

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Seventy-Sixth Legislature

OF THE

STATE OF MAINE

1913

SENATE.

Wednesday Morning, March 26, 1913.
Senate called to order by the President.

Prayer by Rev. Lewis H. Clark of Gardner.

Journal of previous session read and approved.

Papers from the House disposed of in concurrence.

From the House: Senate Document 379, An Act regulating the packings, shipping and sale of apples.

The bill was passed to be engrossed in the Senate March 5th. It came from the House amended by House Amendment A. The vote whereby the bill was passed to be engrossed in the Senate, was reconsidered, and House Amendment A was adopted in concurrence.

The bill, as amended, was then passed to be engrossed.

From the House: Senate Document 477, An Act to amend the primary election law.

This bill originally was passed to be engrossed in the Senate. It came from the House amended by House Amendment A. The vote whereby the bill was passed to be engrossed, was reconsidered, and House Amendment A was adopted in concurrence.

The bill, as amended, was then passed to be engrossed.

On motion by Mr. Morey of Androscoggin, the vote whereby this bill (Senate Document 477) was passed to be engrossed, was reconsidered.

On further motion by the same senator, the vote whereby House Amendment A was adopted, was reconsidered, and the bill was then tabled pending passage to be engrossed, and assigned for consideration this afternoon.

From the House: Senate Document 385, Resolve for an amendment to the Constitution providing for the classification of property for the purposes of taxation.

In the Senate this bill was passed to be engrossed. It came from the

House amended by House Amendment A.

On motion by Mr. Wing of Franklin, the vote whereby the bill was passed to be engrossed in the Senate, was reconsidered.

On further motion by the same senator, House Amendment A was adopted in concurrence, and the bill, as amended, was passed to be engrossed in concurrence.

From the House: Majority and minority reports of the committee on judiciary, on bill, an Act relating to the powers of the board of prison and jail inspectors. Majority report "ought to pass." Minority report "ought not to pass."

In the House the minority report was accepted.

Mr. DUTTON of Kennebec: Mr. President, I move that we accept the minority report.

Mr. STEARNS of Oxford: Mr. President, I move that the bill and reports lie on the table and be specially assigned for tomorrow, pending acceptance of either report.

The motion was agreed to.

House Bills in First Reading.

An Act to establish a municipal court in the town of Readfield. (On motion by Mr. Allen of Kennebec, tabled pending first reading.)

An Act to amend section 20 of chapter 37 of the Revised Statutes, as amended by chapter 134 of the Public Laws of 1911, relating to the distribution of personal estate.

Resolve in favor of Hayes Young Women's Home, Lewiston.

An Act to amend "An Act to incorporate the Livermore Falls Sewer District," as amended by chapter 441 of the Private and Special Laws of 1907 and as amended by chapter 185 of the Private and Special Laws of 1911.

An Act relating to the construction of sidewalks in the Town of Sanford.

An Act to create a body politic and corporate by the name of Bustin's Island Village Corporation.

An Act to amend section 5 of chapter 23 of the Revised Statutes relating to ways.

An Act to permit the Town of Pittsfield to obtain a pure water supply.

An Act to amend section 1 of chapter 93 of the Revised Statutes, relating to mortgages of personal property.

An Act to amend section 32 of chapter 27 of the Revised Statutes, relating to care and support of paupers.

An Act to authorize the Town of South Berwick to own and maintain an electric lighting and power plant.

An Act to incorporate the Pittsfield Water District.

Resolve in favor of St. Mary's General Hospital, Lewiston.

Resolve in favor of the Official Reporter of the House.

Resolve in favor of York Hospital, in the town of York.

Resolve in favor of Mellen Tryon, secretary of the Committee on Maine School for Feeble-Minded.

Resolve in favor of Presque Isle General hospital, Presque Isle.

Resolve in favor of Maine Home for Friendless Boys, Portland.

Resolve in favor of Knox County General Hospital, Rockland.

Resolve in favor of the Bath City Hospital, Bath.

Resolve in favor of the Maine Institute for the Blind, Portland.

Resolve in favor of Daughters of Wisdom, St. Agatha.

Resolve in favor of Girls' Orphanage of Lewiston.

Resolve in favor of the Children's Heart Work Society of Maine.

Resolve in favor of Maine Children's Home Society, Augusta.

Resolve in favor of the Maine Eye and Ear Infirmary.

Resolve in favor of Trull Hospital Aid Association, Biddeford.

Resolve in favor of Maine Mission for the Deaf, Belfast.

Resolve in favor of Webber Hospital Association of Biddeford.

Resolve in favor of Greenville Junction Young Men's Christian Association, Greenville.

Resolve in favor of the Maine General Hospital.

Resolve in favor of Woman's Christian Temperance Union, Temporary Home for Children, Gardiner.

Resolve in favor of Children's Aid Society of Maine, Belfast.

Resolve in favor of Eastern Maine Orphans' Home of Bangor.

Resolve in favor of Lewiston & Auburn Children's Home, Lewiston.

Resolve in favor of Temporary Home for Women and Children, Portland.

Resolve in favor of the Good Samaritan Home Association, Bangor.

Resolve in favor of the Maine School for the Deaf, Portland.

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

Appropriations and Financial Affairs.

By Mr. Clark of York—"Resolve in favor of Charles R. Kingsbury."

By Mr. Patten of Hancock—Resolve in favor of clerk and stenographer to Committee on Towns.

By Mr. Wing of Franklin—Resolve in favor of Charles R. Kingsbury.

Senate Bills in First Reading.

An Act in relation to the assessment and collection of inheritance taxes.

Committee Reports.

Mr. Cole from the Committee on Legal Affairs, on bill, An Act granting Hollis M. Shaw pole rights in the towns of Union and Warren in the county of Knox, State of Maine. Reported same "ought not to pass." (On motion by Mr. Packard of Knox, tabled pending acceptance of the report by the committee, and specially assigned for Friday.)

Mr. Conant from the Committee on Ways and Bridges on that part of the Governor's message relating to Ways and Bridges, reported same be placed on file.

Mr. Conant from the same committee, on bill, An Act for the ownership and maintenance of highway bridges of the State, and the construction of such bridges by the State, county and towns, reported same "ought not to pass." (It was noted on the report that Senator Colby did not assent to the report.)

Mr. Jillson from the Committee on School For Feeble Minded, on Resolve relating to the appointment of the Committee to investigate the property and management of the Home for

Feeble Minded, reported same "ought not to pass." (On motion by Mr. Packard of Knox, tabled pending acceptance of the report of the committee, and assigned for tomorrow morning.

Mr. Jilison, Chairman of the Committee on Commerce, submitted its final Report, that they have attended to all the matters referred to them.

Mr. Hagerthy from the Committee on School For Feeble Minded, submitted its final report, that they have attended to all the matters referred to them.

The reports were accepted.

Passed to Be Engrossed.

An Act authorizing the Atlantic Shore Railway to increase its capital stock.

Mr. DUTTON of Kennebec: Mr. President, is there not a House Amendment A on that bill?

The PRESIDENT: The attention of the Chair is called to the fact that pending the first reading of the bill yesterday, House Amendment A was adopted in concurrence. House Amendment B was not acted upon pending the second reading.

(The Chair read House Amendment B).

The effect of that amendment is that instead of paying \$75.00 for each \$100,000 of capital stock, the premium will be \$100.00.

The question is on the adoption of House Amendment B in concurrence.

Mr. DUTTON of Kennebec: Mr. President, This amendment no doubt was attached there through inadvertence or a misunderstanding as to the amount of fees which should be paid into the State treasurer's office upon an increase of capital stock. The original draft of the bill provided that it should be \$75 for each \$100,000 additional. Now that is the proper fee to be paid, the fee required of all corporations, and the State of Maine would not desire to put itself in the position of being unjust to this corporation and charging it more fees than it would other corporations, and I move we non-concur with the House.

Mr. STEARNS of OXFORD: Mr.

President, I desire to say just a word in relation to this amendment, inasmuch as the senator from Kennebec has given the Senate the information that this was undoubtedly presented through inadvertence. I think that the Legislative record will show that this amendment was presented after information had been given by the proponents of this measure that this corporation was attempting to defraud the state of Maine out of just fees, and that after the proponent of this measure had made this statement which was in line with the general idea of the amendment upon which he was speaking, which was in favor of the State of Maine going into the collection business for individuals, after having stated that the corporation was attempting to defraud the state out of its just fees, then the amendment as just read was presented by a gentleman in order that that error might be corrected.

I can hardly understand why the senator from Kennebec should give the Senate to understand that there was any inadvertence in relation to it, since it proceeded from the same source with the original amendment, which he stood here upon the floor of this Senate yesterday and argued to this Senate was something that the State should do in order to protect itself from this corporation.

Beyond that, when the motion was made by the senator from York that this Bill and amendment be indefinitely postponed, the senator objected to it and the Senate denied the motion. I cannot understand, Mr. President, why it is that this Senate should undertake to refuse to allow this bill and the amendment to be indefinitely postponed, if the proponents do not wish this bill with this obnoxious amendment attached. I see no reason why this Senate should refuse to indefinitely postpone the bill. Is it in the mind of the senator from Kennebec that this proponent of the amendment can force the corporation to pay the amount of \$600? The result is simply going to be that they will not increase their capital stock.

Now Mr. President, in relation to this amendment, I feel that not only this amendment, but that the bill itself together with the amendment, should be indefinitely postponed, and I desire to amend the motion of the senator from Kennebec that the amendment and the bill be indefinitely postponed.

Mr. DUTTON: Mr. President, I am not quite sure of my position, but I rise to a point of order, we having voted once upon the same motion, practically the same motion as presented by the senator from Oxford, he cannot tack that motion upon this amendment—the motion to indefinitely postpone the bill.

The PRESIDENT: The Chair will state that in the opinion of the Chair action must be had now upon the amendment, and that a motion relating to the bill itself will not be in order until the amendment shall have been disposed of.

Mr. DUTTON: Now Mr. President, I cannot understand why the senator has shown so much apparent exercise of those functions of the mind that tend to arouse contending feelings within the human breast. (Laughter) He reminds me, Mr. President, of instances where a man through the kindness of his heart volunteers his good offices to stop a scrap between two persons, and they both turn upon him, thinking that he is interfering in their particular fight.

My motion here relates entirely to the proposition of this corporation's paying the same fees that other corporations are required to pay. Now the proponent of this measure, it is true, the record discloses, made the statement that was referred to be the senator from Oxford, but I so believe, and have his assurance for it, that it was through a momentary inadvertence. And while I am somewhat familiar with the different classes of fees paid by corporations, I can understand how any lawyer, however familiar he might be, might inadvertently state the amount of fees paid.

Now this is no occasion for any extended discussion. This corporation wants to be used just the same as all

other corporations in regard to fees. I move that we non-concur with the House in the adoption of House Amendment B.

A viva voce vote was taken and the motion was adopted.

The PRESIDENT: The Chair will now rule upon the point of order raised by the senator from Kennebec with reference to the motion of the senator from Oxford, if it is desired.

The point, as the Chair understands it, was that the motion to indefinitely postpone having been voted upon at the session yesterday could not be raised again today in connection with this bill. The Chair will state that the motion to indefinitely postpone yesterday was while the bill was upon its first reading, if the Chair's recollection is correct. The bill comes up again in another stage of its passage, on its second reading, and a motion to indefinitely postpone is in order at any stage of the bill, no matter if it has been voted upon in connection with another stage of the bill and voted down.

Mr. DUTTON: Mr. President, if the senator insists upon his motion, I will ask for the yeas and nays.

Mr. STEARNS: Mr. President, I think that I do desire to insist upon the motion, if in order, for some of the reasons that I have attempted to state, without any desire upon my part to excite those feelings which the senator from Kennebec has referred to.

Upon the question, it seems to me that I might say that it is to my mind not a good thing for this Legislature to pass such legislation as they cannot be able to defend. It seems to me that a matter of this kind, which is clearly a proposition to simply work a collection of a bill, is not one of the functions of the Legislature, and for that reason I insist upon the motion. Mr. President.

The PRESIDENT: The pending question is upon the motion of the senator from Oxford that the bill be indefinitely postponed. The senator from Kennebec asks for the yeas and nays.

A sufficient number having arisen, the yeas and nays were ordered, and the secretary called the roll.

Those voting yea were: Messrs. Bailey, Boynton, Burleigh, Chase, Clark, Colby, Conant, Emery, Hagerthy, Hersey, Patten, Stearns, Walker, Wing—14. Those voting nay were: Messrs. Allan, Dutton, Flaherty, Hastings, Jillson, Mansfield, Maxwell, Morey, Moulton, Murphy, Packard, Reynolds, Richardson, Smith—14. Absentees: Mr. Allen.

Senator Cole was excused from voting.

Fourteen having voted in the affirmative and fourteen in the negative, the President's name was called. He voted yea, and the motion of the senator from Oxford, indefinitely postponing the bill, was adopted.

An Act to incorporate the Jackman Water, Light and Power Company.

An Act to abolish the Belfast Municipal court and to establish a police court for the city of Belfast.

An Act to amend Section 1 of Chapter 7 of the Revised Statutes relating to the appointment of land agent.

Resolve in favor of the Maine Insane Hospital.

Resolve relating to the payment of fees to town clerks for reporting in relation to inheritance taxes.

An Act to incorporate the Ogunquit Village Corporation.

An Act to amend the charter of the city of Auburn and to provide for a commission form of government.

An Act to grant additional powers to the Rockland, South Thomaston and St. George Railway.

An Act to amend the act which constitutes the police court of the city of Rockland.

An Act creating a State board of charities and corrections. (On motion by Mr. Flaherty of Cumberland, tabled and assigned for next Friday morning.)

Passed to Be Enacted.

An Act to amend Section 5 of an act to provide for nomination of candidates of political parties by primary election.

An Act to amend Section 30 of Chapter 51 of the Revised Statutes, as amended by Chapter 127 of the Public Laws of 1905, as amended by Chapter 92 of the

Public Laws of 1907, relating to railroad branch tracks.

An Act to amend Section 70 of Chapter 8 of the Revised Statutes, as amended by Chapter 186 of the Public Laws of 1909, relating to the collection of inheritance taxes.

An Act to amend Chapter 119 of the Public Laws of 1911, regulating the sale of agricultural seeds, commercial feeding stuffs, commercial fertilizers, drugs, foods, fungicides and insecticides, by amending Section 9 thereof and by adding two new sections thereto.

