

# MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Seventy-Fifth Legislature

OF THE

STATE OF MAINE

1911

Mr. DONIGAN—By agreement with those who signed the majority and minority reports, I move that the bill be re-committed to the committee on Ways and Bridges—that both reports be re-committed.

The motion was agreed to.

On motion by Mr. Noyes of Kennebec, House Document No. 122, An Act relating to the termination of contracts for the sale or transfer of real estate, was taken from the table, and upon further motion by the same Senator, it was referred to the committee on Legal Affairs in concurrence.

On motion by Mr. Kellogg of Penobscot, House Document No. 171, An Act relative to clerk hire in the office of the Register of Deeds in Kennebec county, was taken from the table, and upon further motion by the same senator, the bill was given its second reading and passed to be engrossed.

Mr. BOYNTON of Lincoln—Mr. President, I ask the consent of the Senate to make a statement to the chairmen of the several committees in regard to bills carrying an appropriation. I call their attention to the general order passed some days ago that all such bills should be reported to the committee on financial affairs. No reports have yet come to that committee from the committees, but several reports have come back from the engrossing office to that committee. I wish to call the attention of the Senate to that fact, so that the chairmen may direct the reports to the committee on appropriations and financial affairs.

On motion by Mr. Irving of Aroostook,

Adjourned.

### HOUSE.

Thursday, February 23, 1911.

Prayer by Rev. Mr. Slocum of Augusta.

Journal of yesterday read and approved.

Papers from the Senate disposed of in concurrence.

Report of the Aroostook county delegation on bill, An Act to change the northern district of Aroostook

registry of deeds from Madawaska to Fort Kent, came from the Senate. (Tabled for printing pending acceptance on motion of Mr. Cyr of Fort Kent.)

Report of the Aroostook county delegation on Bill, An Act to empower the county commissioners of Aroostook county to build an office for the registry of deeds in Aroostook county, came from the Senate. (Tabled for printing pending acceptance on motion of Mr. Cyr of Fort Kent.)

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

#### Judiciary.

By Mr. Fenderson of Limerick—An Act to amend Section 43 of Chapter 106 of the Revised Statutes, relating to real actions.

By Mr. Davies of Yarmouth—An Act to amend Section 37 of Chapter 65 of the Revised Statutes, relating to the compensation of executors, administrators, guardians and trustees.

#### Legal Affairs.

By Mr. Wilson of Auburn—An Act to amend Chapter 112 of the Public Laws of 1907, as amended by Chapter 69 of the Public Laws of 1909, entitled "An Act to provide for State aid and for the expenditure of other public moneys in the permanent improvement of Maine highways or State roads."

By Mr. Pattangall of Waterville—Petition of H. W. Mitchell of Waterville, for amendment of law relating to registration of dentists.

By Mr. Benn of Smyrna—Petition of W. E. Groff of Mars Hill, for same.

By Mr. Stetson of Lewiston—Petition of H. R. Brown of Lewiston for same.

By Mr. Cronin of Lewiston—Petition of L. R. Lafond of Lewiston, for same.

By Mr. Gamache of Waterville—Petition of L. A. d'Argy of Waterville, for same.

#### Education.

By Mr. Mower of Vassalboro—Petition of George E. Sparrow and nine others of Pittston for change in dis-

tribution of mill tax for schools.

By Mr. Poland of Solon—Petition of W. O. Paul and 15 others of East Madison, for same.

Also, Petition of George H. Fletcher and eight others of Madison, for same.

By Mr. Dow of Plymouth—Petition of M. J. Dow and 51 others of Plymouth, for same.

By Mr. Thompson of Skowhegan—Petition of S. F. Emerson and 16 others of Skowhegan, for same.

By Mr. Powers of Caribou—Petition of George V. Brown and 23 others of Caribou, for same.

By Mr. Allen of Jonesboro—Petition of Benjamin H. Varney and 69 others of Jonesboro, for same.

By Mr. Manter of Parkman—Petition of F. D. Thompson and 11 others of East Sangerville, for same.

Also, Petition of E. E. Bennett and 23 others of Sangerville, for same.

By Mr. Morse of Belfast—Petition of W. A. Munroe and 17 others of Belfast, for same.

By Mr. Patten of Hermon—Petition of Ezra Keene and 32 others of Hermon, for same.

Also, Petition of C. L. Tibbetts and six others of Levant, for same.

By Mr. Quimby of Turner—Petition of C. C. Pierce and nine others of Turner, for same.

By Mr. Gross of Orland—Petition of Fred S. Thompson and 10 others of East Orland, for same.

Also, petition of Ira J. Cousins and 37 others of North Brooksville, for same.

By Mr. Snow of Bucksport—Petition of Roy F. Leach and 27 others of Penobscot, for same.

Also, petition of J. L. Gordon and 18 others of Bucksport, for same.

Also, petition of J. M. Hutchins and seven others of Penobscot, for same.

By Mr. Littlefield of Bluehill—Petition of B. E. Sylvester and 12 others of South Bluehill, for same.

By Mr. Perkins of Mechanic Falls—Petition of W. E. Leland and 11 others of West Minot, for same.

By Mr. Robinson of Lagrange—Petition of A. W. Bradbury and 14 others of Lowell, for same.

By Mr. Kingsbury of Bradford—Pe-

tion of E. E. Haskell and 16 others of Kenduskeag, for same.

Also, petition of F. F. Bickmore and 53 others of Charleston, for same.

By Mr. Davis of Guilford—Petition of E. H. Bearce and nine others of Foxcroft, for same.

By Mr. Hersey of Houlton—Petition of Willard Weston and 21 others of Houlton, for same.

