is necessary. There are cases where children have been killed outright or brought to a condition little better than death through the ignorant dose of soothing syrup or something else given by the mother or nurse in ignorance of its contents. The provisions of this bill are simply that there shall be that much protection, that a person who is going to give a soothing syrup to a child shall know whether it contains opium or not. I submit that it is a fair proposition that you or I shall know when we buy anything of that kind whether it contains opium or not. On this ground alone, if on no other, the damage that is being done in this state every year by the giving of opiates to children in ignorance of the fact that they are opiates, is enough to call for a measure of this kind.

The next thing that I want to call attention to as a reason for a bill of this kind is perhaps the most important rea-

son of all. It is simply this,—that the alcohol habit and various drug habits, the morphine and cocaine habit, are as a matter of fact being formed right along by people who start in with taking a patent medicine in ignorance of its contents. People do not get the morphine habit deliberately. People are afraid of morphine naturally. Dr. Ellwell testified before the committee that he had investigated a great many cases of morphine habit and that he had found a large percentage of these cases where the habit was contracted in the first place through the use of patent medicines. This bill simply provides protection for the man who does not want to acquire that habit in that way. It tells him that the medicine contains morphine. It applies to the patent medicine the same rules of protection we would apply to it if sold by druggists in bulk. I have here an address given by Dr. Mason before a society for the study of inebriety, in which he shows that as a matter of fact many cases now are found where the alcohol habit and the drug habit was directly contracted through the use of patent medicines. I have here also the statement of more than two hundred physicians who say that they personally know of cases where the drug or drink habit has been contracted by the use of these remedies.

Now, I have shown that some knowledge of the fact that medicines contain alcohol and narcotics is needed for the benefit of the public health for these five reasons. First, on the ground of fraud alone. Second, because ignorance of the fact that they contain alcohol or narcotics often leads people to what they have scruples against doing. Third, that people are induced sometimes to use medicines of this sort under the impression that it will benefit them when it only carries them back so far that benefit is impossible by regular treatment. Fourth, that little children are being given by their parents in this state right along medicines which contain opiates and which the parents would not give if they understood it. Fifth, that many people are acquiring the alcohol or drug habit by the use of these medicines. Those reasons I bring forward to support the proposition that some protection of

this kind is needed for the benefit of the public health.

I want to call attention to some of the people who believe that this kind of a bill is needed. An attempt has been made to circulate the impression that this is somebody's cranky notion that has been brought forward without any backing, merely a wild scheme to do something that is unnecessary. I want to call attention to some of the people who believe that this kind of a thing is needed. In the first place the Woman's Christian Temperance Union endorse this thing and believe it to be necessary. The Civic League endorses it. The Good Templars endorse it. The boards of health here, and in every state in this country so far as I have been able to learn, endorse this kind of a measure and believe that it is necessary. I have here a letter from Professor Robinson of Brunswick, chemist of our state board of health, who says that he gladly endorses the bill, and that his only objection is that it perhaps does not go far enough, but that the bill is a step in the right direction. I had a long talk this forenoon with Dr. Young, secretary of our state board of health. He tells me that in his judgment this measure is among the most important for the public health that has been introduced at this session. The director of the bureau of chemistry of the United States department of agriculture at Washington says that his department takes a very great interest in legislation of this kind and believes it to be necessary, and that if he had had notice enough he would have sent a representative to be present at the hearing before our committee. I have numerous letters from other state boards of health which I will not take the time to read. The pharmaceutical association of druggists of this country take an interest in legislation of this kind and believe something of the kind is necessary. Hardly an issue appears of the Druggists' Circular, one of the authorities of this country, which does not contain an editorial or some contributed article pointing out the great need of legislation which will result in indicating on the label of the bottle containing medicines the contents so far as they are made up of alcohol or narcotic drugs. Physicians endorse it. All the physicians I have talked with or have heard from