Mr. FLAHERTY of Cumberland: Mr. President, I wish to offer Senate Amendment A to this bill, an Act to amend Chapter 119 of the Public Laws of 1911, regulating the sale of agricultural seeds, etc., so that this bill will conform to the National law, and in relation to the taking effect.

The PRESIDENT: The Chair will state for the information of the senator from Cumberland that there are two provisions in the bill relative to the time of its taking effect, one besides the provision he is seeking to amend, and the Chair suggests that the bill lie on the table.

Mr. CONANT of Waldo: Mr. President, I think the amendment offered refers to another bill.

Mr. FLAHERTY: Mr. President, I will read what the parties have written to me in regard to this matter:

"Portland Wholesale Grocers' and Flour Dealers' Association,

Portland, Maine,

March 25, 1913.

Hon. Edward F. Flaherty,
Augusta, Maine.

Dear Sir: On noting that House Bill 546, which is the new draft of bill 29, has passed the House, the Portland Wholesale Grocers' and Flour Dealers' Association convened this morning and unanimously voted to appeal to our senators to urge for an amendment to House bill 546 by changing Section 23, Line 64, that it may read as follows: 'purchased prior to September, 3rd, 1914.'

This amendment is desired to conform with the national law recently passed, and signed by the President March 3rd, 1913, and allowing eighteen months for disposal of goods on hand rather than but nine months as embodied in Maine

bill as now drawn. It allowed to become a law in its present form, it will work a serious and unjust hardship upon every wholesale grocer in Maine.

Trusting you will lend your best effort to correct this wrong,

Yours very truly,

(Signed) MAURICE C. RICH,
Secretary."

On motion by Mr. Flaherty, the bill was tabled and assigned for consideration this afternoon.

An Act relating to the assistant assessors of the city of Portland. (On motion by Mr. Cole of York, this bill was tabled pending its passage to be enacted and assigned for consideration tomorrow morning.)

Orders of the Day.

The PRESIDENT: The Chair lays before the Senate for consideration the first assignment for today, an Act relative to compensation to employes for personal injuries received in the course of their employment and to the prevention of such injuries, together with proposed amendments.

Mr. STEARNS of Oxford: Mr. President, before proceeding with the consideration of this matter, assigned for this morning, I move that the Senate take a recess for five minutes.

The motion was agreed to and a recess was taken.

After Recess.

Called to order by the President.

Mr. STEARNS of Oxford: Mr. President, I move that the Senate now resolve itself into a committee of the whole for the consideration of Senate Document No. 575.

The motion was agreed to.

The PRESIDENT: The Chair designates the senator from Androscoggin, Senator Morey, to act as chairman of the committee of the whole. (Applause.)

IN COMMITTEE OF THE WHOLE.

Senator Morey in the Chair.

Senator Morey in the chair.

Mr. MILLIKEN of Aroostook: Mr. Chairman and members of the committee: It seems to be appropriate, as we approach the consideration of this very important measure, that we should

briefly consider its position in the program of this Legislature.

This has been, as you all very well know, an extremely busy session. The members of this Legislature, in the daily sessions and in committee hearings, have worked more days, and more hours a day, than in any other session with which I have had anything to do, or about which I have had any knowledge. I do not need to remind you of that fact. We all know that the evenings have been occupied of very many of the days of this session by committee hearings and executive sessions of committees which have had to go over into the evening because the days have been full.

It has not only been a busy session in hours of work, but the record will show when we adjourn that it has been a busy session in accomplishment. We are to be credited, to begin with, not only with such laws as may be enacted and put upon the statute books, but with some matters that have been carefully considered and turned down. Many of them have taken up a great deal of time, in some instances more time than has been given to some of the laws that we have passed.

The program that this Legislature will have to go before the people on is, in its larger sense, divided into two parts as I understand it. The important bills that this Legislature has passed may be divided into two classes, those relating to the conduct of the business of the State, and, if the second place, those that make up what I call the human welfare program of this session.

Among the business list I need refer briefly to only a few: The Act relating to advertising for employes during strikes; the Act including railroads in the weekly payment bill; the Act to punish the use of false statements in securing credit; the modification of the fish and game laws, which is now in process, which is itself a work of tremendous labor. It has been contemplated by various Legislatures but it has finally been accomplished by this committee on inland fisheries and game under the direction of the senator from Kennebec; the law relating to investments, popularly called the Blue

Sky law, introduced by the senator from Penobscot, Senator Richardson after very painstaking study, a law which I believe will be enacted; and the public utilities bill which needs no comment from me.

But, important as the business part of this program has been, the other half of it, the human welfare program, is much more important, and as a background for this most important bill of that program, I want to refer briefly to some of the salient features of the human welfare program up to date: The teachers' pension bill which affects every community in this State, as the senator from Somerset so eloquently said when the bill was pending in the Senate on its final passage; the State certification of teachers which we have tried for, for three sessions, and which has been finally accomplished at this session; the Act changing the burden of proof in certain cases where contributory negligence is a defense; the Act providing for the treatment of juvenile dependents by State institutions receiving State aid; the Act to provide for indeterminate sentence, introduced by the senator from Penobscot, Senator Bailey, and to my mind a very advanced and progressive piece of legislation; the Act to provide for presidential primaries which is now on its way through and which I assume will receive its passage; the so-called white slave law, considered favorably by the Senate and now on its way through; and the State guard of charities and corrections, a measure which in the mind of a great many people is hardly inferior in importance to the public utilities bill itself.

Now we come to the climax of the human welfare program of this session of the Legislature, the so-called workmen's compensation act, and the theory of it is familiar. I believe, to every member of this Senate,—the reason for it in these modern days. In the old days the employer and the employee worked together in small groups, side by side. The conditions that governed the labor of an employee were familiar to his employer and usually were shared by the employer, and in the little shop or on the farm they worked in small groups together,

and under those conditions the rules of common law that apply to the relations of master and servant have grown up.

In these days of large aggregations of capital, of large plants employing great numbers of men, those rules are no longer adequate. No longer does the employer work side by side with his employee, under the same conditions, and knowing all the conditions of the labor that the employee performs. And it has become necessary, and that necessity is being recognized in state after state of this Union, to adopt some new means of assuring to the employee proper and prompt compensation for the accidents that result in the ordinary course of industrial labor.

With that necessity in mind, both political parties in the last campaign promised legislation along this line. The Republican party perhaps more definitely promising a workmen's compensation act both in its platform and through the utterances of its candidate for governor and others upon the stump.

The Democratic party, however, promised in its platform what may fairly be interpreted to mean a workmen's compensation act in some form.

A bill has been introduced. A committee of this Legislature, and especially a sub-committee of that committee on judiciary, has been working for weeks upon the measures, the same methods have been followed that were followed in the case of the public utilities bill, and the work of that committee has been painstaking and thorough and faithful to the last degree. The bill is now here before us for consideration.

Before we enter upon the discussion of the bill itself—and I will say that the bill is to be explained by the members of the committee and I shall not touch upon its features—I want to say just one word about the practical conditions that surround it in this Legislature.

There has been a great deal said in regard to various pending measures about the lobby here in this Legislature. Now I have no quarrel with any so-called lobbyist who comes here and spends his time during the session to

explain in public before committee hearings, or in private to various members of the House and Senate, his views upon matters that are pending for enactment in this Legislature, provided he states frankly to the committee, or to the individual members with whom he confers, what his interest or the interest of his clients in the pending legislation is.

If he does that he has a perfect right to be here and a perfect right to have his views presented both to committees and to individual members.

I do dislike what happens sometimes in a small proportion of cases, when interests are represented here in what I call a sort of clandestine fashion by lobbyists who are not frank either with members or with the committees as to the interests that they represent, or as to the real interest that they have in proposing legislation. I believe that there has been influence of that kind in regard to this bill that we are to discuss, today, and that the minds of many—members of the House, particularly—have been given a wrong slant upon this bill by suggestions that have come from sources that the members themselves do not fully understand. But I want to say here that in my opinion the lobby, so-called, and particularly this especial kind of lobbyist, has had less influence in this Legislature than in any session of any Legislature that I have ever known anything about. And in my opinion, for the most part, members of the so-called lobby, who have spent any more time here than has been necessary to go before the committees of this Legislature and explain in public their interests in matters under consideration, have wasted their own time and the money of their employers to that extent.

Now I say this bill is the climax of this human welfare program of this Legislature, because, important as the other features of that program are, I believe this to be the most important and to have the most vital effect upon the life, the average life of the average man throughout this State. The heroes of the old days in the advance of civilization were those who went forth to battle, in brilliant uniforms and with flashing banners and the blare of

music. The heroes of civilization in these days are those who work, the toilers in the various branches of industry. And as it was true in the old days that the march of civilization was attended with fearful cost and loss of life and limb upon the battlefield, so it is true now that in the natural course of business and industry there is a terrible toll taken every year of human life and of human limb, and a terrible toll is paid in the aggregate of human suffering that is caused by the modern industry that is necessary to the life of us all. Many a poor fellow caught and mangled by whirling shaft or flying belt has looked his last upon this world in the surroundings that have become common to him through his daily toil, surrounded, perhaps, by his rough mates that work by his side, and in addition to the physical anguish of that last hour has had to bear the mental sorrow brought to him by the thought of what was to become of those at home who were dependent upon his daily toil for their daily bread. It is to remedy, so far as legislative action can do it, the necessity for that mental anguish in the case of those stricken down in the progress of modern industry that this bill is introduced here.

We all of us look forward in the natural expectation of life to life's late afternoon, when it will be our part, after the busy cares of life are over, to look back in the sunset hours to review the events of former years. And in those days, if they shall come to any of us, I can think of no matter in connection with this legislative winter of 1913 that will give me or any one of you greater satisfaction than that we have had something to do with relieving these toilers of our industrial life from that fear of want for those that are nearest to them, and making it necessary hereafter for the grief that comes to the stricken wife and children to be increased by the fear of want that now too often adds to the grief that is natural and that is unavoidable.

Now Mr. Chairman and gentlemen of the committee, I have asked your indulgence for a few moments just to indicate briefly what seems to me to

be the place of this bill in this legislative program. I believe that this Legislature is going to add the crowning achievement to a program, already impressive. A bill has been reported. Perhaps every member of this Senate and every member of the House may have amendments that he would like to suggest. Perhaps not one member is fully satisfied with every provision of this bill. But I submit to you, that in view of the urgent need of legislation of this kind, in view of the definite promise made by both parties in the campaign, in view of the careful consideration that has been given by this very able committee resulting in the bill now before us, that each member of the Senate and each member of the House, after such amendments as have been proposed here are considered and disposed of according to the will of the majority, ought to give this bill his hearty support, and I shall hope that, after the will of the majority has expressed itself in such amendments as may finally be adopted, the bill may receive the unanimous support of both branches of this Legislature. (Applause.)

The CHAIRMAN: The Bill for your consideration is Senate Document No. 575. We will take up the amendments in their order.

Mr. STEARNS of Oxford: Mr. Chairman, after the very eloquent remarks of the senator from Aroostook, President Milliken I would not presume to take a great deal of the time of the Senate in any general remarks of my own. I feel that he has given the Senate the general scope of such a measure as is now before us and many of the reasons why such legislation is desirable at this time.

I do not feel that it would be wise for me to undertake to go into the history of such legislation—the history of workmen's compensation acts in other countries or even in our own country. But I think perhaps just a word would not be out of place in relation to what has been done, and perhaps calling the attention of the committee to the countries and to the states of this country which have en-

acted some form of a workmen's compensation legislation.

About forty years ago, I think it was, in Germany under Bismark the first real compensation bill was passed, enacted into law and put into operation. Great Britain followed, and now not only in Germany and Great Britain, but in Italy, Norway, Alberta, Austria, Belgium, British Columbia, Cape Colony, Denmark, Finland, France, Greece, Hungary, Luxemburg, Netherlands, New South Wales, New Zealand, Quebec, Queensland, Russia, South Australia, Spain, Sweden, Transvaal and Western Australia, have all adopted some form of workmen's compensation law.

The states of this Union which have already adopted workmen's compensation acts are Arizona, California, Illinois, Kansas, Maryland, Massachusetts, Michigan, Nevada, New Hampshire, New Jersey, New York, Ohio, Rhode Island, Washington, Wisconsin, and the states which are now considering such acts, either in Legislature or by commissions appointed by Legislatures, are Colorado, Connecticut, Delaware, Iowa, Louisiana, Maine, Missouri, Nebraska, North Dakota, Oregon, Pennsylvania, Texas, West Virginia.

The Federal Government enacted a workmen's compensation law in 1908 as applied to the Panama canal operations, which has been extended from time to time, until now it applies to all railroads doing interstate commerce business, to the District of Columbia, employees in the Forestry service and many other employees now in the service of the Federal Government. The Federal bill was finally enacted in all its enlarged details, February, 1912.

Now Mr. Chairman, it is not sufficient that other countries and other states of this Union have enacted compensation bills. If that were the only reason, we would not perhaps feel that we were justified in enacting such a bill in this Legislature. But it is recognized generally that in the onward march of civilization such a law is demanded, and therefore at the beginning of this session, two bills

were introduced into this Legislature in order that Maine might not lag behind in recognizing the justice of the great principles involved in such wise and progressive legislation as is here proposed.

One of those bills was carefully drawn by a very able lawyer, a very able gentleman, who at one time presided over the deliberations of this Senate, and it was drawn, I believe, with a great deal of care, study and thought, and has in it incorporated the best features of workmen's compensation legislation anywhere in this country enacted.

Another bill was presented in the House, also carefully drawn, and these bills were both referred to the Committee on Judiciary. The committee, after giving notice and holding an extensive hearing, appointed a sub-committee. At the hearing there appeared a large number of gentlemen who spoke in favor of the bill, coming from all parts of this State. Gentlemen representing large corporations and large manufacturing concerns, spoke in favor of the passage of some form of a workmen's compensation act, indicating that manufacturers, employers of labor, were coming to the conclusion that such a law is desirable, not only for the employees, but on their own account as well.

And after that hearing, which as I say, was very fully attended, the sub-committee began their labors, which they found more or less arduous, and they considered these two bills. They took the bill that was drawn by Mr. Deasy introduced by myself in this Senate, as a basis, and gave it as careful study as they could in the time given us. That bill has been changed to a considerable extent. It was not, I think, originally a drastic bill, not in the least, but many features which might be considered by some to be more or less so have been cut out, and we are now considering a much modified bill, a much milder bill than that originally presented.

I will call your attention to a few of the changes that have been made in the bill in order that you may perhaps get an idea of where the

committee did their work in relation thereto. The bill, as originally drawn included in its scope all employers, making no distinction between the large employer and the small employer, but included everybody employing labor, except farm laborers and domestic servants, which is the usual exemption in all such acts.