By Mr. Packard of Rockport—Petition of R. Simmons and 19 others of West Rockport, for same.

By Mr. Buzzell of Fryeburg—Petition of Albert G. Stearns and 23 others of Hiram, for same.

By Mr. McAllister of Burnham—Petition of E. F. Banton and 13 others of Freedom, for same.

By Mr. Trimble of Calais—Petition of John R. Achcson and 16 others of Calais, for same.

By Mr. Porter of Mapleton—Petition of S. S. Dudley and 20 others of Mapleton, for same.

By Mr. Hedman of New Sweden—Petition of A. H. Nelson and 15 others of New Sweden, for same.

By Mr. Davies of Yarmouth—Petition of Perley C. Dresser and 27 others of Stroudwater, for same.

#### Military Affairs.

By Mr. Heffron of Eastport—An Act to amend Section 62 of the Military Laws.

#### Interior Waters

By Mr. Miller of Hartland—An Act to prevent collisions on inland waters.

#### Shore Fisheries.

By Mr. Harmon of Stonington—Remonstrance of E. S. Hatch and 29 others of Stonington, against a license law for lobster fishermen.

Also, remonstrance of C. E. Mills and 34 others, against any change in the general lobster law.

#### Reports of Committees.

Mr. Wilson from the committee on legal affairs reported "ought not to pass" on Bill, An Act to provide a penalty for coercing or influencing or making demands upon, or requirements of, employes, servants, laborers, and persons seeking employment.

Mr. Shea from the committee on appropriations and financial affairs re-

ported same on resolve in favor of Unity Plantation.

Mr. Dunn from the committee on legal affairs, on Bill, An Act additional to Chapter 47 of the Revised Statutes of the State of Maine, relating to the taxation of bank stock, reported that the same be referred to the committee on taxation.

Mr. Strickland from the committee on appropriations and financial affairs, on resolve in favor of the erection of a suitable monument to Commodore Samuel Tucker, reported that same be referred to the Lincoln county delegation.

The reports were accepted.

Mr. Peters from the committee on legal affairs reported "ought to pass" on Bill, An Act to extend the rights of the Hancock-Sullivan Bridge Company.

Mr. Peters from the committee on legal affairs reported same on Bill, An Act to amend Section 6 of Chapter 345 of the Special Laws of 1909 relating to board of trustees for bridge in Franklin.

Mr. Scates from same committee reported same on Bill, An Act to incorporate the Monmouth Electric Company.

Mr. Libby from the committee on agriculture reported same on resolve in favor of Central Maine Fair Company and repealing resolve in favor of Central Maine Fair Association.

Same gentleman from same committee reported same on Bill, An Act to amend Section 2 of Chapter 38 of the Public Laws of 1905.

Mr. Plummer from the committee on Indian affairs, on estimates of expenditures and incomes of the Passamaquoddy Tribe of Indians, for the calendar years 1911 and 1912, reported that the same is covered by an accompanying resolve which ought to pass.

Mr. Dunn from the committee on legal affairs, on Bill An Act to authorize the Bangor Railway and Electric Company to take water from Brewer pond and its tributaries, reported that the same ought to pass, in a new draft accompanying.

Mr. Plummer from the committee on

Indian affairs, on Resolve in favor of the Penobscot Tribe of Indians, reported same in a new draft, under the title of "a Resolve in favor of the Penobscot Tribe of Indians, and that it ought to pass."

The Aroostook county delegation, on Bill, An Act to remove the office of the register of deeds for the Northern Aroostook registry district from Madawaska to Fort Kent, reported same in new draft under title of "An Act to remove the Northern District registry of deeds from Madawaska to Fort Kent, in the county of Aroostook, and to authorize and empower the county commissioners of Aroostook county to erect and construct a building for said registry of deeds at Fort Kent, and that it ought to pass. (Signed) Dana L. Theriault, Ireneé Cyr, B. S. Dufour.

Same delegation, on Bill, An Act to remove the office of the register of deeds for the Northern Aroostook Registry District from Madawaska to Van Buren, reported same in a new draft under title of "An Act to remove the Northern District registry of deeds from Madawaska to Van Buren in the county of Aroostook, and to authorize and empower the county commissioners of Aroostook county to erect and construct a building for said registry of deeds at said Van Buren," and that it ought to pass. (Signed) Ira G. Hersey, Herbert W. Trafton, Roy C. Thompson, Corydon Powers, Carl E. Milliken, Delmont Emerson, Athill E. Irving, Enoch B. Briggs, O. M. Porter, Augustus Benn, John B. Pelletier.

On motion of Mr. Cyr of Fort Kent, both reports were tabled, the new draft to be printed, and specially assigned for next Wednesday.

#### First Reading of Printed Bills.

An Act relating to holidays.

An Act to establish the Houlton municipal court.

An Act to amend Section one of Chapter 84 of the Revised Statutes relating to order of notice by the supreme judicial court.

An Act to amend Section 97 of Chapter 15 of the Revised Statutes, as amended, relating to the appropriation

for the schooling in unorganized townships.

An Act relating to the merger of the Portland Trust Company into the Fidelity Trust Company.

An Act to repeal Chapter 404 of the Private and Special Laws of 1909, relating to the reconstruction of Portland Bridge.

#### Passed to be Engrossed.

House bill, No. 242, An Act relating to salary of judge of municipal court of Caribou.

House bill, No. 244, An Act maintaining guideposts at crossings of ways.

House bill, No. 246, An Act to incorporate Carleton Stream Dam Company.

House bill, No. 247, An Act to amend Secs. 49 and 51 of Chap. 9 of the Revised Statutes.