about this matter endorse it. A great many druggists endorse this measure. I believe today that a large majority of the retail druggists in this state do not oppose the bill in its present form. I have had talks with some and letters from a great many of them and I have been assured that this bill is agreeable to them and that they recognize the need of it. Some of the newspapers of this state heartily believe that this measure should become a law. The attitude of the newspapers has not all been in opposition. Some of the newspapers closest to the people in this state have taken a very pronounced attitude in favor of this legislation. About the best possible argument in favor of this bill is testimony from some of the best known manufacturers of this country who believe that a bill of this kind is wise. The treasurer of the Ayer Manufacturing Company says that as soon as they can get labels changed they are going to put not only these ingredients called for in this bill but the whole formula of every one of their medicines right on the bottle. He says he thinks it would favorably affect the sales of all medicines which have genuine merit. I submit to you that is not only a common sense proposition but it has a good deal of force coming from one of the best known and most successful manufacturers of patent medicines in this country; and he believes that this sort of thing is necessary for the protection of the public. The Quinona Company say that they believe such a bill will not damage any reputable medicine.

I want to refer briefly to the opposition to this bill. I want, first, to remind you, and I think you will agree with me that if you were convinced that this bill is all right for the public health, you should not consider any inconvenience to a private business however serious. The opposition to this bill, every mite of it, is based on some selfish interest or some actual or imagined inconvenience that will result to private interests or to private business. But I want to say that I believe that no serious inconvenience to any business will really result. Every particle of opposition to this bill comes directly or indirectly from the manufacturers of patent medicines. There are three kinds of patent medicines, good, bad and indifferent. I do not say that

all patent medicines are bad but there are those three kinds. Some of the manufacturers of good medicines do not oppose this bill. Some of them do oppose it. Here is the main reason for their opposition. One manufacturer appeared before the committee on temperance who opposed this bill. He said that he did not think the passage of the bill would interfere with his business or his sale, because his medicine is one of the best known medicines that are manufactured in this state as a standard medicine,—it is a strictly bona fide medicine and contains nothing injurious. It does contain a small percentage of alcohol, and his position was on the ground that he would be obliged to put that small percentage of alcohol on the label,—the inconvenience that would be necessary in making this change in the label, and a sentiment of pride that he felt in his medicine, a feeling perhaps that it would be an unwarranted intrusion upon his rights. Those reasons are the only ones that I now know of that are brought forward by manufacturers of really reputable medicines. I submit that any little inconvenience of that kind ought not to stand in the way of legislation so much needed as this. The objection that it would be an intrusion upon the private rights of the manufacturer I do not think is brought forward by any reputable manufacturer on the ground that it will oblige them to disclose their formulae. But some of them do oppose it on the ground that it is rather an unjustifiable intrusion into their business. Now, I submit, gentlemen, that in the case of this medicine that I referred to this bill will be a benefit instead of an injury. That medicine has no narcotic in it, and if this bill should pass, instead of being a damage to that medicine it would be a benefit because it would show the difference between that medicine and some others that may have a narcotic in them. I believe the main source of objection to legislation of this kind comes from manufacturers of medicines which are not medicines at all but are various kinds of concoctions of alcohol or other drugs masquerading under the name of medicines.

The opposition has been based on various theories as to what would happen if this bill passes. What will happen is this,

that the best of these medicines which have nothing to conceal will do precisely what the manufacturer of Ayer's Sarsaparilla says he is going to do anyway,—put the label on the bottle. There are some medicines whose sale will be interfered with if they were to put the percentage of alcohol on the bottle. Another source of opposition comes from certain newspapers. They have decided that this bill is a pernicious one. The Portland Press and Argus are in loving accord with this opposition. The Bangor Commercial and News are opposed to this bill. I do not think that there are many publishers of newspapers in this State who would deliberately put their own business interests ahead of the public health if they realized what was really necessary for the public health. But I do say that the newspapers of this State on this particular proposition are prejudiced. It is not necessarily anything against a man to say that he is prejudiced. The newspapers, by reason of the letters that they have been receiving from such concerns as I have referred to, are prejudiced in this matter.

There is one other reason why this bill should pass that I want to refer to briefly, and that is that the people of this State want it. I introduced the bill because I believed it to be right, and I was prepared to do what little I could in its favor for that reason. I was more surprised than anyone else was I think to find how immediately and spontaneously the people of this State have taken hold of the idea. It was introduced without any preliminary agitation; the measure was simply put in. I sent out what petitions I could; others opposed to it sent out remonstrances. And what has been the result? More petitions have come in for this bill in the short time which it has been before the people than for any other measure before this legislature. I do not know when there has been a measure introduced in this legislature where there has been no selfish interest urging people to work for it that has received the immediate and spontaneous support of the people that this bill has received.