I suppose that it is generally known by all members of this committee of the whole, that every compensation bill proceeds upon the theory that the old common law doctrine of contributory negligence as a defence, the fellow servant rule as a defence, and the assumption of risk also as a defence, has been outgrown, and under present industrial conditions, works a great hardship to employes, particularly to those employed in hazardous occupations.

Today, at common law, the employer's duty to his employee is to use ordinary and reasonable care for the safety of his employees while he is performing his work. If a workman be injured by reason of the failure of this duty, he may recover from his employer full compensation for his injuries, having a right of action based employer. This is the fundamental upon the negligence or fault of the principle of the present common law system brought down from the common law of England and which no statute of the states or of the Federal Government has changed up to the time of the enactment of compensation acts.

Under the provisions of this bill, unless an employer employing 10 or more employees, assents or becomes what is called in the bill, "an assenting employer," the defenses which I have named are removed, but we provide that it shall not be a defence that the employer was negligent unless and except such negligence was wilful, and in this regard, we have modified the original draft, providing that the employee shall not be entitled to compensation when injured as the result of his own wilful negligence, or while intoxicated.

There is another feature which the committee considered and finally included in the bill, that of individual

insurance, so-called. The original draft provided for insurance in any stock or mutual casualty insurance company, and for State insurance under certain conditions. Your committee concluded that it was wise to include the feature of individual insurance, so that an individual employer who desired, might insure his own liability by satisfying the commission that he was solvent, or by filing a bond, or cash, or securities, in a sufficient sum to satisfy the commission that he could insure his own liability, and by so doing, might pay the compensations provided for in this bill direct to the employee. That was not, as I say, included in the original bill.

We also cut out one feature of the compensation so that in the case of total disability the compensation which the injured employee was to receive should not run on and on, be a continuing proposition, but that it would end at the end of five hundred weeks, and that of course, was some considerable of a curtailment in relation to the amount of the compensation which the employee might receive. The proponents of the bill desired very much that that feature should remain as it was, but your committee felt otherwise, and so decided to cut that feature out. So that as the bill now stands, in the present draft, it has been made a very much milder bill than it originally was in this and many respects.

I am reminded of the question of the small employers. I think I mentioned that earlier. Under the present draft, we have provided that employers of 10 or less shall not come within the provisions of this bill. The smaller employer has been exempted from the provisions of this act, with the farm laborers and the domestic servants, so that any employer of labor employing 10 or less, will not be affected by the provisions of this bill if it is enacted into a law.

I think these are the general changes that we have made in the bill from the original draft, which has been in the hands of the members of the Legislature for a month.

Any questions which may arise in the discussion of the amendments the sub-committee will be very glad

to discuss with this committee of the whole, as they are reached in the consideration of this question.

The PRESIDING OFFICER: Gentlemen, before proceeding with the adoption or rejection of Amendment A, is there anything further to be said upon the general question?

Mr. WALKER of Somerset: Mr. Chairman and gentlemen of the Senate: I happened to be one of the delegates from my town that attended the State convention of my party in Bangor. A platform was submitted to that convention, written by that great, progressive statesman, Herbert M. Heath—as great and progressive as there is in any party, Republican, Democratic or Progressive. In that platform were planks calling for a public utilities commission, good roads and a workmen's compensation act. We adopted that platform. I became a candidate in my county for the Senate. There were other candidates. I stood upon the platform adopted by my party. Fortunately, or unfortunately, for myself and also the people of my county and State, I won out.

I was therefore a candidate before the people at the September election. It was quite a hot fight up in Somerset county. There were other candidates nominated by other parties, parties also that believed in this same measure. I issued a circular letter, which I sent to the voters in my county. In that letter I stated my position upon the questions upon which they were to decide at the September election. I declared for good roads, good schools, better educational facilities, a public utilities commission and a law of compensation for the workmen.

I happened to be elected. Every member of this Senate who was elected on the same platform upon which I was elected stands for those principles. We have carried out a part of this program. We have, as best we could, worked for the betterment of our educational facilities in this State. We have worked for better roads in this State. We have passed an admirable public utilities measure, and we now hope, and I believe, we shall, so far

as this Senate is concerned, pass a workmen's compensation act.

Now, Mr. Chairman, this is progressive legislation. The public utilities bill is one of the best public utilities bills that there is in this country, a strictly progressive measure, enacted by men who believe in enacting progressive legislation, no matter what the names of the parties of those men might be. We have passed a pension bill, designed for the betterment of the public schools in Maine, which is another progressive piece of legislation. The workmen's compensation act, which will be passed by this Senate, completes the list of three which the Senate of the State of Maine is going on record as endorsing.

Now, Mr. Chairman, in behalf of the workmen in the State of Maine, their wives and children, in behalf of the employers of the State of Maine who desire to do not only that which is best for their workmen but best for themselves, in behalf of progressive legislation in the State of Maine and for the honor of Maine, I hope and trust and believe that a workmen's compensation act will not only be passed by this Senate, but that it will be passed by this Legislature and enacted into law. (Applause)

The PRESIDING OFFICER: Shall we now proceed to the discussion of Senate Amendment A, Senate Document 588 to Senate Document 575?

Mr. BAILEY of Penobscot: Mr. Chairman and gentlemen, I presented that amendment at the instance of some of the lumbermen of Penobscot county. They seemed to have thought the conditions of men working in the woods and on the drive were altogether different from those whom this bill was designed to affect.

Men working in the woods, as a general rule, work by themselves to a certain extent. They are not under the direct charge of any boss or superintendent. They work perhaps by themselves or in segregated groups, each man for himself. The same perhaps applies to men working on the drive, they may be scattered along the stream or river and be put into a certain place, but they work, not in the presence of dangerous machinery, moving belts or oth-

er implements of death but they are their own bosses. They take the implements given them and use them in the way that seems best to themselves.

So that the lumbermen thought that perhaps it was wise that they should be exempted from this workmen's compensation act.

Mr. MILLIKEN of Aroostook: Mr. Chairman, I want to say to begin with that the lumbering concerns I have to do with, directly or indirectly, cut from 60,000,000 to 80,000,000 of logs a year and manufacture them into lumber. I speak of that to show that I probably have not any prejudice against manufacturers of lumber.

I think there is a great deal of force in the suggestion that the senator from Penobscot has so clearly expressed, and that has, as I understand it, prompted the request that this amendment be adopted exempting from the provisions of this act laborers in the woods and on the drive.

It is true, as the senator said, that they work under conditions more nearly analogous to those of farm laborers than men in the mills and factories work. At the same time I believe it is true that under the provisions of this act the operator in the woods, the men running crews in the woods, may, by declining to be an assenting employer, escape from any serious harm from the provisions of this bill, because if he declines to be an assenting employer, he will be liable for no injuries on the drive unless it is shown that there was negligence on his part. In other words there will not be the same compelling reason for a man in the woods or running a camp to accept the provisions of this act that would exist in the case of a man running a mill or factory where there is the hazard of dangerous machinery. So that I do not believe the amendment is at all necessary for the welfare of those engaged in the business in which I am engaged.

If I did believe the adoption of the bill without the amendment would be more serious than it does seem to me to be, I should not feel justified in advocating the amendment. I was sent here not by the people who manufacture lumber in Aroostook county but by all

the people of that county. The concerns who cut lumber are entitled to consideration at my hands just the same as all of the other constituents I represent are entitled to that consideration and to no greater extent.

I do not propose to take the position here that I am in favor of a workman's compensation act for everybody else and ask for exemption that concerns a business in which I am engaged, even if I believed the exemption were much more needed than I do believe it to be needed.

I will say that I do not believe that it is serious enough one way or the other to imperil the usefulness of the bill, if the amendment was added in the House and it was necessary to concede something in the committee of conference.

Every time you make an exemption you weaken your bill, not only by removing from its provisions certain workmen included, but you are also including the probability of requests coming from other industries more or less nearly allied to these asking to be exempted.

So that, Mr. Chairman, I hope this exemption exempting laborers in the woods will not be adopted, but that the bill will be passed in that respect as reported by the committee.

Mr. HERSEY of Aroostook: Mr. Chairman, like my colleague, the President of the Senate, I come from a county that employs a great many lumbermen, employes working in the lumber woods and on the river drives.

For thirty years I have practiced law in that county, working during that time for clients who were men who labored with their hands in the woods and on the drive, and also for men who employed labor. And there are very few cases in all these years where men working in the woods or on the drive had any action whatever against their employers, growing out of any negligence where they could recover. And if this bill should pass, Mr. Chairman, and become a law of this State, I apprehend that the cases would be very rare in which laborers on the drive and in the lumber woods would recover, unless the employer of labor, the lumberman or the river driver, would come under the pro-

visions of this act voluntarily and become assenting employers. It is certainly true that outside the provisions of this act a man employing labor either on the drive or in the woods can insure himself against liability if necessary, not under this bill but under general insurance, and all that he meets under this bill whatever is that the common law defences are removed, and those common law defences still leave the defence for him that the one suing him must show that he was negligent. I can see how in the western and middle portions of the State of Maine there are men employing a great many laborers in the factories, in the mills, in the manufacturing, employing thousands and thousands of men and women, with dangerous machinery that we do not meet in my county at all, more dangerous employment even than on the river drive and in the woods, who have a right to say that if you exempt an employer of a laborer in the lumber woods and on the river drive, you should exempt them. And I say for the equity of the bill, for fair play between man and man, that there should be no exemption of this kind.

Mr. WALKER of Somerset: Mr. Chairman, under the provisions of that amendment in regard to men employed in the woods, I believe that it should be rejected.

Mr. STEARNS: Mr. Chairman, the committee took the same view that has already been expressed in relation to this, and therefore did not include lumbermen, and I move the rejection of this amendment.

The motion was adopted and Senate Amendment A was rejected.

Mr. MANSFIELD of Washington: Mr. Chairman, I consider this bill is made up wholly for the benefit of the man that works. If you continue this kind of legislation there will be no employer. You have excepted farmers, and some others from the provisions of this bill. If you are legislating for the laborer, why do you cut out the people that are working for them? If it is a good thing for other laborers it is good for them. You have no right to keep them from receiving this benefit. You do it to get the benefit of the vote of farmers in this Legislature. I consider it right to include all or

none. I have as much right to ask that the laborers in my factory be exempt as the man that works on the farm, in the woods or on the drive.

We do not know what it will cost to insure against this obligation and it will drive out the operators in the small and medium business. If we continue, what will become of the laborer, if you drive the people out of business that are employing them? If the cases on the river drive are very scarce why not include them? My county depends largely upon the canning of sardines. You have no more right to include my people than you have the others.

I don't care what my party advocated, I do not approve it.

The PRESIDING OFFICER: We will proceed with the consideration of amendment B. That is Senate Document 589 to Senate Document 575.

Mr. DUTTON of Kennebec: Mr. Chairman, this amendment was offered for two reasons. In the first place on Page 3 there is a typographical error, leaving out the word "employers." Then the words following that had not been changed after we made the change in the bill, which we did, to include individual insurers, and this amendment is offered to make the bill uniform in that respect. I think it is perfectly apparent to everybody, the reason for it, and I move the adoption of Senate Amendment B.

The motion was agreed to, and Senate Amendment B was adopted.

The PRESIDING OFFICER: The next amendment for consideration is Senate Document 590, Senate amendment C to Senate Document 575.

Mr. DUTTON of Kennebec: Mr. Chairman, this amendment was offered for substantially the same reasons as the preceding amendment. In massing the materials for this bill the committee overlooked the fact that we had not provided a certificate for all classes of insurers and this amendment was made to cover it, and I think it is perfectly apparent what it is for. I move its adoption.

The motion was agreed to and the amendment was adopted.

The PRESIDING OFFICER: The next amendment for consideration is Senate Amendment D to Senate Document No. 575.

"Amend Senate Document No. 575 by striking out all of Paragraph 9 on the fourth Page after the word "defined" in the 84 and 85 lines and inserting in place thereof the following:

"The Commission shall determine the 'average weekly wages' from such evidence as appears to them to be just and equitable."

Mr. WING of Franklin: Mr. Chairman, I introduced that amendment in the interests of clearness on the law. The benefits to be paid seem to depend upon the weekly wages, and in certain cases where the labor had not been working long it might be difficult to determine what the weekly wages would be, and the provision which is now inserted in the bill provides that regard may be had to the average weekly amount which during 52 weeks previous to the injury was being earned by a person in the same grade of employment, at the same work, with the same employer.

Now in many cases where parties are employed on piece work that rule could not apply, and it seemed to me to be a better provision to leave the question entirely with the commission to determine the average weekly wages by any evidence which they had at their command to determine what was the reasonable, average weekly wage to apply to the particular case which they were considering.

Mr. STEARNS: Mr. Chairman, the provision that is made in the bill was thought by the committee to be a very clear one, reading that "where, by reason of the shortness of time during which the employee has been in the employment of his employer, or the nature or terms of the employment, it is impracticable to compute the average weekly wages as above defined, regard may be had to the average weekly amount which, during the 52 weeks previous to the injury was being earned by a person in the same grade of employment, at the same work, by the same employer, or if there is no person so employed, by a person in the same grade employed in the same class of employment and in the same county." The provision as made by the amendment would give no rule to follow whatever, except leaving it

entirely in the judgment of the commission, which would not be objectionable particularly to the committee, except that it would not seem to be as clear as the provision in the bill.

The provision in the bill provides that if by reason of shortness of time there is not 52 weeks of employment, the number of weeks shall be deducted from the 52 weeks, multiplied by the amount of weekly wages and divided by the number of weeks employed.

Now it seemed to the committee that that rule would apply in the case that the senator from Franklin has presented; that even if it is piece-work, that there is a certain weekly wage regardless of that, as the man who works by the piece earns so much in a week, if he is not working by the week, his wages amount to so much in a week. The committee can hardly see the necessity for the amendment, although they do not think it particularly serious, but it is the view of the committee that the bill is better as it is, and they move the rejection of the amendment.

The motion was agreed to and the amendment was rejected.