House bill, No. 248, An Act to incorporate the Cold Stream Dam and Improvement Company.

House bill, No. 209, An Act to amend Sec. 34, Chap 4 of the Revised Statutes of 1903, of Maine.

House bill, No. 235, An Act to incorporate the Westfield Water Company.

House bill, No. 251, An Act to provide for a department of labor and industry.

Senate bill, No. 114, An Act to provide for increasing the capital stock of the Somerset Farmers' Co-operative Telephone Company.

House bill, No. 239, An Act relating to fees of witnesses.

House bill, No. 240, An Act relating to equity procedure. (Tabled pending its passage to be engrossed on motion of Mr. Murphy of Portland.)

#### Passed to Be Enacted.

An Act to extend the charter of the Fire Insurance Company of Portland, Maine.

An Act to extend the charter of the Northeastern Insurance Company.

An Act to further enable the Sebago Lake, Songo River and Bay of Naples Steamboat Company to construct and maintain wharves along its route in the county of Cumberland.

An Act to build and repair a dyke in the town of Milbridge.

An Act to facilitate the identification of criminals.

An Act to prohibit the hunting of ducks

and other water fowl in Saco bay in York and Cumberland counties by the use of steam, naphtha or gasoline boats.

An Act to extend the charter of the Mutual Fire Insurance Company.

An Act to authorize the mayor of the city of Portland to appoint commissioners of cemeteries and public grounds. (Tabled pending its passage to be enacted on motion of Mr. Jordan of Portland.)

An Act to repeal an Act authorizing the city of Portland to appoint a deputy sealer of weights and measures.

An Act to extend the time in which the Maine Title Guarantee Company is authorized to commence business.

#### Orders of the Day.

Today assigned: An Act to annex the town of Isle au Haut to the county of Knox.

An Act to annex the town of Stonington to the county of Knox.

On motion of Mr. Peters of Ellsworth these two bills were re-assigned for next Tuesday morning with the understanding that they shall not be further postponed.

Today assigned: An Act relating to the practice of Osteopathy.

Mr. Pattangall of Waterville moved the adoption of the majority report, that the bill ought to pass in new draft.

Mr. PETERS of Ellsworth: Mr. Speaker, I move that we concur with the Senate in accepting the minority report, thinking that my motion will have precedence over that of the gentleman from Waterville. And in making that motion I desire to state briefly to the House my position as a member of the committee which heard the matter, and a part of which committee including myself were of the opinion that the bill should not pass.

I imagine that a good many members of the House have little accurate information in regard to this subject. I know it was difficult for me, although I heard the matter two years ago and again this year, to understand or come to a conclusion which I thought was in any way well founded, but as I understand it, Mr. Speaker and gentlemen, this Osteopathy is the art of alleviating or curing or

attempting to alleviate or cure disorders of the human body by certain manipulations of the bones and certain processes of treating or rubbing or manipulating the bones of the body which is claimed by the followers of this school to have great efficacy in curing diseases and disorders of the human system. I should suppose there might be a good many diseases that this method would not reach. I do not know and I do not attempt to discuss any medical points or any grounds for the claims between two schools or two sects or any different classes of the healing art. It seems to me as an ordinary citizen, for instance in the matter of contagious and infectious diseases, that the matter of displacement of a bone would not have very much effect or the putting it back would not do very much good; but, however, there is undoubtedly some merit in the proposition, in the system, in the theory of these people. I do not believe that there is any sect, so to speak, or school or theory of practice which prevails and which induces people to take this treatment to any considerable extent and I do not believe there is any of these that has not some germ of truth that has not got some merit, and I haven't any doubt that there is some merit in this theory, in this sect of healing cure or art, I don't call it a science, they don't call it a science, they call it an invention; I should call it from my observation an art and not a science. Now in brief that is their idea as I understand it, as I have heard it discussed before the committee of which I have the honor to be a member.

Now it seems, gentlemen, that a good many years ago legislation was passed here in relation to the practice of medicine called the medical registration act, under which act a board of registration was created which regulated the practice of medicine which under certain conditions made it necessary for everybody practicing medicine in the State to pass an examination, to comply with the conditions and requirements of the board and receive a license. I take

it there was only one reason which could authorize the State through its Legislature to do that, there was only one basis upon which the Legislature could stand and justify its action in interfering with the medical profession in this way, and that was to protect and preserve the public health. I understand, I believe, I think there can be no controversy about that proposition, for the interference by the Legislature in any of these matters. Now the Osteopaths for whom I have considerable respect say now and have for several years that they want a board of registration to register them, and they want a board of examination to examine them and they want to be allowed to be licensed. They are unwilling to use this board which the State has already organized and provided for. They have drafted a bill and presented it before the Legislature which provides a parallel system of examination. They have followed exactly the present statute of this medical registration bill except that it leaves out certain branches in which they are to be examined and provides that the board shall consist entirely of Osteopaths and that they shall be examined in Osteopathy with some other conditions to practice Osteopathy. Now what are their reasons for asking for this? I have not heard nor do I think or imagine that there are but two.

As I understand it and as it appeared to me at the hearing on this matter, those two reasons why they desire this special board to register them, to license them in their line, are, first, that they want the recognition, the standardization, so to speak, and standing which the State's action in this respect would give them. And second, they want to have the control of the practice of this art so that they can keep out undesirable, from their point of view, persons who might engage in it. I do not understand that there is any other reason, real reason, why they ask this thing. Now, gentlemen, as I look at it from my point of view as a legislator, those reasons are not sufficient to authorize us to act. The only reason that we can give, the only

reasons we can give for action in this respect, is to protect the public health. The only reasons that they have in coming to us, as I believe, are not to protect the public health but to raise the standard of their business and fix it so that they can have a sort of monopoly to keep out other people whom they may believe to be undesirable. I understand there are eighteen of these practitioners in the State; so the way I look at it, from the point of view of a law-making power, the Legislature cannot properly in the exercise of good legislation, it cannot properly act here because it is only authorized to act in case the public health is menaced or for the purpose of protecting or preserving the public health.