I have tried to show that we must consider the public health before we consider any private interest whatever. I have shown too, that the principles that

there must be no fraud, and in case of dangerous drugs there must be a label anyway, are already established. I have shown you that the law is proposed in other states and has been passed in one, and for that reason it is not new or freak legislation. I have shown reasons why it seemed to me that such legislation is necessary for the public health, and I have shown that the people of this State demand it. I do not present that to you as an absolute reason for voting for it. There may be occasions when the people have been led astray by specious arguments of demagogues or for some reason that you may be able to understand, but I submit to you, gentlemen, that if you have any doubt on this proposition, here is something for you to consider, that without any selfish interest on the part of any of them to induce them to favor it a great number of petitions have appeared here, at least twenty-five in favor of it to every one against it, while the opposition has a direct personal interest against the passage of the bill. Now, I submit that the wishes of the people of this State are entitled to some consideration. I stand here speaking for some of them directly by virtue of my office as a representative of some few of them, but by virtue of these petitions that have come in here from every county in this State I speak for this bill as the direct representative, if you please, gentlemen, of the people of this State, and in their name I ask it at your hands. (Applause.)

Mr. STEVENS of Portland: Mr. Speaker and gentlemen of the House, I feel that I must say something on this question. Coming as I do, a representative from the largest city in the State, from a city that has the largest number of wholesale and retail first-class druggists in it of any city, and with the many communications which I have had from those people asking me to oppose this bill, I feel if I did not do so I should not be doing my duty to my constituents. The gentleman from Island Falls has dwelt conspicuously upon the public health. We will admit that it is one of the things that should be carefully looked after. And in connection with that I want to say that from my life insurance business of twenty years I know it to be a fact that the average life today is

longer than it was fifty years ago. We will also admit that there are more patent medicines sold and taken; but we must also admit that it cannot apparently have very much effect on the public health over this country at large. And I want to ask you if any of you, among your many and varied acquaintances, have known or do know any person who has become addicted to any drug habit by taking any of the so-called patent or proprietary medicines? If you do, then you have a different experience than what I have for I have never known of a single case; while on the other hand, with all due respect to our physicians, I have known many a case of people becoming addicted to the use of drugs on account of physicians' prescriptions. So much for that. As to the argument so far as it was brought forward, as a temperance measure, allow me to say if I believed it would help the cause of temperance, if it would make the State any "drier" than it is going to be under the Sturgis bill, I would most cheerfully give my support to this measure; but I believe, on the other hand, that if there are medicines containing, as we know they do, from twenty-five to fifty or sixty per cent of alcohol, and if those medicines are displayed on the shelves of a drug store with labels upon them describing the amount of alcohol they contain, any man who is addicted to the use of alcohol would only have to look at the percentage given on the label to know where he could get the most alcohol out of a particular kind of medicine, and that is the kind he would buy.

In regard to the matter of drugs it is a fact, and I have it from good authority, that out of one hundred thousand prescriptions that were given by doctors and a careful examination made of them, seventy per cent of those one hundred thousand, all of them given by reputable physicians, seventy per cent of them contained opium in some of its forms. Now, I am going to say to you, that if you vote to accept the minority report on this bill and it should receive a passage, I shall introduce an amendment that all physicians' prescriptions shall be written in plain English so that we may know just what our physicians are giving us as well as what is contained in patent medicines.

I have been told by some of our most reputable manufacturers, especially by one doing business in Portland who has spent \$250,000 in this State introducing his preparations, that if this bill passes he should cease to do business in this State for this reason, that with the expert chemists that we have today who are being turned out from our different colleges, and with the fact that there is an institution in Connecticut which undertakes to make a substitute for nearly all of the medicines that are made, and the fact that they cannot get hold of the exact prescriptions by which some of them are filled because they lack the percentage of alcohol,—having that percentage of alcohol they could get the percentage of all the other ingredients,—that was told me by a firm of our most reputable manufacturers, not of patent medicines, so to speak, but medicines that are prescribed by physicians. The gentleman from Island Falls has mentioned the newspapers. It is a fact that the newspapers are interested in this matter. Why? Because their contracts for advertising are all made on this basis, that if there is no adverse legislation their contracts for advertising shall run. It means hundreds of thousands of dollars taken out of this State in the matter of advertising.