The PRESIDING OFFICER: The next amendment is Senate Amendment "E" to Senate Document No. 575 by striking out lines 1 to 25 inclusive, and inserting in place thereof the following:

"Section 11. A Commission is hereby created to be known as the Industrial Accident Commission of the State of Maine, and it shall consist of three members. Which Commission shall be vested with and possessed of all the powers and duties specified in this act and who shall severally sworn to the faithful performance of their duties and shall hold office for the term of three years or until their successors respectively shall be appointed and qualified to act. Within 10 days after this act becomes a law the Governor by and with the advice and consent of the Council shall appoint three such persons to be members of the Industrial Accident Commission of Maine, one to hold office for one year, one to hold office for two years, and the chairman to hold office for three years. And any member of said com-

mission for wilful neglect of duty or for malfeasance in office may after notice and hearing be removed from office by the Governor and Council. In case of a vacancy occurring through death, resignation or removal, the Governor shall with the advice and consent of the Council appoint a successor for the term of three years subject to removal, as aforesaid. Such chairman shall receive a salary of \$2500 per year and the other members of the Commission shall receive a salary of \$1500 per year. The members of said Commission shall also receive their travelling expenses actually and necessarily incurred in the performance of their duties."

Mr. WING of Franklin: Mr. Chairman, I will be as brief as possible. It seems to me that this is a very important matter. The bill before us undertakes to place a very heavy burden upon the employers of labor in this State, and its provisions are of such a nature that \$4000 may have to be paid by employers for some of the workmen that the employer is not in any way responsible for.

Now if an accident happens, without the negligence of the employer, the burden falls upon the employer to pay the benefit provided in this act. In other words, it makes the employer and insurer of the men he employs; makes him liable for their own negligent acts.

It seems to me if we are to pass a law of this kind that it is nothing more than fair, right and equitable that we have a disinterested, impartial commission.

This bill provides that there shall be three members, the first the insurance commissioner and the second, the labor commissioner. Now I object to the labor commissioner being a member of this commission. The labor commissioner represents the labor interests; he represents the unions, and no member of this Senate will claim that he will be an impartial judge, as between the employer and the laborer.

Why, gentlemen, it is equivalent to making a provision that when a man is plaintiff in a suit in our courts, that he shall sit on the jury and decide the case. I do not believe that this Senate is going to constitute a commission of that

kind to pass on matters between labor and capital. I believe that if you leave this bill as it is, you will kill it, and you will kill it so dead that Gabriel's trumpet will never resurrect it.

Mr. DUTTON: Mr. Chairman and gentlemen of the committee: In approaching any matter of legislation we must deal with conditions as they exist, we must deal with persons as they exist, and not as they are in theory.

This amendment was offered in good faith and with the declared intention of having an impartial commission. And it is the declared purpose of the proponent of this bill that this committee should be constituted of men who can by no possibility have any interest for one side or the other, with an especial objection to the labor commissioner being called upon to decide questions between the employer and the employee. Others might object to the commission as constituted in the bill because the insurance commissioner is made one of the commission, upon the ground that his bias might be in the interests of the insurance company. Now we have this condition:

We are creating here a commission that is required to have certain knowledge, first a knowledge of the conditions existing between the employer and the employee in the State of Maine. Who, Mr. Chairman, is better qualified to know those conditions than he who has given a study to the social and economic questions that arise between capital and labor? Who, Mr. Chairman, is better qualified to pass important judgment upon questions of insurance than he who has given special attention to insurance questions?

We must meet the condition that exists, the condition that confronts us. It is not a theory. Create the commission, Mr. Chairman, called for by this amendment, and you will have exactly the same proposition presented to you if this bill becomes a law. I claim that there is no reason—I claim further that it is entirely proper that the labor interests of the State of Maine should be represented upon this commission. And have gentlemen of the committee any question but that in the making up of a commission such as would be ap-

pointed under this proposed amendment, the labor people of the State of Maine, through their organization, would properly present to the Governor and Council a demand, and I say a proper demand, that they have upon that commission a person who understood the economic and social conditions existing between the employer and the employee? It would be a just and a proper demand. It would be a demand that would appeal to any member of the Senate were he seated in the Executive chamber across the hall. And I venture to say that no Governor, be he present or future governor of the State of Maine, if this proposed amendment were adopted, whether he belonged to the Republican party, the Democratic party, the Progressive party or any other party to be born in the future, would turn a deaf ear to so proper and equitable a demand. By creating this new commission you have not evaded the difficulty suggested by the senator from Franklin.

Nor is that all. You have not evaded the difficulty that would arise in appointing a man who possibly might have a bias in favor of insurance companies. In looking about the State of Maine to find a man qualified to fill this position, do not suppose, fellow senators, that the governor would try to find a man who knew something about insurance questions and insurance problems? You are bound to have a man upon this commission such as is proposed here, not only a representative of labor in the State of Maine, but also a man who knows something about insurance problems.

And then we come to the question of the third member. The proposed amendment provides a chairman at a salary of \$2500 a year. Now, let us see. Be it admitted that you are bound to have the representatives that I have spoken of. The salary provided in this amendment if the second and third men on this commission is only \$1500 a year. The committee believes that it is not sufficient. If you keep that salary down there you will more likely get men who would be governed by bias. Where can you find men in the State of Maine to give up their business and come to Augusta

and perform the duties of this responsible office for that salary, who would not be likely to be influenced by bias. But we submit upon that proposition that the question of bias cannot be of much consequence here because this bill here circumscribes every member of this commission.

Every member, of whatever organization, or whatever part of our social position he may represent, is always governed and controlled and checked by the other two members of the commission, representing a different section and perhaps a different theory. There is always a majority check against him.

Now come to the question of the chairman. The original draft of this bill provided that the chairman should have a salary of \$2500 a year. After a full investigation and a full consideration of this problem, your committee became satisfied that by leaving two members of this committee, putting upon the insurance commissioner, with an additional compensation of \$500, the work of this department, and the labor commissioner with an additional compensation of \$500, that we ought to go out and get the best man we could to act as chairman of this commission, and \$3000 was not too much. And we submit that \$3000 will get a better man than \$2500, and the chairman of this commission must bear the brunt. Upon his integrity and ability will stand or fall in the future the idea and theory of the workmen's compensation act, if this bill be enacted into law, and we want the best man we can get.

And for these reasons, Mr. Chairman, I move the rejection of the amendment.

The motion was agreed to and the amendment was rejected.

The PRESIDING OFFICER: The next amendment for consideration is Senate Amendment "F" to Senate Document No. 575. "Amend Senate Document No. 575 by striking out Paragraph 3 of Section 13 and inserting in place thereof the following:

Any employer desiring to become an assenting employer as here provided may

file with the commission his written assent in such form as the commission approve and shall be allowed to pay the compensation and benefits herein provided and make such payments direct to his employes under such conditions as the commission may determine. The commission shall require a deposit of cash, satisfactory securities or a bond running to the commission or their successors in office in such sum and in such conditions that may be determined by said commission for the faithful performance of the provisions of this act. Said deposit shall be lodged with the State treasurer and a suitable voucher given therefor."

Mr. STEARNS: Mr. Chairman, this amendment seems to the committee to be a reasonable one, and we believe that it does not affect the section in any vital particular, and perhaps even makes the section plainer and clearer, and the committee move the adoption of the amendment.

The motion was agreed to, and Senate Amendment F was adopted.

The PRESIDING OFFICER: The next amendment is Senate Amendment "H" to Senate Bill No. 575.

Amend Section 4 of Senate Bill No. 575 by striking out the words "for a period of" in the twenty-first line of said section, and inserting in lieu thereof the words "during the period that such dependency continues but in no event for a period of more than."

Mr. WING: Mr. Chairman, I will say that the following amendments are merely formal, and I presume the committee has passed upon them and determined what action they will take upon them. I do not care to be heard further.

Mr. DUTTON: Mr. Chairman, the committee have examined with care the several amendments, H, I, J, K and L offered by the senator from Franklin, Senator Wing, and we think they are in the interest of more certainty in the bill. If it is proper, I move the adoption of the several amendments.

The PRESIDING OFFICER: The Chair will state that the amendments should be passed upon separately.

On motion by Mr. Dutton, Senate Amendment H was adopted.

The PRESIDING OFFICER: The next amendment is Senate Amendment "I" to Senate Bill No. 575.

Amend Section 4 of Senate Bill No. 575 by inserting after the word "injury" in the 29th line of said Section the words "said compensation to be made during the period that such dependency continues, but in no event for a period of more than 300 weeks from the date of the injury."

On motion by Mr. Dutton, Senate Amendment I was adopted.

The PRESIDING OFFICER: The next amendment is Senate Amendment "J" to Senate Bill No. 575.

Amend Senate Bill 575 by striking out the words "but shall not continue" in the 32nd line of said Section, and inserting in lieu thereof the words "and shall continue only during the period that such dependency continues, but in no event."

On motion by Mr. Dutton, Senate Amendment J was adopted.

The PRESIDING OFFICER: The next amendment is Senate Amendment "K" to Senate Bill No. 575. Amend Section 4 of Senate Bill No. 575 by striking out the words "for not" in the 40th line of said section, and inserting in lieu thereof the words "during the period of such total incapacity, but in no event."

On motion by Mr. Dutton, Senate Amendment K was adopted.

The PRESIDING OFFICER: The next amendment is Senate Amendment "L" to Senate Document No. 575.

Amend Section 4 of Senate Document No. 575 by striking out the word "and" in the 47th line of said section, and inserting in lieu thereof the word "during the period of such partial incapacity, but."

On motion by Mr. Dutton, Senate Amendment L was adopted.

The PRESIDING OFFICER: That, gentlemen, completes the work of the committee.

Mr. STEARNS: Mr. Chairman, the committee have considered two other propositions and offer two amendments at this time. They relate to that por-

tion of the bill which establishes an industrial accident fund, in one instance, and in the other instance the time when the bill shall go into effect, so far as the administration of that fund by the State is concerned.

On page 19 of the printed bill, the suggestion is that the second paragraph of that section be stricken out, and that the sum of \$25,000 is appropriated and set apart for the purpose of establishing the industrial accident fund herein created. That is the substance of that clause. That is the first amendment.

The section amendment is in Section 22. We would strike out all of Section 22 which relates to the time when the provision in relation to the State administering these funds, providing that the State may administer the funds after five employers employing at least 3000 hands have advised the Governor of their desire, and upon his proclamation, this provision goes into effect. That is the present provision.

The amendment that we present to that portion of the bill in relation to the industrial fund, goes into effect, Jan. 1, 1914, as well as all other sections of the bill, with the exception of the appointment of the commissioners, which takes effect 90 days after the adjournment of the Legislature.

Mr. Chairman, I offer Senate Amendment M, to Senate Document 575, amending Section 22, and move its adoption.

The motion was agreed to, and Senate Amendment M was adopted.

The same senator offered Senate Amendment N, amending Section 14 of Senate Document 575, and moved its adoption.

The motion was agreed to, and Senate Amendment N was adopted.

Mr. MILLIKEN: Mr. Chairman, I move that the committee rise and that the chairman report to the Senate in accordance with the vote taken on the various matters.

The motion was agreed to, and the committee of the whole arose.

IN SENATE.

Senate called to order by the President.

Mr. MOREY of Androscoggin: Mr. President, the committee makes the

following report to the Senate:

The committee of the whole to which was referred bill, An Act relative to compensation to employes for personal injuries received in the course of their employment and to the prevention of such injuries, Senate Document 575, together with the proposed amendments, have had the same under consideration, and beg leave to recommend that Senate Amendments B, S. D. 589; C, S. D. 590; F, S. D. 597; H, S. D. 599; I, S. D. 600; J, S. D. 601; K, S. D. 602; L, S. D. 603; M and N be accepted; and that Senate Amendments A, S. D. 588; D, S. D. 595; E, S. D. 596, be rejected.

(Signed) MOREY,
Chairman of the committee of the Whole.

The PRESIDENT: The question is now upon the acceptance or rejection of the various amendments.

Is there objection to the consideration of the amendments as a whole, which are commended by the committee for adoption. If not, the Chair will put the motion. Is it the pleasure of the Senate that Senate Amendments B, C, F, H, I, J, K, L, M, and N be adopted?

There was no objection and the amendments, as stated by the Chair, were adopted.

Senate Amendments A, D and E were then indefinitely postponed.

The bill, Senate Document 575, was then given its first reading.

Mr. STEARNS of Oxford: Mr. President, in order that this matter may be considered in the House at the earliest possible moment, if there is no objection, I move that the rules be suspended and that it receive its second reading at this time.

The PRESIDENT: The Chair will state that if the bill received its second reading, this afternoon, the House will receive it, tomorrow morning, and in the opinion of the Chair that is the earliest possible moment that the House can consider the bill.
(The motion was withdrawn.)

On motion by Mr. Stearns of Oxford,
Adjourned until 3.30 this afternoon.

SENATE.

Wednesday afternoon, March 26, 1913.

Senate called to order by the President.

Prayer by Rev. Charles G. Mosher of Augusta.

Papers from the House disposed of in concurrence.

House Bills in First Reading.

Resolve in favor of Helen Gaffney.

Resolve in favor of Ina E. Chadbourne.

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

Appropriations and Financial Affairs.

Mr. Conant of Waldo presented, Resolve in favor of the clerk and stenographer to the committee on ways and bridges.

Mr. Cole of York presented, Resolve in favor of the clerk of the committee on sea and shore fisheries.

Senate Bills in First Reading.

An Act relating to the Portland Gas Light Company.

Reports of Committees.

Mr. Mansfield from the committee on salaries and fees, on bill An Act to amend Chapter 119 of the Public Laws of 1905 relating to the compensation of county attorneys, reported that legislation thereon is inexpedient, the subject matter having been referred to a special committee.

Mr. Mansfield from the same committee on bill An Act to amend an Act relating to the police court of the city of Rockland, reported that legislation thereon is inexpedient, the subject matter having been referred to a special committee.

Mr. Mansfield from the same committee on bill An Act in relation to the Sanford municipal court, reported that legislation thereon is inexpedient, the subject matter having been referred to a special committee.

Mr. Mansfield from the same committee on bill An Act to amend Chapter 159 of the Public Laws of 1905, relating to salary of clerk of State assessors, reported that legislation thereon is inexpedient, the subject matter having been referred to a special committee.

Mr. Mansfield from the same committee on bill An Act to amend Chapter 17 of the Public Laws of 1905, re-

lating to the compensation of county commissioners, reported that legislation thereon is inexpedient, the subject matter having been referred to a special committee.

Mr. Mansfield from the same committee on bill An Act relating to the compensation of county commissioners, reported that legislation thereon is inexpedient, the subject matter having been referred to a special committee.

Mr. Mansfield from the same committee on bill An Act to fix the salary of the county attorney and assistant county attorney for Cumberland county, reported that legislation thereon is inexpedient, the subject matter having been referred to a special committee.

Mr. Mansfield from the same committee on bill, An Act to amend Section 119 of the Public Laws of 1905 relating to the compensation of the county attorney, reported that legislation thereon is inexpedient, the subject matter having been referred to a special committee.