Now it seems to me that one board of medical registration in this State is sufficient. Here is one standard, reliable board required to examine all persons who desire to practice medicine. It seems to me that that board should not be duplicated. It seems to me that persons desiring to practice this or any other kind of healing art and to get the benefit of the State's recognition, so to speak, or benefits of a State license, should get it by this board and then let them practice any kind of a school or art that they may see fit. This idea of having two registration boards, one for the regular practitioners and one for the osteopaths, reminds me, as I mentioned at the committee hearing, of the farmer who was found to have two holes at the bottom of his barn door, one small hole and one larger one. He was asked what that was for. He said the big hole was for the cat to go through and the smaller one for the kittens. It seems to me that that is a parallel to this matter. They want a large hole for the regular practitioners to go through and a small one for the other party, and when they get through they want to be put on a level in a sense, which I think is unfair to the medical profession. Now it seems to me that there was no necessity for this measure

also that there was no demand outside of these Osteopaths themselves. If there is no necessity and no demand I think we should hesitate before passing this legislation. I believe that the necessity should be based entirely upon the necessity of preserving the public health.

I have seen no indication that the public health was threatened, that the public health could be threatened by the practice of this art. It seems to me that where they do not, by their theory, administer any kind of a drug or medicine and do not perform any surgical operations, that it would be difficult for them in any manipulation or rubbing or other things of that sort in any way to injure the health or endanger the life of anybody. It may be that they cannot help a patient very much in certain cases, but I do not see how they can hurt him; and I have not noticed that there was ever any claim on the part of other citizens of the State that they had been injured by the Osteopaths who are not educated, not qualified to practice, interfering with their physical condition; and I have not noticed any malpractice suits brought against any Osteopath in any way for injuring anybody in the practice of their profession, and I have seen no demand for this legislation except from the Osteopaths. There is a great demand from the Osteopaths, but outside of that I have seen no demand and I believe there is no necessity for it. I am one of those who deprecate a large mass of legislation. I hate to pass laws at this session and come here at another session and repeal the same thing. I hate to go out of here and have a great big book growing thicker and thicker. I would rather it should grow thinner and thinner, although I believe that quality should be considered rather than quantity. I have seen no necessity and no demand for this measure. I believe it to be bad legislation, and because I also believe it to be unfair to the ancient and honorable medical profession, I voted against this and shall continue to do so, Mr. Speaker.

Mr. WHEELER of South Paris: Mr. Speaker, I have no personal views on this matter which I wish to force upon the attention of the members at this time when the business of the House is crowding upon us, but as a member of the legal affairs committee who saw fit after a proper hearing on this question of Osteopathy to sign the majority report, I beg your indulgence while I present the situation as it was presented to us, from my standpoint, as I remember the situation. I regret



exceedingly that I am not able to find myself in agreement with the gentleman from Ellsworth as to a demand for judging by the volume of mail, the number of letters which I myself and others have received not only from my immediate constituents but from citizens of the State in other regions than that in which I reside, there would certainly seem to be ample evidence of a demand at the present time for recognition and regulation of the practice of Osteopathy in the State of Maine. In discussing the matter at the present time or in its consideration at the hearing before the legal affairs committee or in talking upon it, I wish to be understood as recognizing no controversy whatever between the various schools of medicine, the various sects, class or profession of men who administer to the health of the people of this and other states; I recognize no controversy I say. It is not a matter with which I can successfully cope. I am not so fortunate as to possess that degree of information and scientific learning which enables me to pass upon the question of whether Osteopathy is scientific or otherwise. I believe there are men whose duty it should have been to appear before the committee after a hearing had been so extensively advertised, and if Osteopathy is a menace to the health of the citizens of the State of Maine they should have told us so. No one appeared and told us that. I doubt if anybody appears now and says it is a menace to the health of the people of this State. The fact is, Mr. Speaker and gentlemen, the Osteopaths are practicing their profession and they are in the State of Maine. They are here and regularly and legally so. They are justified in their present situation. A large number of citizens of this State in the various cities and towns have seen fit to employ them. I believe it is our duty as representatives of the people here assembled to recognize a demand from a reasonably large number of our constituencies. There are certain people, hundreds or it may be thousands, who desire to patronize some members of this school of Osteopathy. I believe, then, it is our duty to do justice by those people. We

regulate at the present time, druggists, dentists, those who wish to practice the art of veterinary science, we regulate the practice of medicine in its present form, we license and regulate the admission to the practice of law before the bars of this State; and I believe it is perfectly reasonable, and more than that I believe it is in line with the modern tendency of thought, that the people of the State of Maine who desire to patronize any sect, or school of medicine should know that they are getting what they desire to purchase. I believe it is within the province of government of the State of Maine to say to these people, "If you employ an Osteopath this law guarantees that you are employing a graduate of a scientific school, one who gives you the regular Osteopathic treatment;" so I believe these Osteopaths are justified in asking the State of Maine to put them upon a basis by which not only their profession as a monopoly would be protected from the introduction of other Osteopaths who might or might not be versed in their science, but I believe that the people and those who practice Osteopathy have a right to be protected from the introduction of irregular Osteopaths.