I don't think I need to say more. As I said, if you accept the minority report that this bill ought to pass, I shall insist on an amendment that our physicians shall write their prescriptions in plain English so we can know all about what we are taking for medicine, because I have seen the case so many times of people who have become addicted to the use of narcotics simply from the use of medicines prescribed by physicians.

Mr. JOHNSON of Waterville: Mr. Speaker, my opposition to this bill has not been touched upon by those who have spoken in regard to it. I fully agree, as every citizen of Maine must, with all that the gentleman from Island Falls said about the duty of the State to protect the public health. I think it will be believed by all that the State of Maine has that power, that authority, and that, when occasion

calls, it will exercise that power, and exercise it well. It so happens, however, that in regard to all matters of life almost, the evil and good are strangely mingled. Even this harmless electric current which supplies our light and which is chained to be the servant of man in so many different ways, becomes his deadly enemy at times. So with many other of the natural phenomena of life.

Now I know but little about patent medicines; but when I looked over this bill, recognizing the purpose which the author of the bill had in mind and commending him as I do for that purpose, and wishing some way could be found to carry out practically what he has in mind, I encountered certain serious obstacles, it seemed to me, as I read the bill. In the first place the bill provides in this very first section, "No person shall sell or expose for sale any proprietary or patent medicine containing alcohol, opium, or any of its preparations, chloral, or cocaine or any of its salts except as hereinafter provided." No person shall sell or expose for sale,—no qualifying words as to whether it is done knowingly or wilfully, but the language is, "No person shall sell or expose for sale." So that whether the person who sells or exposes for sale these medicines has any knowledge or not of their contents, he is liable by the mere fact of selling or exposing for sale, except as hereinafter provided. Section two of the bill provides that "Any proprietary or patent medicine containing alcohol, opium, or any of its preparations, chloral, or cocaine or any of its salts, shall have plainly and conspicuously written or printed on the bottle or receptacle and on the outside wrapper or package if any a true statement of the percentage of alcohol and the percentage or proportion of each of the other above mentioned drugs which the medicine contains." There is an exception in section three as to medicinal compounds prescribed by physicians and so forth. Section four provides that the bill shall not apply to preparations intended for external use. Section five provides that "The label placed upon a proprietary medicine by the manufacturer"—

and he is the only person who knows about the percentage of alcohol or the proportion of any of these drugs which the medicine contains—"the label placed by the manufacturer upon the medicine shall be a warranty of the accuracy of the statements contained therein." And now note carefully the next provision; "and the absence of any statement on such label shall constitute a warranty by the manufacturer that such medicine contains none of the drugs mentioned in this act." A warranty. The absence of any such statement upon the label is a warranty that it contains no alcohol or any of the drugs mentioned in the bill. Now, we all know that every retail grocery store, almost every retail drug store and wholesale drug store and wholesale grocery store in the State of Maine contain upon their shelves a great many different kinds of medicines. Many of them have been used for years and many of them are household names. It appeared before the committee that more than ninety-five per cent. of all proprietary and patent medicines are manufactured outside of the State of Maine where the laws of the State of Maine can have no force or effect. Now suppose a manufacturer who has been manufacturing his proprietary medicines for years which have been sold in the State of Maine by every retail grocer, suppose he does not comply with this act. Suppose he puts up his medicines just as he has been putting them up for fifty years and he does not put on the label the percentage of alcohol or drugs. He may know nothing at all about your laws. He sells to a jobber in Massachusetts, and he sells the goods in Maine to a grocer in Maine, and the grocer finding upon its label no statement of the amount of alcohol contained, this act makes it an express warranty that there is no alcohol in it. He sells it. Under this act for every sale he is liable to be punished by a fine of not less than fifty dollars nor more than two hundred dollars or by imprisonment for not less than thirty nor more than 150 days. It will not help him any to say that he did not do it wilfully. The act provides that if he