Mr. Wing from the same committee on bill, An Act to amend Chapter 219 of the Private and Special Laws of 1903, establishing a salary for the judge of the Eastport municipal court, reported that legislation thereon is inexpedient, the subject matter having been referred to a special committee.

Mr. Wing from the same committee on bill, An Act to amend Section 1 of Chapter 173 of the Public Laws of 1905, relating to the compensation of the register of deeds of Piscataquis county, reported legislation thereon is inexpedient, the subject matter having been referred to a special committee.

Mr. Wing from the same committee on bill, An Act to amend Chapter 165 of the Public Laws of A. D. 1905, so far as the same relates to the judge of probate of the county of Hancock, reported that legislation thereon is inexpedient, the subject matter having been referred to a special committee.

Mr. Wing from the same committee on bill, An Act to amend Sections 1 and 4 of Chapter 117 of the Public Laws of A. D. 1905 so far as the same relate to the county commissioners of the county of Hancock, reported that legislation thereon is inexpedient, the subject matter

having been referred to a special committee.

Mr. Wing from the same committee on bill, An Act to amend Chapter 119 of the Public Laws of 1905, so far as the same relates to the county attorney for the county of Hancock, reported that legislation thereon is inexpedient, the subject matter having been referred to a special committee.

Mr. Wing from the same committee on bill, An Act to amend Sections 1 and 6 of Chapter 174 of the Public Laws of A. D. 1905, so far as the same relates to the sheriff of the county of Hancock, reported that legislation thereon is inexpedient, the subject matter having been referred to a special committee.

Mr. Wing from the same committee on bill, An Act to amend Chapter 173 of the Public Laws of A. D. 1905, so far as the same relates to the register of deeds of the county of Hancock, reported that legislation thereon is inexpedient, the subject matter having been referred to a special committee.

Mr. Wing from the same committee on bill, An Act to amend Chapter 151 of the Public Laws of A. D. 1905, so far as the same relates to the register of probate of the county of Hancock, reported that legislation thereon is inexpedient, the subject matter have been referred to a special committee.

Mr. Wing from the same committee on bill, An Act to amend Chapter 118 of the Public Laws of A. D. 1905, so far as the same relates to the clerk of courts of the county of Hancock, reported that legislation thereon is inexpedient, the subject matter having been referred to a special committee.

Mr. Conant from the same committee on bill, An Act amending Section 1 of Chapter 117 of the Public Laws of 1905, relating to the compensation of county commissioners of Androscoggin county, reported that legislation thereon is inexpedient, the subject matter having been referred to a special committee.

Mr. Conant from the same committee on bill, An Act relating to the compensation of county treasurer of Somerset county, reported that legislation thereon is inexpedient, the subject matter having been referred to a special committee.

Mr. Conant from the same commit-

tee on bill an Act to amend Chapter 117 of the Public Law of 1905, relating to the compensation of County Commissioner, reported that Legislation thereon is inexpedient, the subject matter having been referred to a special committee.

Mr. Conant from the same committee on bill an Act relating to the compensation of county commissioners, reported that Legislation thereon is inexpedient, the subject matter having been referred to a special committee.

Mr. Conant from the same Committee on bill an Act relating to the compensation of the Register of Probate for Cumberland County, reported that Legislation thereon is inexpedient, the subject matter having been referred to a special committee.

Mr. Conant from the same committee on bill an Act to increase certain fees of sheriffs and deputies, reported that Legislation thereon is inexpedient, the subject matter having been referred to a special committee.

Mr. Colby from the same committee on bill an Act for the preservation, perpetuation and increase of the forests of the State of Maine, reported that Legislation thereon is inexpedient.

Mr. Conant from the same committee on bill an Act to amend Section 1 of Chapter 117 of the Public Laws of 1905, in relation to salary of county commissioners of the County of Washington, reported that Legislation thereon is inexpedient the subject matter having been referred to a special committee.

Mr. Conant from the same committee on bill an Act relating to the compensation of the county attorney of Sagadahoc county, reported that Legislation thereon is inexpedient, the subject matter having been referred to a special committee.

The reports were accepted.

Mr. Emery from the committee on appropriations and financial affairs on Resolve in favor of William H. Mitchell, secretary of the committee of the 76th Legislature for investigation into the high price of coal, reported that the same "ought to pass."

Mr. Emery from the same commit-

tee on bill an Act to amend Section 15 of Chapter 8 of the Revised Statutes, relating to the Board of State Assessors, reported that the same "ought to pass."

Mr. Emery from the same committee on Resolve making an appropriation for the purpose of obtaining information in regard to the wild lands for the purpose of taxation, reported that the same "ought to pass."

(This being a printed bill was given its first reading.)

Mr. Emery from the same committee on Resolve authorizing the State Treasurer and State Auditor to ascertain and adjust the accounts in the State Treasurer's Office, reported that "ought to pass."

Mr. Emery from the same committee on Resolve in favor of the Superintendent of Public Buildings to provide for a Rail in the Senate Chamber, reported same "ought to pass."

Mr. Emery from the same committee on Resolve in favor of the Clerk of Mercantile Affairs and Insurance Committee, reported same "ought to pass."

Mr. Emery from the same committee on Resolve in favor of the State Highway Department, covering expenditures for repairs and maintenance of the State Bridge at Old Town, reported that the same "ought to pass." (On motion by Mr. Conant of Waldo, tabled for printing pending first reading and assigned for tomorrow morning.)

Mr. Emery from the same committee on Resolve in favor of the clerk, stenographer and messenger to the Judiciary Committee, reported same "ought to pass."

Mr. Emery from the same committee on Resolve in favor of Marion B. Holway, stenographer to the recording officer of the Senate, reported that the same "ought to pass."

Mr. Emery from the same committee on Resolve appropriating money to reimburse Charles M. Conant, chairman of the Committee on Ways and Bridges for certain committee expenses, reported same "ought to pass."

Mr. Colby from the Committee on State Lands and Forest Preservation on

bill, An Act to amend Section 61 of Chapter 7 of the Revised Statutes of 1903, to compel railroads to burn oil in locomotives, submitted the same in a new draft under the same title, and that it "ought to pass."

Mr. Colby from the Committee on State Lands and Forest Preservation on Resolve for the scaling of lumber cut on the Public Lots in Reed and Glenwood Plantations, in the County of Aroostook, reported that the same "ought to pass."

The reports were accepted and the several bills and resolves were tabled for printing under the joint rules.

The following joint standing committees submitted their final reports:

Committee on Insane Hospitals.

Committee on Mines and Mining.

Committee on Education.

Committee on Railroads and Expresses.

The reports were accepted.

The PRESIDENT: The Chair invites the senator from Penobscot, Senator Bailey, to preside during the remainder of the session. (Applause.)

Senator Bailey in the Chair.

Passed to Be Engrossed.

An Act to permit the town of Pittsfield to obtain a pure water supply. (Tabled on motion by Mr. Richardson of Penobscot, pending second reading.)

An Act to amend Section 5 of Chapter 23 of the Revised Statutes relating to ways.

An Act to amend Section 32 of Chapter 27 of the Revised Statutes relating to care and support of paupers.

An Act relating to the construction of sidewalks in the town of Sanford.

Resolve in favor of Mellen Tryon, secretary of the Committee on Maine School for Feeble Minded for certain committee expenses.

Resolve in favor of Presque Isle General Hospital, for maintenance.

Resolve in favor of St. Mary's General Hospital, Lewiston.

Resolve in favor of York Hospital, for maintenance.

Resolve in favor of Maine Home for Friendless Boys, for maintenance.

Resolve in favor of Knox County General Hospital, for maintenance.

Resolve in favor of the Bath City Hospital, for maintenance.

Resolve in favor of Maine Institution for the Blind, for maintenance.

Resolve in favor of Daughters of Wisdom, for maintenance.

Resolve in favor of Girls' Orphanage, for maintenance.

Resolve in favor of Children's Heart Work Society for aiding neglected and unfortunate children.

Resolve in favor of Maine Children's Home Society, for maintenance.

Resolve in favor of the Maine Eye and Ear Infirmary, for maintenance.

Resolve in favor of the Maine Mission for the Deaf, for maintenance.

Resolve in favor of Webber Hospital Association, for maintenance.

Resolve in favor of Greenville Junction Young Men's Christian Association, for maintenance.

Resolve in favor of the Maine General Hospital, for maintenance.

Resolve in favor of Women's Christian Temperance Union Temporary Home for Children, for maintenance.

Resolve in favor of Lewiston & Auburn Children's Home, for maintenance.

Resolve in favor of Temporary Home for Women and Children, for maintenance.

Resolve in favor of the Good Samaritan Home Association, for maintenance.

Resolve in favor of the Maine School for the Deaf, for maintenance.

Resolve in favor of Children's Aid Society of Maine, for maintenance.

Resolve in favor of Eastern Maine Orphan's Home, for maintenance.

Resolve in favor of the Hayes' Young Women's Home of Lewiston, for assistance in carrying on its work.

Resolve in favor of Trull Hospital Aid Association, for maintenance.

Resolve in favor of the official reporter of the House.

An Act relative to compensation to employees for personal injuries received in the course of their employment and to the prevention of such injuries.

Mr. MANSFIELD of Washington: Mr. President, I ask to offer an amendment under suspension of the rules.

Mr. DUTTON: Mr. President, I dis-

like very much to inconvenience the senator from Washington, but a very liberal amount of time has been allowed for the offering of amendments to this bill, and a rule has been adopted in regard to it, an order passed limiting the time to yesterday afternoon, and inasmuch as a full opportunity has been given anyone who wishes to introduce amendments in this branch, I should be very sorry to have an amendment offered at this time.

Mr. MOREY of Androscoggin: Mr. President, it seems that Senator Mansfield wishes to offer an amendment. The nature of it I know not, but it seems as though he should be allowed to offer his amendment. I know the rule that was made, and knowing the senator as well as I do, I think he certainly ought to have his day in court, and I wish the senators would agree to let the amendment be offered and see what it is.

On motion by Mr. Maxwell of Sagadahoc, a recess was taken for five minutes.

After Recess.

Senate called to order by the Presiding Officer.

The PRESIDING OFFICER: The question before the Senate is the motion of the senator from Washington, Senator Mansfield, that the rules be suspended and that that senator be allowed to present amendments at this time.

The motion was agreed to, and under suspension of the rules, Senator Mansfield presented Senate Amendment to Senate Document 575.

The amendment was read by the Chair.

Mr. STEARNS of Oxford: Mr. President, the purpose of the amendment, seems very evidently to be intended to put cities on the same basis as towns. It was the opinion of the committee on the compensation bill that the towns might be excluded, or might be put upon a different basis, and be allowed to come under the provisions of the bill by a vote of the town practically upon the same basis that the small employers were exempted from the provisions of the act.

There are many small towns through

the State, 520 odd towns in the State, and the most of them of course are comparatively small, and for that purpose the committee felt that it was wise to allow them to come in under the provisions of the bill after having voted so to do. This we did not think would apply to the 20 cities, and while it is true that there are one or two towns in the State that are larger than the very smallest city in the State, yet we felt that on the whole that the provision was wise. The committee still thinks the provision is wise, and it is the hope of the committee that this amendment shall not be adopted, and I trust that the amendment will not be adopted.

The PRESIDING OFFICER: The pending question is on the motion of the senator from Washington that Senate Amendment to Senate Document 575 be adopted.

Mr. STEARNS: Mr. President, if in order, I move the indefinite postponement of this amendment.

The motion was agreed to, and the amendment was indefinitely postponed.

The PRESIDING OFFICER: The senator from Washington, Senator Mansfield, presents the following Senate Amendment to Senate Document 575:

"Amend Senate Document 575 by striking out in Line 9 of Paragraph 2 of Section 1 the words "farm laborers."

Mr. DUTTON of Kennebec: Mr. President, I cannot conceive how this amendment would call for any serious or extended discussion. While I have no doubt that it was offered by the senator from Washington, Senator Mansfield, in good faith, yet it goes to the very vitals of the bill itself and might well be offered by some one disposed to kill the measure rather than to correct some phase of it which needed correction.

I think the whole proposition has been sufficiently discussed, that farm labor is an entirely different class from the labor in these great organized industries where the workman is surrounded with all kinds of modern improvements, which he is unable to understand or appreciate, or to fully

realize the hidden dangers that may be by reason of this machinery about him. It is unnecessary, I say, for any one at this time to go into a full discussion of it, and I move the indefinite postponement of the amendment.

A viva voce vote was taken, and the amendment was indefinitely postponed.

Mr. MANSFIELD of Washington: Mr. President, why should this law be compulsory on cities and not on towns?

The PRESIDING OFFICER: The Chair rules that the senator is out of order.

Mr. MANSFIELD: I must accept it, I suppose.

Mr. DUTTON: Mr. President, I move that this bill have its second reading, as amended.

Mr. COLE of York: Mr. President, it seems to me that it is a little unfair to have any hard and fast rules whereby senators here may not be able to express their views on any pending question. Whatever may be the modus operandi, I would like to see the senator have an opportunity to express his views, and if necessary, I move that the rules be suspended and he have that opportunity.

Mr. WALKER of Somerset: Mr. President, I second that motion.

The motion was agreed to.

Mr. MANSFIELD of Washington: Mr. President, why should this law be compulsory on cities and not on towns? Is a law which is good for Calais and Eastport and the laborers in these cities bad for Bar Harbor and Houlton and the laborers in these towns? If the law is good for one community it is good for all. If bad, it is bad for all. Is there any reason for distinguishing between cities and towns except to relieve the towns of a burden and thereby gain votes for the bill? If this law is good for the man who employs 11 laborers and for the men he employs, why is it not good for the man who employs nine laborers and the men he employs? If it is good for the man who employs 10 laborers in a canning factory or a saw-mill, why is it not good for the man who employs 10 laborers on a farm? If it is a good law for the

laborer who runs a lath machine, why isn't it a good law for the laborer who runs a mowing machine? Is it fair to force an employer to pay the same damages to a laborer injured entirely by his own fault and without any fault on the part of the employer as he would pay when a laborer received an injury wholly because of the employer's fault and without fault on the part of the laborer? Is there no difference to be made between a careful and intelligent laborer and a careless, negligent laborer? Is there no difference between a careful intelligent employer and a careless, negligent employer? Where does the high priced intelligent, careful mechanic get protection under this bill?