I wish to refer to the history of this bill briefly, and then I have finished. This bill was introduced early in the session. It came to the legal affairs committee promptly, it reached there at an early stage of the proceedings, it has received a wide and extensive advertising in the daily papers of the State, and when it came on for a hearing it was presented by its opponents in a new draft and I understand that the new draft is practically a copy of the bill which provides for the registration of the so called regular practitioners of medicine. In other words, the statute already in existence providing for the regulation of the practice of medicine was embodied into this new draft with the proper changes such as the insertion of the word "Osteopath" or "Osteopathic," and the proper changes of the bill, making it applicable to this school; so if this bill is proper for the regulation and registration of the older school of medicine, I believe it is proper, right and

just for the registration of this newer school of medicine which is attaining patronage by the citizens of this State.

Reference has been made in the corridors where such arguments are made and where they cannot be answered, that there might be a matter of expense attendant upon the formation of a new commission. As to that contention I have this to say—if you will examine the closing section of the bill will find that the matter of expense is entirely taken care of, that in no case shall any money be taken from the treasury of the State for the support of this commission other than that which is received from examination fees and from those who appear before it. And in closing I will say that in signing the majority report I held the opinion, and I hold it now, that it is proper that the members of the school of Osteopathy should have their own examining board. There would be just as much reason and sense in putting the druggists and physicians now practicing into one board. Let us by all means say that the people of the State of Maine who patronize an Osteopath may have the assurance of this government that hereafter a man who practices Osteopathy is qualified to practice that school and not some other.

Mr. WILLIAMSON or Augusta: Mr. Speaker: Before we take a vote on whether we shall change the present condition of the practitioners of Osteopathy in this State it would be well that we should all understand exactly where they now stand. At the present time under the existing laws any Osteopath has a right to practice his profession, science or art, whatever it may be called, without any restrictions excepting that he cannot use poisonous or dangerous drugs and cannot perform surgical operations. Now there is some question under the law which exists today whether or not an Osteopath can use the title of doctor. The statute if I remember it says that certain persons shall not use the word doctor, meaning thereby a doctor of medicine, and there is some question whether an

Osteopath can use that title. Now I have been somewhat interested in this matter because a similar matter, which indirectly concerns Osteopathy, has been before the committee of which I am a member. I refer to the medical registration bill which is Senate Document 112, and to which I should like to have the members refer. That has been unanimously reported to the Senate. I understand there is no opposition to it. That undoubtedly the changes which it suggests in the present law will prevail. Now when that bill was heard a gentleman representing the Osteopaths came before the committee and asked that an amendment be made to that bill. In regard to this matter of whether the Osteopaths could use the word doctor, and he suggested an amendment which he presented to the committee in writing. This amendment you will find on page six of the bill beginning with the word "excepting" in line 18, so that the bill as reported makes plain what before was somewhat uncertain that an Osteopath has the right to use the word doctor in connection with the word Osteopath. The amendment which the osteopath suggested and which the committee believe should be adopted, was that any member of the Maine Osteopathic Association may prefix the title "doctor" or letters "Dr." to his name when accompanied by the word "Osteopath." It was also suggested that in Section 5 of this bill, Senate Bill 112, on page eight in line 12, the word "Osteopath" be inserted so it would provide that those practicing osteopathy might be free from any of the medical restrictions provided they use no poisonous or dangerous drugs and perform no surgical operations. I understand that those things do not concern this matter because no Osteopath wishes to use drugs or perform surgical operations. Now Mr. Speaker, you will see when you consider the matter that the osteopaths, if this medical registration bill 112 passes in its present form, will have every right to practice their profession or art. No one can restrain them, they will have a right to use in connection with the word

"doctor" provided, of course, they use the word "osteopathy." Now, Mr. Speaker, I believe that is as far as we should go at present. I have been taught to believe in equal rights for all and special privileges for none. Now the bill which has been reported unanimously, the medical registration bill, gives equal rights to practice their science to Osteopaths, to the Christian Scientists, to the clairvoyants and to all others mentioned in that bill, under the same restrictions, and with the further right to use the word "doctor." That is a liberal measure. It gives a man the right which he should have, no matter which school of medicine he wishes to apply to, no matter what kind of a practitioner he wishes to visit, the right to employ anyone he sees fit, and the person whom he employs the right to heal him in his own manner, and in that it does not in any way infringe on the personal liberty of anybody. But if I read this Senate Bill 108 correctly which we are now considering—the Osteopathic bill—it is not a liberalizing measure, but a restrictive measure. There are now, I understand eighteen Osteopaths in this State. This bill gives the right to some six of those who should be appointed by the Governor to say absolutely whether or not in the future anyone shall come in and practice Osteopathy in this State. Now I would not undertake to say whether Osteopathy was or was not a good thing. The opinion of a lay man on that would be of little value. But I will say this, I believe that no body of men so small as 18 should be allowed to have six of their number picked out to restrain competition entirely and to say who shall or who shall not practice in competition with them. I would say the same if it applied to my own profession. I do not believe that anybody within the sound of my voice, if there were only eighteen lawyers in the State of Maine, would vote to say that any six of them should have the right to determine that no other person should come in to engage in the practice of law.