sells or exposes for sale, with no qualifying words; and it has been held by our Supreme Court that it is no defence for one who is indicted for the sale of intoxicating liquors to say that he did not know they were intoxicating. The offence has been committed when he sold the intoxicating liquors, the court has said, whether he knew they were intoxicating or not. So here, gentlemen, if he sold or exposed for sale, this retail grocer is liable to be prosecuted under this act. How is he going to tell? But he has got a medicine there which does not contain anything on its label to warrant that it has no alcohol, and he goes ahead and sells it. I say that objection occurs to me even where the manufacturer was perfectly sincere and did not care to sell his goods in Maine. Or, upon the other hand, suppose the manufacturer intended that the goods should go into Maine. He does not comply with this law because of the large expense to provide for the labelling of the medicines which he would ship into Maine. The result would be the same when sold by the grocer here. But the act provides that he may have a right of action over against the manufacturer. Here is a grocer who has had to pay, perhaps, for half a dozen sales. The act provides that when he has had to pay three hundred dollars perhaps, or has to go to jail, he may turn around and sue the manufacturer. Now suppose that manufacturer lives out in Kansas, beyond the limits of the State of Maine and beyond the jurisdiction of our courts. You may make a law that will apply to the people of Maine but you cannot legislate of course for the people of other states. What is the man to do who has had to pay for a violation of this law? He cannot sue the manufacturer in the state where he lives upon a law of the State of Maine. He is simply remedyless.

My friend says that he intends to prevent fraud. But his bill will not hit the medicine which he said contained sulphuric acid and water. It won't hit any of the frauds intended for external use, it won't hit many frauds used for other purposes. It is not a sufficient argument, it seems to

me, for enacting a law which might bring a penalty upon the citizens of Maine who innocently expose for sale and sell, just as they have done for years in the State of Maine, medicines which are well known and of the contents of which they have no knowledge. The purpose of this act may be to protect people against the use of drugs when they don't know what they are taking, but I don't want to do it at the risk of inflicting upon innocent people of this State any such consequences as this bill may bring. And I am told that very little testimony was introduced before the committee to show any injury received. It is difficult to tell in regard to that. And I fully believe that many of these remedies, so far as my observation goes, have been of great value in curing many diseases and are fully believed in by many of our citizens of Maine. I believe that the passage of the bill would have the effect of preventing in many cases the manufacturers from sending their medicines to this State. They would not comply with this provision and put the label upon them in many cases, and perhaps not send them here at all, and therefore our people who have relied upon these remedies will find themselves unable to procure them. I say the practical results of trying to enforce any such law as that to bring upon those who are innocent, who have no idea of committing any offense against our laws will be serious results, and I say that they could not find a remedy by following into foreign states a manufacturer who failed to comply with the law not knowing anything about it, or, if he did, not caring about it. I move that the majority report of the committee be adopted.

Mr. MILLIKEN of Island Falls: Mr. Speaker, I want to move that the minority report be substituted for the majority report. The gentleman from Portland has given his reasons why he opposes this bill. I think this bill will not work any hardship to the wholesale druggists of Portland. Even if it does cause them some inconvenience, I submit that is no argument against a measure which I claim is necessary for the public health of the people of this State. The gentleman says that the average life is longer than it was some