Railroad engineers, machinists, and men of that class earning from \$1500 to \$2500 a year, under this bill, if killed outright or entirely disabled, entirely without fault of their own get the same damages as are given to a man earning three dollars a day who is killed or disabled by his own carelessness. The bill is unfair in its discriminations, it is bad for the employer, it is bad for the better class of employes. It is a good bill for the careless man earning small pay. That is the only class benefited by it excepting the men who get their living out of the labor unions and the men who are more anxious to get something to talk about in a political speech than they are to do any real good to the State.

Mr. President, I move that this bill be indefinitely postponed, and I ask for the yeas and nays upon that question.

Mr. DUTTON of Kennebec: Mr. President, while I do not wish in any way to confine the senator to any privileges granted him by the motion, I understood that he was given the privilege of the floor in order to state his reasons, his objections to this bill, and not necessarily to make a motion. I raise the question that the motion is out of order and not within the privilege granted to the senator.

The PRESIDING OFFICER: The Chair rules that the senator's motion is in order, the senator from Washington.

The question before the Senate is the motion of the senator from Washington that we indefinitely postpone Senate Document 575 and amendments thereto, and upon that motion the senator calls for the yeas and nays.

Those in favor of the motion of the senator from Washington will vote yes, and those opposed will vote no.

The secretary called the roll. Those voting yea were: Messrs. Allan, Boynton, Jillson, Mansfield—5. Those voting nay were: Messrs. Allen, Bailey, Burleigh, Chase, Clark, Colby, Conant, Dutton, Emery, Flaherty, Hagerthy, Hersey, Maxwell, Morey, Moulton, Murphy, Patten, Reynolds, Richardson, Smith, Stearns, Walker—23. Absentee: Mr. Hastings.

Five having voted in the affirmative and 23 in the negative, the motion of the senator to indefinitely postpone the bill did not prevail.

On motion by Mr. Dutton of Kennebec, the bill, Senate Document 575, was then given its second reading and was passed to be engrossed.

Passed to Be Enacted.

"An Act to establish a State highway commission and to provide for an issue of State highway bonds."

"An Act to create a public utilities commission, prescribe its powers and duties, and provide for the regulation and control of public utilities."

"An Act to incorporate the Southwest Harbor Water District."

Finally Passed.

"Resolve in favor of the purchase of the Maine State Year Book for the years 1913 and 1914."

"Resolution memorializing the Maine congressional delegation to favor legislation for the destruction of fish of the shark species, especially the dogfish."

Resolve for laying the county taxes for the year 1913.

This resolve carrying an emergency clause, required a two-thirds vote of all the members of the Senate.

A rising vote was taken, and 26 senators voting for the final passage of the resolve, and none being opposed, the resolve was finally passed.

Orders of the Day.

The PRESIDING OFFICER: Under the head of unfinished business, the Chair

lays before the Senate for consideration An Act to establish mileage rates for the conveyance of passengers over the steam railroads within the State, House Document 486.

On motion by Mr. Maxwell of Sagadahoc, the bill was committed to the committee on bills in second reading.

The PRESIDING OFFICER: The next matter for consideration is the report of the committee on judiciary, "ought not to pass" on bill, An Act to amend Chapter 55 of the Private and Special Laws of Maine for the year 1903, as amended by Chapter 12 of the Private and Special Laws for the year 1909, relating to Squirrel Island Village Corporation, Senate Document 142.

Mr. HERSEY of Aroostook: Mr. President, the question before the Senate is the substitution of the bill for the report of the committee. The bill is Senate Document No. 142—it is very short and I will read the Senate document:

"Section 1. That Section 5 of Chapter 55 of the Private and Special Laws of Maine for 1903, as amended by Chapter 12 of the Private and Special Laws of 1909, be and the same is hereby amended by striking out the words 'seventy-five' and inserting the word 'fifty,' so that the section as amended shall read:

"Section 5. The town of Southport shall annually pay over to the treasurer of said corporation out of the taxes collected from the inhabitants and estates on Squirrel Island, a sum equal to fifty per centum of all the town taxes, exclusive of the State and county tax collected from said inhabitants and estates."

I want to call the attention of the senators in a very brief manner to this legislation. Back in 1903, the Squirrel Island Corporation was organized. It is a little island off from the main land, or the town of Southport. It lies about three miles out at sea—about as near to Boothbay as it is to Southport.

This island, not a great many years ago, was a sort of a barren, unsettled tract of land, almost worthless. But there came to Maine the idea that

it was a summer resort, and that idea has grown and developed. And this little island out at sea became clothed with civilization. It developed into a thing of beauty by some of the people of Maine, and residents outside the State of Maine who came there.

Wealthy non-residents, wealthy men and women of Maine, took that little island and dressed it up into beauty. They built there beautiful and expensive cottages and tried to adapt it to a summer home. They came to this Legislature in 1903 and obtained a village corporation. I think at that time, if my memory serves me, that the arrangement made by that act with the town of Southport was that they should have sixty per cent. of the taxes, that is, the village corporation should have sixty per cent. of the taxes assessed upon themselves on the island, and forty per cent. should go to the town of Southport simply for the assessment and collection of the taxes.

That continued from 1903 up to 1909, six years. In 1909, this little village corporation, Squirrel Island, came to this Legislature with a bill asking that there might be rebated to them seventy-five cents on the dollar of the taxes assessed upon them. That bill came before the judiciary committee of which I was a member.

It was very hotly contested. There was a long hearing. The inhabitants of the little island came here and produced evidence to show conclusively to our committee that they should have more than sixty per cent. rebated, for they were taking care of themselves, taking care of their island, not asking anything from Southport whatever, and getting nothing from Southport. On the other hand, Southport had collected the taxes and has expended them as they please by sending the road commissioner or selectman over to the island and saying how the money should be expended, and where.

And this Squirrel Island objected to. Not only that, but they had not expended the money. They kept it in the treasury, and kept them out of their just dues for years, and it was a case

to that committee of injustice toward this village corporation. After a long and patient hearing of both sides that appeared before our committee, we enacted a law, or an amendment to the law allowing the Squirrel Island Corporation 75 cents and allowing them to expend their 75 cents as they pleased, and not giving them any demand at all upon the town of Southport, either for schools or anything else.

Now that was four years ago, and those four years, as we understand it, since that, have been four years of peace and quiet between the town of Southport and the village corporation three miles out at sea. Squirrel Island has been prosperous and growing in wealth, and as it grew in wealth Southport took 25 cents on every dollar of the taxes assessed upon her increased valuation and gave them back nothing but the assessment of their taxes and the collection by the collector, and he had no trouble in making his collections. I have no doubt there would have been no such question come up here if it had not been for this that happened:

Before this Legislature a bill came in from another little island that lies right close to the shore, so close that they have a bridge between the main land and the island, called Capitol Island. Capitol Island was also settled by summer residents largely, and was a part of Southport, and Capitol Island came here to this Legislature asking that they have a rebate of 75 cents for their improvements upon Capitol Island. And they put a bill in here, and when they did that Southport came in to fight the bill, and they filed another bill at the same time before our committee, asking that Squirrel Island from 75 cents be reduced down to 50 cents.

We recognized it after the hearing commenced as a sort of what we call a back fire to bring Capitol Island to time and to punish, if they could, Squirrel Island at the same time. Well, now, we had a double header before our committee. We commenced at 2 o'clock in the afternoon and went into the night. Southport came down here with her selectmen and many of her inhabitants, and Capitol Island came here with her witnesses, and Squirrel Island came here with a very much surprised look

on her face, for up to that time for four years they had been in peace and quietness, and it was really a surprise to them to find that such a thing had been fired into the Legislature, and they came in to look after their rights, and we had that triangular contest.

Well, the evidence before our committee developed this, that there was a most unjust—I might call it that—conduct on the part of Southport towards Capitol Island. They had taken the money that they had promised to give them and expended it themselves—and did not give it to the island at all—but under the directions of their own selectmen.

Now there is a great difference in taste between the summer residents in what they want, and the selectmen of the town of Southport as to what they want. In the building of the streets and the beautifying of the place, their tastes differ and it is all right. But Capitol Island wanted to expend the money themselves instead of having it expended for them by somebody else. And during the proceedings before our committee—it was a hot one—I think one of the selectmen of Southport, in a moment of excitement, I would put it that way, said they would be glad to get rid of Capitol Island altogether, or both islands, cut them off, if they could do it. And some one suggested—it was not the committee—that they might have a village corporation there and have their money to themselves.

And the attorneys on both sides came together and agreed that Southport should consent to Capitol Island having a village corporation, and they put a bill right in before our committee, or a new draft for us to make report out of that committee, giving Capitol Island a village corporation and giving it 60 per cent. rebate of its taxes to spend as it pleased.

Now we heard evidence on both sides. There was not a bit of evidence before our committee that there should be any change whatever in Squirrel Island, for this reason. They all acknowledged that 60 per cent. should be given to Capitol Island, lying right alongside of the main land, almost a

part of Southport itself, connected by bridge, having the benefit of its markets, its stores, its institutions, right there handy, could go from the island to the mainland very easy, back and forth—60 per cent. was about fair. But when you went three miles out at sea, where Squirrel Island had no more to do with Southport as far as carrying on the business of the world was concerned than they have in Augusta, the most of the business that they did was with Boothbay—in other words, the inhabitants of Squirrel Island out there at sea had no more dealings with Southport than the ancient South Americans had with the Jews hundreds of years ago—and yet Southport was getting 25 cents on a dollar for just assessing and collecting taxes. And they have been happy. And we look at it that to reduce that tax down to 60 per cent. would be to awaken the old war and the old feelings between them, make them enemies again. They were contented on both sides. We thought it was best to leave them that way. And 15 cents was the difference in our mind between Capitol Island and Squirrel Island because one was out at sea and the other was not.

But there was something further than that happened. The chairman of the board of selectmen of Southport was there with his attorney, and he had a talk with our committee, and the senator from Kennebec, Senator Dutton, told the other day upon the floor that the agreement was made with the committee that they would accept this arrangement of a new draft for Capitol island of 60 per cent. and let us report "ought not to pass" on Squirrel Island—let the matter remain where it was and not change the law.

And we so reported in this Legislature. And the chairman of the selectmen went home to his people, and I understand from good authority that when he got home they were not satisfied with the way he had conducted the affairs up here at Augusta, and he came back and my friend Senator Boynton presented the matter here to the Legislature on the report of this committee. After the Capitol Island matter had gone through the Legislature and become a law, he presents

this measure, saying his people had requested him to do so, that the bill be substituted for the report of our committee. Senator Boynton said to you the other day that he understood from this selectman that there had been no such agreement with our committee, and I say to you, gentlemen, there are 10 members of the judiciary committee that were there and understood and heard the agreement and will say so. Senator Boynton took the statement of the selectman in the matter. He got his from hearsay. We got ours from the witnesses, and the very man who told him it was not so, sanctioned it before the committee.

And Senator Boynton sends back to our committee the report. We took it into our committee and considered it again. We could not make any different report and send it back to you with our same report "ought not to pass."

Now, senators, four years ago the judiciary committee of this Legislature passed upon this motion. We heard all the evidence on one side and the other, all the witnesses on both sides, and we settled upon 75 per cent. rebate as just between all the parties. We heard all this question discussed again at this Legislature on both sides, all the witnesses, for a day and a half, almost a whole day, an afternoon and evening session, and we decided unanimously that 75 cents is just between them today and should remain.

Now what are you going to do? Does the report of that committee to the Legislature mean anything?—men who spent their hours in a hot committee room and heard the witnesses, are they coming with a report to the Legislature and have it turned down because a senator rises in his place here and says some selectman of the town told him he never consented to that. I don't care whether he believes he consented or not, or whether he did consent or not—it was the opinion of that committee of 10 men, hearing all the evidence, that the matter should remain where it was. We don't care a fig about their agreements. Their agreement simply was in accordance with our own belief in the matter, and I say that having heard the witnesses, and having heard the evidence, you

should say that the report of the committee should stand here as a just thing between the parties. And I say this amendment to set aside the report of the committee and substitute this bill in this Legislature ought not to prevail.

Mr. BOYNTON: Mr. President, that the committee on judiciary have labored long and hard, and faithfully done their duty well, no one will deny. I am sincerely glad that at last we have got consideration on this bill. I have myself discussed it three times without avail, and part of the time it would go back and part of the time ahead. I have got very little to say now more upon the subject.

From Squirrel Island to the main land at Southport is called one mile. It may be three-quarters of a mile, it may be a mile and a quarter, but that is what it is called. Now the genial senator from Aroostook in his able argument, so far as I can understand, has not told this Senate, has not given this Senate any good reason, why this rich island of Southport, this beautiful island as he sees fit to term it, should be singled out from all the other village corporations of this State, so far as I know, all in that immediate vicinity any way, and pay them 75 per cent. rebate while all the others get 60 per cent. Now, yesterday, you granted to another village corporation in York county a rate of 60 per cent. If 75 per cent. is right with one place where conditions are not materially different, why isn't it right in another? I tell you, gentlemen, it comes right here to this question for us to decide, is it right or is it wrong?

Mr. MAXWELL of Sagadahoc: Mr. President, I did not intend to say anything on this question, but I feel in a way that Senator Boynton's position in this matter is correct. I am familiar personally with the conditions that exist down there. I have a personal acquaintance with almost every family on Capitol Island. Many of them are residents of my town. And the same is true of Squirrel Island, many of the residents there are residents of my town and property owners there.

Now the statement by the senator from Aroostook that there is a bridge between Capitol Island and Southport

is new to me. As I say, I have summered there and have been over thousands of times, and I never was able to get on to Capitol Island any other way than by a boat, and I do not think any one else ever has.

As far forth as the people of Capitol Island being near Southport is concerned, that being an advantage to those people rather than to go three miles to Boothbay to do their trading, is all wrong. I doubt if there ever was a persons or Capitol Island that ever bought anything in any other place than Boothbay, and it is just as far from Capitol Island to Boothbay as it is from Squirrel Island to Boothbay. There is no market in Southport. There is a little country store up there, about a mile or a mile and a half from Capitol Island, at the end of the bridge. No one ever thinks of going there to purchase anything. The people of that section of Southport themselves do not.

There is not, that I can see, any earthly reason why Capitol Island should be 60 per cent. and Squirrel Island be 75 per cent. I say, give to one what you give to the other. Then you will not have any friction between the two towns, or between the two settlements. But you will have friction and you will have trouble just so long as you pick Capitol Island out and put it on a 60 per cent. basis, and give Squirrel Island, with the conditions exactly the same, 75 per cent. There is no justice in it. The conditions of the two places are exactly alike. They have got to build roads, and they have got to build sidewalks, and they have got to maintain their water, and they have got to maintain their lights. Every condition that exists in one place exists in the other, and give them the same deal and you will not have any trouble. But you will have trouble when you give the 15 per cent. advantage of the other. I hope that you will make both exactly the same.