That brings me to another thought, gentlemen. Taking the analogy of my own profession, there are a great many people

in this State who are drawing deeds, doing probate business, going into the courts of probate especially. I believe that they have a right to do it. I believe anyone has a right to employ them to do it if he sees fit and I would not vote for a law which would restrict them from doing it. Neither would I advocate a law establishing a separate board to examine such persons. But, Mr. Speaker, it is one thing to allow a stranger to come in and settle near you, and welcome him, and be pleased to have him do business there. But when he asks you to endorse his note, then you might hesitate. And, Mr. Speaker, I believe that the real purpose of this bill, the main purpose, is not to regulate and restrict the practice of osteopathy. I do not believe these 18 people are really suffering for a restriction of osteopathy, but I believe the real purpose of this bill, which is drawn line for line and almost word for word in imitation of the medical registration bill, is to take the osteopaths of this State and place them upon a level in a way with the medical profession. I believe it is the desire of the osteopaths that the Legislature shall say to the people of this State by solemn enactment that if they wish to employ anyone to heal them they might as well have an osteopath as a physician. Now anyone personally has a right to say that he has a right to employ whom he chooses, but I do not believe that we in Legislature assembled should say to the people of this State that the osteopaths enjoy in our opinion a position which they do not enjoy in the opinion of 95 per cent. of the people in this State. I do not wish in any way to disparage them; but when the final test comes, as it will come to all of us, when we feel we are in the clutches of a serious disease, then, when we throw policy aside and have to be sincere, I believe 95 per cent. of us would go, not to an osteopath, not to any of these other schools of medicine, but to a regular physician. And, Mr. Speaker, if the regular physicians do hold a higher place in the regard of 95 per cent. of our people, why should we by legislative enactment seek to raise any other schools, no matter how good they are, why should we

try to lift them up and put them on a plane with the regular physicians?

Now, gentlemen, it is idle and useless for a layman to attempt to talk about the treatment of disease. The practice of medicine is like a foreign tongue of which we know but little—it is difficult to know who can speak it best till, gentlemen, the time comes in our lives when either for ourselves or for some dear relative we must choose perhaps at the peril of a life, between the schools of medicine. Now suppose the board which this bill provides for, should be in session, and a young man, or a young woman, came before it for examination. Suppose the question was asked him: "What would you do if you were called to treat a baby that had diphtheria?" Now we all know that the thing to do is to treat the baby with what is known as anti-toxin, which is something that cures 80 per cent. of them. But if this young man answers "anti-toxin" he would get a low mark in his examination before this osteopathic board, would he not? If I understand it, and I am quoting from books on osteopathy, he would have to say that the proper thing is to rub that baby's neck and spray it with a solution of bichloride of mercury, which is a deadly poison. Now that may be right, it may be the proper thing to do—I don't pretend to know—but I am not going to vote that it is right. I am not going to say to the people that I believe it is right. Or again take that most common trouble to which so many people are subject. If this young man or woman was before the board and they asked what to do, what must the answer be? If you or I were before the board we would say the proper thing would be to administer castor oil. But if an osteopath should answer in that way he could not pass the examination. That would not do. He would have to say that the proper treatment of that trouble is to send out and get four of the neighbors. Each one of them must take hold of one arm and one leg of the patient and shake him in that way (illustrating), then they would

turn him over and they would shake him the other way (Laughter). I wish to be entirely fair in this matter—this treatment is recommended in their books. Now, Mr. Speaker, I don't know but that is the proper and right method of treatment, but I am not going to say to the people of Maine that I believe it is so at the present time.

I have no prejudice against Osteopaths or any other species of physicians. I believe they should all have the opportunity of practice, but I must confess, I have my preference for the old family physician. He was the first person I became acquainted with when I came into this world. (Laughter) And I hope that my last days may be soothed by his consolation. It may be, as I have heard charged in the corridors, that among the twelve hundred doctors in the State there are some who are actuated sometimes by mercenary motives. It would be strange if there were not. But you and I know that the physicians of this State as a body go out through heat and cold, by night and by day frequently, without recompense, to cure disease and alleviate distress. Mr. Speaker, many of us have sat and wrung our hands when the person who was dearest to use on earth has gone down into that abyss from which so many never rise, and the old family doctor has been there and has triumphantly brought her back and with her brought back to us a new life. Gentlemen, I will never vote for any measure designed to degrade the medical profession or to raise any other person to the level of the old family physician. (Applause)

Mr. PLUMMER of Lisbon: Mr. Speaker, I desire to say a few words in regard to this bill partly for the reason that I think there are some points that have not been covered, and partly to explain why I shall vote as I shall. I wish to say in advance that I have no prejudice against Os-

teopaths or any other body of practitioners of medicine or of healing, but I wish to explain as I say why I am going to vote as I shall. There as abroad in the land today, as many of you know, an idea that we must regulate and restrict every form of human endeavor, that some government, presumably of course a wist government, must say exactly how long bed-sheets must be made in Oklahoma and how they may trap hares in Oxford county in the State of Maine. Now I am inclined to think, generally speaking, if people were let alone, the most of them would be able to get a living and they would be able to select their own physician and their own church and all those things without having to consult the statutes enacted in this Legislature of Maine. There is no one else but themselves to look after themselves, and if a majority of the people are not competent to decide these matters for themselves how can they be competent to decide them for other people? Who are these legislators that are so competent above the common ordinary people to pass an opinion upon all these things and enact statutory regulations? They are no angels from Heaven; as Thomas Jefferson said, they are common everyday people. In fact, at the present time they are just you and I. And while there might be no doubt as to the competency of this Legislature to pass its opinion and put it in statutory form, how can we know that in two years from now there will be an equally able body of men here to look after the same matter? In fact, when two years do go by a Republican Legislature may be here and there is no question of any kind in the minds of the majority that such a Legislature would not be equally competent as the present one to pass upon it. I may say also that within my recollection that there has been from the town of Lisbon some 15 or more different representatives. I may say that no one from that town has ever been re-elected, that with three exceptions I think no one has ever been renominated. Those three who have been renominated were not

elected, partly perhaps on that account, I presume, the town of Lisbon has in all that time been trying to get a man to suit them. I am not sure that it has yet obtained the man it wants; and of course if in two years from now the town should send some gentleman less distinguished and of less ability than the gentleman who now represents that town, that man would not be competent to pass upon these matters with the same judgment and ability as the gentleman who I say now represents the town of Lisbon.