forty or fifty years ago. I submit that is hardly relevant to this discussion. I doubt if it is longer because of patent medicines. And this bill does not assume to stop the use of patent medicines. The gentleman says that narcotics are prescribed by physicians and people acquire the drug habit. Nobody questions that. But does the fact that narcotics are prescribed by a physician convince you that we ought not to protect people from acquiring the drug habit from patent medicines? Many people in this State who have the cause of temperance at heart think that this is directly a temperance measure and favor it for that reason. It has been suggested that if the label were put on the bottle there would be more sold than there is now to people who would use it for the alcohol it contained. The sufficient answer to that is that they don't put the label on now. The gentleman thinks that the manufacturers in this State will cease to do business if this bill passes. I have given you an answer to that from one of the best known manufacturers of patent medicines in New England. He says it is no damage to a reputable medicine to have this part of the formula on the bottle. I submit, gentlemen, that if there is any medicine manufactured in this State or anywhere else that cannot stand the amount of publicity that this bill provides for, it is not a medicine that we need to foist in the State of Maine. The gentleman says that he has been told by a manufacturer that the statement of the percentage of alcohol would oblige him to give up the formula, that somebody was waiting to counterfeit his medicine until he could learn the percentage of alcohol. I submit, gentlemen, that that is absurd on the face of it. If you want to know how much alcohol a patent medicine contains you have simply to have it analyzed and find out immediately. The gentleman alluded to the fact that contracts are made with newspapers in this State dependent upon the absence of any legislation upon patent medicines. That shows that manufacturers of patent medicines recognize that this thing is being agitated all over this country, and that it is only a question of how long the selfish interests of the manufacturers

can prevent the people from enacting just such legislation as is proposed here.

I think the gentleman from Waterville, for whose judgment and fairness I have great respect, has approached this question from the lawyer's point of view, that he is inclined to notice some imperfections which may exist and to lose sight of the main proposition which is that the health of the people of this State demands legislation of this kind. He says that good and evil are strangely mingled and he would have you infer that this bill is going to strike at the good and evil indiscriminately. I submit that is hardly a fair inference. What harm is it going to do any reputable manufacturer to comply with merely these restrictions that this bill calls for? It is going to be one step towards the separation of the good and the evil. This bill is one step in the direction of knocking out the difference between the frauds and those that are really beneficial. The gentleman argues that because this bill does not go far enough and does not take in all possible frauds, therefore we should not have this much. I submit it to you as a step in the right direction at least. The gentleman has pointed out a difficulty in regard to this bill when he says it punishes the retailer whether he sells it knowingly or not. That is a very ingenious argument. But that applies to other laws. Here is a law existing in many states requiring manufacturers of baking powders to put upon their labels the percentage of acids which they contain. The same argument applies to that. The same argument applies to the butterine law or any pure food law which the state passes. You cannot have any law of that kind without that objection. But what would be the fact? The manufacturers of really reputable medicines would put the labels on the bottles. This bill means simply this, that after the first of May, 1905, the retailers in this State have got to take care that they buy patent medicines from reputable concerns only. The bill exempts the stock on hand until May first of this year to provide for the case where a man might have some left over. Now the fact is in regard to all these pure food laws that where the State

has passed laws regulating those matters the manufacturers have labelled their products in accordance with them. The gentleman brought out another point. He said the courts have held that the offense is committed when you sell the intoxicant although you didn't know that it was an intoxicant. Nobody questions that. That brings out one of the main reasons why this bill should be passed. Talk about the danger the retailer would be in—what about the danger that the retailer is in now under the prohibitory law without this bill. There is hardly a country store keeper that has not laid himself liable innocently to all the provisions of the prohibitory law by selling various kinds of patent medicines used for intoxicating purposes. Under this bill he would simply know when a medicine is brought into his store what alcohol it contains.

The bill has been put forward and framed with what advice I could get. It goes into effect July first, 1906. This is only six months before the legislature will meet again. Any serious defects in the bill can then be remedied. The need for the bill exists. The mere fact alone of the children in this state that are being either drugged to death or into a state bordering on idiocy every year through the ignorant use of some of those medicines is enough to decide any man as to whether he should vote for a bill of this kind or not. The suggestion was made that this should apply to physicians' prescriptions also. It is no argument against this bill that something further should be done at some other time and that suggestion is evidently intended to load down the bill so that it will not pass. The difference between a physician's prescription and patent medicine is perfectly evident. We require of a physician a severe course of training and years of experience and a strict examination before we will allow him to prescribe for us. We require the same of druggists before we will allow them to put up the prescription. That is a very different thing from the condition that exists when you or I step to a counter to buy somebody's patent medicine which is advertised to be good. The reason why physicians' prescriptions are not included here is that there is no definite need which is

pressing enough to oblige the druggists to go to the trouble and bother with these prescriptions of figuring out the percentage in each case.