Mr. BOYNTON: Mr. President, in order that I may go on record myself before my constituents, I would ask that when the vote is taken it may be taken by the yeas and nays.

Mr. MOREY of Androscoggin: Mr. President, it is a matter that I know personally nothing about whatever, but

from the testimony here that is given in this Senate chamber, today, it seems clear to me that the judiciary committee have been misled in the testimony.

They have stated what was absolutely testified to before them. But when you have senators like Senator Maxwell, who knows all about the situation, and Senator Boynton, stand up here and tell you in regard to these conditions, those that testified in before the judiciary committee could not have been telling it in accordance with the fact, and it seems to me that in view of the absolute testimony from the two members of this body, that we ought to be in favor of substituting the new draft instead of the report of the committee.

The PRESIDING OFFICER: The motion is on the substitution of the new draft for the report of the committee.

(The new draft was read by the Chair.)

The yeas and nays were ordered.

President Milliken in the Chair.

The secretary called the roll. Those voting yea were: Messrs. Allan, Boynton, Flaherty, Hastings, Jillson, Mansfield, Maxwell, Morey, Moulton, Murphy, Packard, Patten, Reynolds, Richardson, Wing—14. Those voting nay were: Messrs. Allen, Bailey, Burreleigh, Chase, Clark, Colby, Cole, Conant, Dutton, Emery, Hagerthy, Hersey, Stearns, Walker—14. Absentees: Messrs. Reynolds, Smith—2.

Fourteen having voted in the affirmative and 14 in the negative, the President's name was called and he voted no. So the motion to substitute the bill for the report did not prevail.

The report of the committee "ought not to pass" was then accepted in concurrence.

Senator Bailey in the Chair.

The PRESIDING OFFICER: The next matter for consideration is the report of the committee on judiciary on bill, An Act to regulate the practice of the system, method or science of healing known as osteopathy, creating a board of examiners and registration for those desiring to practise the same and providing for violation

of this act. Minority report "ought not to pass," and majority report in a new draft under the same title and that it "ought to pass."

Mr. STEARNS of Oxford: Mr. President, I yield the floor to the senator from Hancock, Senator Patten.

Mr. PATTEN of Hancock: Mr. President, fellow senators: Very briefly I want to present to you a few reasons why I believe that the minority report "ought not to pass" should be substituted for the majority report.

The system of healing that is known as osteopathy is either a part of the practice of medicine or it is not. One of the two must prevail. If it is not a part of the system of medicine, this Legislature has no concern with it. If it is a part of the practice of medicine, and it is by their own acknowledgment, as we find in the claims by their text-books and their colleges, then I contend to you, fellow senators, that this State in its regulation of the practice of medicine should maintain but one standard.

If a practitioner of the healing art, coming from whatever school he may, whether he is an homeopath, an osteopath, or a regular physician, is called upon to treat person suffering from illness, they are each and all confronted by exactly the same conditions. They must first ascertain the trouble with the body that is ill. In order to do that they must possess, each and all of them, a fundamental knowledge of medicine. First they must know this body of ours. They must know the anatomy thereof, and there are only two ways that any physician from any school can learn the anatomy of the human body. One is by the text-book and the other is at the dissecting table. The dissecting tables are alike in all the schools and all the systems of medicine.

There is but one class of text-books on anatomy. It is the text-book that is used by all the schools, written by the members of the regular profession of medicine. No osteopath yet has ever written a single book on anatomy in any way, shape or manner. So from that school, the followers of that

method of healing can obtain no knowledge of anatomy.

Again, the practitioner must have a knowledge of physiology and chemistry in order to determine the trouble with the body that is ill. To do that he gets his information from two sources, from the text-books and from the laboratories. If he gets it from the text-books, he gets it from the text-books that are written by the school of medicine which I represent, and no other, because there is no osteopath yet ever been born of woman that has ever written a book on physiology or on chemistry.

The same thing will apply to hygiene. The same thing will apply to pathology. It is necessary for all who heal, or attempt to heal sick bodies, to have some knowledge of pathology. We must know wherein the body departs from its normal condition. To do that, you can get that information only from the text-books and at the bedside and in the dissecting rooms. If you get it from the text-books, you get it from the text-books of the regular school, and all the knowledge that the osteopaths get today on any of these branches that I have mentioned, they get from the text-books of the regular school of medicine.

Now then, wherein, if they possess scientific knowledge, do they differ from the knowledge that I am supposed to possess? In this only. When it comes to the treatment of this body that we find ill, they have a peculiar system of treatment differing from mine, perhaps, differing from my brother who is a homeopathist, differing from my brother who practices the eclectic system. That is all the point wherein their medical education, if they get any, differs from mine. Therefore, I say to you, why should any system of medicine demand of this State a separate board of examination?

Some twenty years ago, eighteen to be exact, the Legislature of Maine ordered, after repeated attempts, passed a medical registration bill and created a board of medical examiners. At that time the system of osteopathy

was unknown in our State. At that time there was not a college of osteopathy in the world. Very few practitioners of that school were to be found in the world. And of course that board of registration and that law could take no recognition of this school, which did not then exist. So we are confronted today by this condition. We have a board of examination working under a registration law that does not admit to examination the followers of this school of osteopathy.

Now my contention, senators is simply this: that where all of our science of medicine comes from one source, with the possible exception of the treatment of the disease, that when this sect of medicine becomes of sufficient importance—if it has arrived at that period now, let us do it now, though at this time of the session it is late for that to come about—this board of registration and the law which governs it should be re-written, and upon that board should be representatives of all the various schools of medicine that practice in the state of Maine, before which board all practitioners should come and pass the regular examination up to the point wherein he differs from his fellow practitioner, the same as it is done in our board today. The homeopathist takes exactly the same examination that I do in every other branch of medicine but materia medica. He passes the examination in materia medica as is recognized by his school, and his paper, his examination upon that branch is passed upon by the representative of that school on the board.

Now I claim that this state cannot in justice, and should not in justice, establish two systems of medical examination. The school of osteopathy today numbers in the state of Maine somewhere about thirty. There is nothing in the laws that prevent them from practicing. There is nothing that forbids them from practicing in any way that they see fit.

And I suggest to you that either at this Legislature—perhaps it is too late at this time, but at the coming Legislature, that our whole registration system of medicine be revised and brought

up to date, and that these men take their place with us, if they are scientific men and can pass scientific examinations, as they claim they can, there is no reason why they cannot take the examination that I and the 1200 physicians that are with me in this State take, and become one with us.

I trust that the minority report in this case will be adopted in place of the majority report.

Mr. HERSEY of Aroostook: Mr. President, some members of this Legislature sitting now in the Senate were in the House with me two years ago, and will remember that this question in another form was discussed there, and that then I stood where I stand today, for the protection, for the rights of the physicians of the regular school of medicine.

Before my committee two years ago, came the osteopathy bill. They asked the privilege of a board of registration. They claimed that there were in this State 18 practicing their profession. They asked the privilege of giving medicine internally. They asked the privilege of practicing minor surgery. They had a great many things in their bill which ought to have been and were distasteful to the regular physicians of the old school. I stood against these things. I said to the legislature and said it emphatically that it was wronging the physicians of the old school to attempt in any way to place the osteopaths within their privileges and rights, and I was against it.

Two years have passed, and the evidence before our committee this session is that there are in this State some thirty odd practitioners of osteopathy, and a great many from other States, because there are five or six thousand practicing in other States and coming into this State in competition with those here in Maine, and they feel the need of protection among themselves, and protection from each other, if you might put it that way.

Now they present a totally different bill, or a totally different bill comes from our committee. The osteopaths ask for a board of examiners to examine themselves, a board of examiners of their own school, a board to

examine them under their own colleges, according to their school of medicine, as you might call it. And they do not ask the privilege of giving medicine ask to be called M. D's. They do not ask to have that on their names as they did two years ago; they do not internally as they did two years ago; they do not ask the privilege of doing any surgery as they did two years ago. They ask simply the privilege of showing that they have been educated, and I cannot see how that interferes with the regular profession today, any more than trained nurses interfere with the profession today.

I say to Senator Patten who stands for the profession with a good deal of pride, and I admire him for it. I would stand for his profession just as well as he does for there are a great many in his profession and he is as jealous of it as I am of the law, and I do not blame him. I say that the osteopaths can never touch the profession of medicine of the old school, and they do not want to. Today they stand before the Legislature by this bill as a separate and distinct organization, just as distinct as veterinary surgeons are distinct from that profession.

There is no reason why, not costing the State a cent, why they should not protect themselves from those who attempt to foist their school upon the inhabitants of this State. It is not only for their protection, but it is for the protection of this State, those who believe in this school of osteopathy, and who believe in treatment from osteopaths. They have a right to have a man of that school who knows his business. There are quacks in that school as in others. I think they should have that right. It cannot hurt a doctor of the old school. I say you should give them that right of protection and you give them simple justice, which I stand for seven days out of the week.

Mr. COLE of York: Mr. President, I do not stand here in favor of the osteopaths. I know nothing about osteopathy whatever. I have no faith in that creed, but I believe if there are any people who are practising anything in medical lines in the State of Maine, if there is no law that restricts them, there should be some law to control them.

In almost every other profession there is law for regulation, and I believe the people of the State of Maine are entitled to some law which shall regulate those who profess to do certain things.

I do not believe it would be wise, as the senator from Hancock says, to elevate that school at the present time to a position upon the board of registration of the State of Maine. I would vote against that just as I would vote against giving a notary public who writes deeds and makes a few wills, the same privilege with the attorney at law who has spent years in preparation and passed his examination. I do not believe it is right or proper but dentists are registered and pharmacists are registered. If we want our eyes examined today in the State of Maine, we must go to someone who is registered.

The State has taken upon itself the regulation of the various professions that deal with human ills and has retired a class of people who are turned loose upon the public. I know not whether they are good or bad, but I do believe that as long as there is no law restricting them from holding themselves out to the public, the public should be protected against those who are absolutely useless and worthless. I do not believe that there is any right in this Legislature to sit by and see a class of people within the State of Maine hold themselves out to do certain things unless there is some regulation for them, and if there is any good in osteopathy, and if there are any good osteopaths, I do not know whether there are or not for I have never had any experience with them, if there is any good in osteopathy and if there are any good osteopaths, then these men should be recognized, and if there are people in the State of Maine who see fit to employ them for certain things, and there is no law on the statute books against the employment of these people, then the people who employ them should know that they are employing men who are what they hold themselves out to be.

I do not believe that the medical profession in Maine are in a position where they are willing to take these men upon the boards and dignify that school as the allopathic and the homeopathic schools are dignified today. And I do

not believe that in two years from now that thing will happen.

I do believe there is in that profession perhaps certain good qualities in the practices which they have that may be well for anyone, but I believe there are quacks from whom the public should be protected and if there are honest men and women following that profession just as there are honest men and women following the profession of trained nurses, that the public has a right to know who is honest and who is dishonest. I do not believe that every person who holds himself out as an osteopathic physician is a fraud. I believe there are honest people practising that science of healing, if you are pleased to so call it.

I am not speaking for that class of people, but for the great body of the State of Maine who have a right to know why they are employing. If there is no law against employing these people, then any person can hold himself out and practise those methods and defraud the public.

They may effect cures, or the people may think that they have effected cures, it makes no difference as long as both sides are satisfied.

There should be some law to separate the good from the bad, and if they are not good they should be excluded.

I have as high an opinion of the medical profession as I have of my own profession, and I would not stand here and ask to detract from that profession. Neither do I wish to be understood as comparing these osteopaths with the two great professions. I believe the people of the State of Maine should know whom they employ when they have a choice in the matter and can exercise that choice.

Gentlemen, if we are not going to regulate these people, let us exclude them. If we are not going to exclude them, let us regulate them. I believe it is right to those who hold themselves out to do certain things and that it is only fair to the people of Maine to whom we allow these people who hold themselves out to do certain things.

Mr. DUTTON of Kennebec: Mr. President, I do not care to discuss this question at this time or even give my reason for signing the majority report.

Many of the reasons have already been covered by my colleague on that committee, and also by the senator from York, Senator Cole.

I rise for the purpose of moving the acceptance of the majority report.

The PRESIDING OFFICER: The Chair will state that the motion of the senator from Hancock to substitute the majority for the minority report is in order.

Mr. MOULTON of Cumberland: Mr. President, the weakest point in the American system of medical education, still remains the low requirements of preliminary education and speaking generally, no requirement is so poorly enforced by our examining boards, chiefly because of the difficulty of giving fair value to the credentials from our endless variety of secondary schools. Investigation reveals that the "equivalent" of a four-year high school education in several states may mean almost anything from the fair equivalent down to a 20-week course in a night school or less.

Five years ago 14 states were allowing non-graduates to take examinations and secure licenses to practice medicine. Now all states require that candidates must be graduates of medical schools except three, these are Massachusetts, Mississippi and Tennessee.

The number of states having more than one board of medical examiners has been gradually reduced until now only ten remain.

Every new school of medicine which tries to secure the right to practice medicine, invariably holds standards of preliminary and medical education lower than those already in the field. That is the chief argument against them. So the new sect, osteopathy, which under the pretext that its followers were "not practicing medicine," has secured favorable legislation in a considerable number of states upholds practically no standards for admission and gives at most only a three-year course in medicine.

One thing that should be clearly borne in mind in all discussions of medical sects, namely: Regardless of the methods or limitations of treatment employed, practitioners are alike in that they must make diagnoses—must differentiate

between health and disease. To treat a disease without knowing what it is, is merely guess work, is unscientific, is a dangerous procedure and is an imposition on the patient. For these reasons there should be one standard set for all practitioners of medicine regardless of the methods of treatment, and this standard should be sufficiently high to guarantee that the practitioner is able to properly diagnose diseases. If he can comply with that standard he should be granted a license and allowed to practice by whatever method he chooses. If he cannot comply with that standard he is a menace to the lives of any who would be unfortunate enough to be his patients, and for that reason should not be allowed to practice.

Closely allied to the regulation of the practice of medicine is the problem of the regulation of the various sects and fads which are constantly arising. The most conspicuous one just at present is the so-called "School of Osteopathy," the peculiar teachings of which are too well known to require discussion. With the scientific fallacies of this cult we are not at present concerned, but simply with the present legal status of the followers of this school in the various states.