This comes on the question of the general idea of the regulation of everything. There is always more or less danger of favoritism in all these matters. Somebody must finally pass upon these things and the power which we have here and the ability cannot be delegated to another set of men who are to be chosen by the Governor or by any other body of men. They may be men who are more exposed to self-interest, they may be men less intelligent and of less calm and able judgment than ourselves, and if some candidate comes up before them for examination it is possible, as I say, that they may be swayed by self-interest or the interest of their profession or an idea that they are not qualified for the practice of medicine or Osteopathy or any other thing and so keep them out.

As to this particular regulation, it seems to me that the State of Maine or any other state should have only one standard. That standard should be opened wide enough to let anybody in who is competent and who is qualified in the basic principles upon which all agree. There isn't now even among the regulars, so called, in the medical profession a unanimity of opinion as to the treatment in every particular case. I apprehend there is no practitioner of medicine in the State of Maine who would yield his judgment to that of any other man unless the other man, even a member of the State board, should show him that there was a reason why he should so yield his judgment. Now it has been stated by one of the gentlemen who has argued for the side on which I am now talking, that this present board is open to

anybody to take the examination. Well, the point to a certain extent is aside from the question. I would call the attention of the House at the present time to the fact that the gentleman was in error in so stating. In Senate Document 112, Section 12, it says that the board shall examine all applicants for registration as licensed physicians or surgeons. Each applicant shall, at least seven days before the date of his examination, present to the secretary of the board an application under oath or affirmation, containing satisfactory proof that said applicant is twenty-one years of age, of good moral character and a graduate of some reputable medical school or college in good standing. If the State of Maine is to have a standard for those who see fit to go before this board for an examination, and the applicant can meet the standard, it is none of the State's business where he got his education. The sole business of the State, the sole proper function or limit of the State in that respect, is to ascertain whether the applicant has the information, and if it costs money to find that out, let the State pay the bills if it wants to do it. As to this particular regulation, there are some eighteen or twenty Osteopaths in the State. They claim that there are some others masquerading, as they would say, perhaps, under that name of Osteopath who have not received an education at their school. This same thing has been said practically of all schools who were in power at that particular time, those who were on the inside wished to choke off, so far as possible, those on the outside. And even Democratic majorities stating that they believed in the principle of equal rights to all and special privileges to none, in the doctrine of free speech and freedom of the press, have not been unknown even in recent times to suppress by cloture the motion of the previous question any opportunity for debate on the main question. But if the Osteopaths may have their board and decide that certain ones do not come up to their requirements, there are certain mechanotherapists, I think they are called, on the outside who perhaps could not meet the requirements of the board. Perhaps in a few years there would be as many as eighteen or twenty or even

more. Now they will want a board, they will say somebody is irregular on the question of mechano-therapy, and so on ad infinitum, until everybody is regulated and is required to pass an examination before he can go into the field to hoe potatoes.

Now there is one other point, as to who pays the bills. It has been suggested by the gentleman from Paris, and as I judge from the tenor of his remarks he regarded it as a point in favor of the bill that it was not to be any additional expense to the State. That in my judgment is one objection to the bill. The only excuse for the passage of a bill of this kind is because the people of the State demand it, or certainly a respectable number of them. Now if the people of this State demand, require or wish to be protected against the Osteopaths or anybody not qualified to practice the branch of medicine that he claims to do, let the State pay the bills. If any man wants to investigate anything and find out whether anybody is qualified to do a particular business, does he try to fasten the expense on the other fellow? Don't he stand up like a man, generally speaking, and pay his own bills? If the State of Maine wants these things done, let the State pay the bills like a man, and if it is not willing to pay the bills, let the people take their chances on selecting whoever they have a mind to. As to the matter of expense, I desire to point out one thing further. I had the figures but I have misaid them, but I think if you consult the reports of the auditor for the last four years in regard to the medical registration, the board of pharmacy, and two or three others, you will find that in practically every case the expenses have always eaten up the income and it did not make any difference what the income was. In one case there was one of these commissions where the income was \$1183.75, if I remember the figures correctly, and the outgo was \$1183.75, and the commission did not have so much as a postage stamp to begin business with on the first day of January. I cast no imputations on any gentlemen who may belong to any of these boards. They are of human kind

just as we legislators are; they are no better and no worse; and to finish this briefly I say that one objection to this bill is that it makes some man on the outside, who has perhaps paid out the last dollar that he had and that his folks had and all he could borrow on a life insurance policy or any other credit that he could get—it asks him to pay \$15 for the protection of the people of the State.

The point was raised about the demand from the people of the State. Whom, presumably, does that demand come from that this bill should be passed? It did not come from the regular physicians. They will be very generally opposed to it. It did not come presumably from any patients of the regular physicians. It presumably does not come from the irregular Osteopaths. There is no reason why they should petition for legislation to shut the door in their own faces. It presumably does not come from the patients of those irregular Osteopaths if such there be. It presumably does not come from the patients of the regular Osteopaths because they are under no obligation to employ regular physicians or anybody else on the outside. There is only one class of people from whom the legitimate demand can come and that is from the Osteopaths themselves. Now I wish to state once more that I have no prejudice against Osteopathy or any prejudice against any man. I believe in freedom for those who are working out a remedy for the ills of society, and if they cannot be directed by freedom they cannot be directed at all.