Now, gentlemen, I have tried to cover this case and bring out the points that have occurred to me. I leave it in your hands. I have tried to show that the first consideration for us is the public health; that this law is not new; that the principle as to dangerous drugs is established. I say that the principles of this bill are right. I believe that the bill in its operation will not interfere with any reputable class of business. The people of this state are interested in this measure and I have a right to argue so from the remarkable response in the form of the petitions which have been received. It is something for you to consider whether you ought to deny to them the legislation they are asking for. I have never asked any man to vote for this bill from any personal reason, but I do resent somewhat some of the influences which I think have been brought to bear against it. I was notified when this bill was first introduced that unless it was withdrawn I should be subjected to the adverse influence of certain powerful political persons in this state. I was told that the thing could not pass, that it was only a question of whether I should withdraw it quietly or persist and probably get hurt in the process. I was told that any interests I might have in this legislature would be defeated if I persisted in urging the passage of this bill. The opposition to this bill labored hard to prevent a minority report. But I submit, that it ought to be decided, and I believe it will be decided by most of you on its merits. I move that the minority report be substituted for the majority, and I ask for the yeas and nays.

Mr. COBB of Gardiner: Mr. Speaker, I want my constituents to know that I am in favor of this bill because I think it is right and is for the best interests of the people. In my opinion nobody but the manufacturers of patent medicines are opposed to this measure. The law would benefit reputable manufacturers and would drive the disreputable manufacturers out of business. I think the minority report should be adopted.

The question being on the adoption of the minority report, on motion of Mr.

Sewall of Bath, the yeas and nays were ordered.

The SPEAKER: All those in favor of the minority report, that is, those in favor of the bill requiring the labelling of proprietary medicines, will vote yes; those opposed will vote no. The clerk will call the roll.

YES:—Bradford of Friendship, Clark, Cobb, Cole, Copp, Davis of Benton, Davis of Guilford, Dennison, Dudley, Fulton, Garcelon, Giddings, Goodwin, Hanson, Hastings, Hill, Hodgkins, Irving, Jordan of Yarmouth, Lougee, Merrill of Skowhegan, Milliken, Morrison, Morton, Nash of Damariscotta, Nash of Kennebunk, Newbegin, Oakes of Auburn, Page of Hampden, Price, Putnam, Sanborn, Scribner of Charleston, Sewall, Smart, Smith of Saco, Sparrow, Staples, Thurlough, Treworgy, Turner, Usher, White, Wilder—44.

NO:—Abbott, Baldwin, Barrows, Belleau, Blanchard, Burkett, Buzzell, Byron, Downs, Fawsette, Foss, Grant, Hale, Hathaway, Higgins, Hussey, Hutchins, Jillson, Johnson of Calais, Johnson of Waterville, Jordan of Cape Elizabeth, Josselyn, Kimball, Kinsman of Cornville, Knapp, Lanigan, Leighton, Littlefield, Longfellow, Marshall, Merrill of Dixfield, Miller, Newcomb, Norcross, Oakes of Milford, O'Brien, Peacock, Pendleton, Percy, Philbrook, Poor, Reed, Sargent of Brewer, Sargent of Castine, Sawyer of Smithfield, Scribner of Springfield, Shevenell, Smith of Madison, Stearns, Swain, Talpey, Tracy, Verrill, Washburn, Webb, Webster, Whitmore, Witherspoon, Witt—59.

ABSENT:—Allan, Bean, Berry, Bliss, Bradford of Livermore, Bunker, Cushman, Gannett, Holmes, Ingersoll, Johnson of Hallowell, Jones, Laliberte, Leonard, Martin, Morey, Page of Appleton, Perry, Powers, Purinton, Russell, Sawyer of Milbridge, Seavey, Thomas, Thompson of Roque Bluffs, Trickey, Vittum, Walker, Weatherbee—29.

PAIRED:—Albert, Yes; Baxter, No. Shaw, Yes; Briggs, No. Cousins, Yes; Stevens, No; Gray, Yes; Theriault, No; Hall, Yes; Sweet, No. Howes, yes; Kinsman of Augusta, No. Hagerthy of Ellsworth, Yes; Tupper, No. Hagerthy of Sedgwick, Yes; Mullen, No. Libby, Yes; Thompson of Orono, No.