Examination of the existing laws shows an interestingly contradictory and peculiarly characteristic condition. In some states, the practice of osteopathy has been legally decided to be the practice of medicine, while in other states it has been decided by equally weighty and learned authorities that it is not the practice of medicine. Naturally, in most of those states in which a separate board of osteopathic examiners has been created, the courts have held that osteopathy was something separate and distinct from the practice of medicine, while in those states in which osteopaths have been added to the existing boards, the courts have held that osteopathy was simply one form of the practice of medicine.

The absurdity and utter inconsistency of such a situation is apparent, the entire fallacy from a scientific standpoint, lying in the confusion by courts, lawyers and legislators of therapeutic measures and systems of practice with so-called "schools of medicine," as well as the

equally common absurdity of restricting one's conception of the meaning of the term "practice of medicine"—which has been adopted as a convenient phrase to describe the work of those who care for the sick—as being limited to the administration or use of drugs. This fallacy arises from the fact, that, in the popular mind, the most obvious means used for treating diseases has gradually come to stand for not only the entire system of treatment but also for the entire mass of scientific knowledge.

From a legal point of view, the absurdity of sectarian legislation lies in the establishment of two standards of requirements for the same privilege. The state, in the exercise of its police power to regulate or restrict occupations, professions and trades, requires that each individual desiring to engage in the work of treating the sick, must present certain qualifications and must satisfactorily pass an examination test of a certain standard. Such a standard of qualification having been established, it is plainly inequitable for the State to adopt a law admitting individuals to the same privileges on a lower basis of qualification, since such favoritism constitutes class legislation and is clearly unconstitutional. In other words, there is no more legal justification for two standards for the practice of medicine in any state than there is for two standards for the practice of law, nor has a state any more right to recognize sectarianism in medicine than it has to recognize sectarianism in the legal profession, or in religious matters. We can easily conceive of the reception which would be afforded an individual who would present a bill in any of our state legislatures asking that a certain sect or class of men, unlearned in the law and unrecognized in legal circles, be authorized to practice law, to appear before the courts and to exercise the rights and privileges of attorneys with one-half or two-thirds of the intellectual and technical training required by the bar association of the state. Such a bill would be laughed out of the legislature, even if any member had the temerity to present it. Yet this is exactly the situation which sectarian medical laws create, so far as state recognition of medicine is concerned.

The reason why state legislatures have committed absurdities along medical lines which they would not tolerate for a moment on legal subjects, is that the majority of the members of the legislature are informed on legal questions and consequently can legislate intelligently, while on medical subjects they are entirely uninformed and are consequently more easily influenced by their prejudices and personal relations.

Whatever legislation we enact, let us enact such laws as will tend to elevate the standard of medical legislation rather than down it.

I second the motion of Senator Patten to adopt the minority report.

MR. PATTEN: I do not wish to take up any more time of the Senate, but I do not feel as though I could allow this opportunity to pass without returning my thanks for the interest and admiration expressed for the medical profession by the senators from Aroostook and York, and I would just call their attention to this fact that while they may display learning and knowledge here in the law, that the medical profession probably has a better idea of their own requirements and wants than a lawyer can have, no matter how skillful he may be in his profession.

This law that I have advocated to you is not a new law, as you would gather from the senator from York, but it is already inaugurated in the state of Massachusetts and is working to the satisfaction of all, I am told.

MR. HERSEY: Mr. President, I just wish to say this: I think that the senator from Hancock, Dr. Patten, and the senator from Cumberland, Dr. Moulton, are a little mite too much alarmed about their profession getting harmed if the osteopaths, who do not claim to be physicians of their school, who do not administer medicine internally, who do not do surgery, are going to affect their profession. I feel they are unnecessarily alarmed, Mr. President, and in their alarm are asking impossibilities of the osteopaths.

Now an osteopath may be just as learned as he possibly can be in his own school and yet he cannot take that examination. It would be an im-

possibility to do it unless he learns your school of medicine.

Now because, Mr. President, the governor appoints trial justices who hear and decide cases, it does not affect the practice of law. No lawyer is belittled because some trial justice, who is not a lawyer, hears and decides cases, or because a layman draws a deed. They cannot pass the examination, are not expected to, and yet many of them are trial justices and some are judges of municipal courts who could not pass a bar examination.

Now here are certain persons who claim some efficacy of treatment whereby they massage the human body, and who discard medicines internally. They believe in other things which are along the line of the trained nurse. I don't know much about their system of medicine and I don't care to know much about it. If I was sick here, I would call on Dr. Patten or Dr. Moulton first of all.

MR. PATTEN: Thank you. (Laughter.)

MR. HERSEY: Certainly would. But what I am looking at, Mr. President, is why should our state of Maine be overrun with persons who claim a certain art of healing, of a certain school, who themselves claim that the doctors of the old school can't do so good work as they can—they don't want to be one of the doctors of the old schools of medicine; they do want to practice the healing art as they claim it in their school. Why shouldn't they be protected from those who don't know anything about their school? Here in this bill they must pass certain examination in certain things.

They must have a diploma from regular colleges of their school. By this bill you exclude the quack in their school. I presume there are different orders of quacks. This keeps out those who are not learned, who have not gone to the expense and the trouble of educating themselves, and protects them from the quack, and protects the public who wish to employ an osteopath.

Now I do not see how the medical profession can be touched by the osteopath, and certainly the osteopath has some rights on this planet of ours of practicing his profession and being pro-

tected in it. Now it seems to me that the genial senator from Hancock, Dr. Patten, ought to let go the osteopath, and Dr. Moulton ought to second him, and say I do not recognize his school of medicine and I do not want anything to do with it, but let him go off by himself and organize and he cannot hurt the practice of these men of the old school.

Mr. MOULTON: Mr. President and brother senators: Twenty states have already decided that osteopathy is the legal practice of medicine. Now so far forth as this bill would prohibit osteopaths giving medicine, neither the senator from Aroostook, nor any senator in this body believes but that they would give medicine just the same as they give it now. They have a right to give it, except poisons.

Mr. HERSEY: I would like to ask a question of Dr. Moulton, through the Chair.

The new draft does not allow them to use medicine internally, or to use surgery.

Mr. MOULTON: I will just put the question to the senator from Aroostook, through the Chair, does he suppose this bill will prevent them from using medicine?

Mr. HERSEY: It says they shall not.

Mr. MOULTON: Well, that is all right, but I don't have any idea it will prevent them, because they have used medicine ever since they began the practice in our state and I don't believe that this bill will prevent them, nor prevent them from doing minor surgery, which they do.

Mr. HERSEY: I cannot assume that they will break the law.

Mr. MOULTON: This is just simply an entering wedge, and in two years they will be here amending their law, allowing them to give drugs and to do surgery. It is the practice of medicine and should be regulated to that extent.

Mr. RICHARDSON of Penobscot: Mr. President, it seems to me that if the osteopaths are liable to be asking for the right to give drugs and practice surgery, they would then be regular physicians, practically so, and as I understand the senator from Hancock, he has no objection to osteopaths having a representative on the medical board of

the state. To me that is a ray of light. As I understand it further, homeopaths have no right on that board. I understand he would not object to their having a representative. And while he does not object to that, I understood him to say that the time was too short to prepare such a bill as would admit them. It does seem to me that there is ample time for that, and on the broad spirit of getting together I would suggest that the matter rest and that the doctor prepare such a bill, which I understand him to say he would not object to.

Mr. PATTEN: Mr. President, I fear that the senator from Penobscot misunderstood me slightly. I said this, that when the cult of osteopathy had become of sufficient importance in the state in the scientific standpoint that they should be examined in the practice of medicine,—the time hadn't come,—then our old registration bill should be re-written and they have a representation on the board. I am not the judge whether they are there today or not. I do not represent here the twelve hundred physicians in the State of Maine; I simply represent myself and the few that I may have talked with.

Mr. WALKER: Mr. President, it is very evident that the senator from Hancock, Dr. Patten, don't purpose to have the registration board say that the osteopaths can practice medicine during the next two years, as he has been given an opportunity to draw that bill. Therefore, in order that the osteopaths may be protected during these two years, and the public be protected, really I can see no reason why the report of the majority of this committee should not be accepted. They do not ask recognition. They ask protection from one another, and the public surely has the right to that protection.

Mr. PATTEN: Mr. President, I move the previous question. I don't think we gain anything from this discussion.

Mr. COLBY: I move that the vote be taken by yeas and nays.

The PRESIDING OFFICER: The majority report of the committee was "ought to pass in new draft." The minority report was "ought not to pass." Those in favor of accepting the minor-

ity report, "ought not to pass" on this bill in the new draft, will vote "yes," and those in favor of accepting the new draft, or in favor of the majority report, will vote "no."

Mr. COLE: I am glad to state that I am paired with Senator Boynton in this matter. Senator Boynton will vote "yes,"—I will vote with the people and Senator Boynton will vote otherwise.

The secretary called the roll. Those voting "yea" were: Messrs. Allan, Chase, Clark, Conant, Emery, Flaherty, Hagerthy, Hastings, Mansfield, Morey, Moulton, Murphy, Packard, Patten, Stearns—15. Those voting "nay" were: Messrs. Allen, Bailey, Burleigh, Colby, Dutton, Hersey, Jillson, Reynolds, Richardson, Smith, Walker, Wing—12. Absentee: Mr. Maxwell.

Fifteen having voted in the affirmative, and twelve having voted in the negative, the motion of the senator from Hancock prevailed and the minority report was substituted for the majority report.

The PRESIDING OFFICER: The next matter on the calendar is an Act relating to the entry of nolle prosequi in criminal cases, Senate Document 310.

On motion by Mr. Morey of Androscoggin, this bill was given its second reading and was passed to be engrossed.

The PRESIDING OFFICER: The next matter is House Document 159. An Act relating to municipal elections in the town of Eden.

Mr. PATTEN of Hancock: Mr. President, the bill as originally presented to the committee, contained a very great many imperfections, as you heard it read by the committee on bills in the second reading. I present to you now a new draft which I understand was presented to the committee at the hearing and by some means became lost and the old draft was reported by the committee through a mistake.

I move the substitution of this new draft for the old bill, pending second reading.

The motion was agreed to.

On further motion by the same senator, the bill was given its second reading and was passed to be engrossed.

The PRESIDING OFFICER: The next assignment for today is House Document 546, An Act to amend chapter 119 of the Public Laws of 1911 regulating the sale of agricultural seeds, commercial feeding stuffs, drugs, foods, fungicides and insecticides by amending section 9 thereof and by adding two new sections thereto.

Mr. FLAHERTY of Cumberland: Mr. President, I wish to offer an amendment to this bill. This amendment only conforms to the law of the general government. I move that the vote be reconsidered whereby this bill was passed to be engrossed.

The motion was agreed to, and on further motion by the same senator, Senate Amendment A to House Document 546, was adopted, and the bill, as amended, was passed to be engrossed.

On motion by Mr. Morey of Androscoggin, Senate Document 477, An Act to amend the primary election law, was taken from the table.

On further motion by the same senator, the bill was passed to be engrossed.

On motion by Mr. Walker of Somerset, Senate Document 642, Resolve in favor of Lee Normal Academy, was taken from the table.

On further motion by the same senator, Senate Amendment A was adopted.

The bill was then given its first reading, and its second reading was assigned for tomorrow morning.

On motion by Mr. Morey of Androscoggin, Senate Document 585, An Act to incorporate the York County Power Company, was taken from the table.

On further motion by the same senator, the bill was given its second reading, and was passed to be engrossed.

On motion by Mr. Allen of Kenne-

bec, Senate Document 544, An Act to amend sections 2, 3, 4, 5, 6 and 9 of chapter 17 of the Public Laws of 1903, regulating the practices of veterinary surgery, medicine and dentistry, was taken from the table.

The same senator then offered Senate Amendments A and B to Senate Document 544, and moved their adoption.

Senate Amendment A to Senate Document 544:

"Amend section 3 by inserting after the word 'person' in the first line of said section the words 'not previously registered.'"

The amendment was adopted.

Senate Amendment B to Senate Document 544:

"Amend section 5 by striking out the word 'in' in the seventh line of section 5 and inserting in lieu thereof the word 'for.'"

The amendment was adopted.

On further motion by the same senator, the bill was committed to the bills on second reading.

On motion by Mr. Stearns of Oxford, Senate Document 503, An Act to incorporate the Bowdoinham Water and Electric Company was taken from the table.

Mr. STEARNS: I now offer Senate Amendment A to this bill, Senate Document 503, and desire to explain that this amendment, while it strikes out all after the enacting clause, and substitutes a bill as expressed in the amendment, this is understood and agreed to by all parties in interest, and I think there is no objection to the amendment. I move the adoption of the amendment.

The motion was agreed to and the amendment was adopted.

On further motion by the same senator, the bill, as amended, was then passed to be engrossed.

On motion by Mr. Murphy of Cumberland, House Document 539, An Act to amend Chapter 118 of the Private and Special Laws of 1911, relating to the park commission of the city of Portland, was taken from the table.

On further motion by the same senator, the bill was given its first reading.

On motion by Mr. Wing of Franklin, House Document 512, An Act to amend Sections 14 and 15 of Chapter 393 of the Private and Special Laws of 1909, relating to the Millinocket municipal court, was taken from the table.

Mr. WING: Mr. President, I offer Senate Amendment A to House Document 512, and now move that the vote whereby this bill was passed to be engrossed, be reconsidered.

The motion was agreed to.

Senate Amendment A was then adopted and the bill, as amended, was then passed to be engrossed.

On motion by the same senator, Senate Document 458, An Act to repeal Chapter 179 of the Public Laws of 1911, providing for the exemption of mortgages on real estate from taxation, was taken from the table.

On further motion by the same senator, the bill was passed to be engrossed.

Mr. STEARNS of Oxford: Mr. President, I desire to offer at this time an order, out of order, in relation to the calendar, and move its passage.

The motion was agreed to and that senator presented the following order:

Ordered, that all matters now lying upon the table and unassigned be taken from the table Friday, March 27th, unless sooner disposed of.

Mr. STEARNS: Mr. President, I would say that we have a very long calendar on the unassigned list, and it would seem to be in the interest of dispatching the business of the Senate to get these matters off the table, and of course the order is offered simply for that purpose.

The order was given a passage.

On motion by Mr. Burleigh of Aroostook, House Document 527, Resolve in favor of screening Squaw Pond Lake, so called, in Aroostook county, was taken from the table.

On further motion by the same senator, the resolve was tabled and assigned for tomorrow morning.

On motion by Mr. Colby of Somerset, Adjourned until tomorrow morning at nine o'clock.