So the minority report was rejected.

The majority report, "ought not to pass," was then adopted.

Resolve in favor of the Eastern Maine Insane hospital at Bangor, came from the Senate, that branch insisting on its action and asking for a committee of conference.

On motion of Mr. Morrison of Eden, the House voted to insist and join a committee of conference.

The Speaker joined on the part of the House Messrs. Whitmore of Brunswick, Buzzell of Old Town, and Baxter of Portland.

An Act to incorporate the Monterey Association came from the Senate. That branch adhering to its former action in indefinitely postponing the bill and refusing to join a committee of conference.

On motion of Mr. Higgins of Limerick, the House voted to adhere.

Mr. Buzzell of Old Town, introduced the following order:

Ordered, That the clerk include in the pay roll of the officers of the House twenty-five dollars for Louis Barrows for services as substitute page.

The order received a passage.

On motion of Mr. Reed of Portland, bill, to prevent wilful destruction of trailing arbutus, was taken from the table.

Mr. Reed moved that the bill be indefinitely postponed.

On motion of Mr. Merrill of Skowhegan, the yeas and nays were ordered.

YES:—Abbott, Baxter, Belleau, Bradford of Friendship, Briggs, Burkett, Buzzell, Byron, Clark, Cole, Davis of Benton, Davis of Guilford, Downs, Foss, Fulton, Giddings, Goodwin, Gray, Hale, Hanson, Hathaway, Hill, Hodgkins, Hutchins, Irving, Jillson, Johnson of Calais, Jordan of Yarmouth, Kimball, Kinsman of Cornville, Lanigan, Leighton, Longfellow, Lougee, Martin, Merrill of Dixfield, Milliken, Mortor, Mullen, Nash of Kennebunk, Newbegin, Newcomb, Oakes of Milford, Percy, Philbrook, Price, Reed, Sanborn, Sargent of Brewer, Sargent of Castine, Sawyer of Smithfield, Scribner of Springfield, Shevenell, Smith of Saco, Sparrow, Staples, Stearns, Stevens, Thurlough, Verrill, Webster—61.

NO:—Baldwin, Barrows, Blanchard, Cobb, Dennison, Fawsette, Garcelon, Grant, Hastings, Higgins, Howes, Hussey, Jordan of Cape Elizabeth, Littlefield, Merrill of Skowhegan, Nash of Damariscotta, Norcross, Oakes of Auburn, Page of Hampden, Peacock, Sawyer of Milbridge, Scribner of Charleston, Sewall, Smart, Smith of Madison, Talpey, Thompson of Orono, Tracy, Treworgy, Turner, Usher, Webb, White, Witherspoon—34.

ABSENT:—Albert, Allan, Bean, Berry, Bliss, Bradford of Livermore, Bunker, Copp, Cousins, Cushman, Dudley, Gannett, Hagerthy of Ellsworth, Hagerthy of Sedgwick, Hall, Holmes, Ingersoll, Johnson of Hallowell, Johnson of Waterville, Jones, Josselyn, Kinsman of Augusta, Knapp, Laliberte, Leonard, Libbey, Marshall, Miller, Morey, Morrison, O'Brien, Page of Appleton, Pendleton, Perry, Poor, Powers, Purinton, Putnam, Russell, Seavey, Shaw, Swain, Sweet, Theriault, Thomas, Thompson of Roque Bluffs, Trickey, Tupper, Vittum, Walker, Washburn, Weatherbee, Whitmore, Wilder, Witt—55.

So the bill was indefinitely postponed.

On motion of Mr. Hale of Portland, bill, An Act to amend Section 2 of Chapter 113 of the Revised Statutes, defining manslaughter, was taken from the table.

The question being on the adoption of the pending amendment offered by Mr. Morrison of Eden, by striking out in line seven of Section 1 the words "treatment for the sick," and inserting the words "medical attendance," also by striking out in line 16 of Section 2 the words "treatment for the sick" and inserting the words "medical attendance."

The amendment was lost.

The bill was then read a third time and was passed to be engrossed.

On motion of Mr. Merrill of Skowhegan, Adjourned.