Mr. PATTANGALL of Waterville: Mr. Speaker, I want to say just a few words in support of the majority report of the committee on legal affairs. It has seemed to me that if the members of the House would read the bill presented by the committee and confine their attention to that bill, that the majority report of the committee might commend itself to the good sense and fairness of the House, and it has occurred to me not only in listening to the very interesting debate that has gone on this morning but in reading the extremely interesting debate in the

Senate yesterday that up to date nobody who had gone into this thing far enough and decided to make a speech upon it with the exception of the gentleman from Paris has read the bill. There are certain things that this bill does provide and a good many things which it does not provide, and it would seem to me, if the House was going to act upon it intelligently and fairly, that the matters which the bill does not provide and does not affect, should be eliminated from the minds of members and their attention given to those things provided for in the bill.

Now I do not understand in this bill that there is a word that prohibits the gentleman from Augusta or any other member of this House from still employing his own family physicians. If there is anything of that kind I want the bill amended. I do not understand either that registering Osteopaths would necessarily compel us to employ them, in those sad days that come to us at the closing of our lives. We register veterinary surgeons, but I don't believe that either the gentleman from Augusta or any other member of this House is thereby compelled to send a horse doctor when he gets into his last sickness. (Laughter.) It seems to me that those things are a little absurd. If you will look the bill over you won't find any prohibition in it against any member of this House taking or administering to the members of his family all the castor oil that he wants to use. (Laughter.)

Now what does the bill provide? It provides simply that men who practice Osteopathy shall be examined by a board and registered as Osteopaths. That is all there is, there is nothing else to it. They won't be registered as doctors of medicine. They will be registered as Osteopathic physicians. It has been said that any person can practice Osteopathy in Maine now. That is true and that is just what that bill seeks to prevent, that any person should practice Osteopathy in Maine. Just as the medical registration bill seeks to prevent any person from practicing medicine, and the law compelling law-

yers to be examined for the bar to prevent any person from practicing law. In my opinion it is neither right nor safe that any person should be allowed to practice a profession which does concern the public health because there are people in the State of Maine who employ Osteopaths. I don't know whether they ought to or not. I know they do, and they ought to have the right to know that when they employ an Osteopath he is an Osteopath and not a fakir masquerading under the name of an Osteopath. It is said, equal rights to all, special privileges to none, is a motto of our party. That is true but how does that apply to this case? Would the gentlemen who want the door wide open to the practice of Osteopathy say that any fakir who wants to come into the State can advertise as an Osteopathist and practice there and delude the people who believe in that art—those who want the door wide open, would they remove the examining board from doctors and dentists and druggists and lawyers? My friend from Lisbon would. But he goes farther on that line than most of us. The Legislature never would do it. The Legislature never would consider it. Why? Simply because the public have a right to know, when a man hangs out his sign as a lawyer or a doctor or anything else, that he has in some way fitted himself to undertake the work which he tells the public he is capable of doing. Now whether Osteopathy has any value or not I don't know. I don't know anything about it. And I don't want to. It is not concerned in the bill at all. I don't know what an Osteopathic student would answer to an Osteopathic board and I don't care. There are now a number of people who employ this class of physicians. A certain number of men have taken a course in that line of study and have prepared themselves to do this work for what it is worth. They advertise themselves in their line of work. That portion of the public that wants to employ them goes to them, and when that part of the public goes to them for employment it ought

to know that they are what they represent themselves to be.

Now what is the objection to the bill? Is there any? It is said there is no demand for it. Will any one tell me where the demand came from for the medical registration bill which the judiciary committee put in the other day? I did not hear any great public clamor for it until the doctors came before the judiciary committee and asked for it and you gave it to them; and you ought to have done so. I had letters recommending this bill. That did not recommend the bill to me. I read the bill to see whether I liked it or not. We changed the method of our bar examination. In 1901 as I recall it we changed from the county board to the State board. Where did the demand for the change come from? It came from lawyers; the general public did not clamor for it. We changed it. We said that we thought the State board was better because we thought we knew our business better than anybody else did; and in my opinion we put in some very unwise legislation in connection with it, but it was done. Prior to that time and in answer to a suggestion that has been made here—what did we have? County boards examining lawyers and in many counties there were less than 18 lawyers practicing and yet from those 18 there were taken three who said whether or not anybody else should be permitted to practice law in the county. Nobody feared there was going to be a monopoly of the law practice, and there never was. Is it to the practice of Osteopathy that anybody objects? No, because they cannot. You have got a Constitution in this State along with other things and you could not prevent anybody from practicing Osteopathy unless you could say it was dangerous, and nobody has claimed that except that one gentleman in the Senate said it was a menace but he was speaking in the heat of debate. Now shall he be registered? Nobody says that is dangerous, they only say they ought to register in a certain way. They don't want a separate board to register them. It is said that it would be all right to put



one Osteopath on the medical board, make it a composite board. Will they get by that board? They would have just about as much show to get by that board as a resubmission resolve would have to pass a prohibition convention. I have every respect for the medical profession, but when you see the medical profession in great part lined up against the proposition of these people registering, what chance do you think they would have of getting by a medical board? I don't believe they would have very much of any.

Now a little bit of logic. There is not a doctor in the State of Maine, I mean a regular physician, who will admit that an Osteopath is a physician. Of course they won't. Physician—no! They are not doctors, but in the same breath they say to us, "You ought not to have a separate board for examining them, they ought to be examined by our board." Now it has been said that we should not raise these men to the level of the old family physician. Well, who is trying to? I am not. I want to give them a separate board and keep them away from the family physician. It is the opponents of this majority report who say, put them on a level with the family physician and have them all examined by one board. That isn't right. If you don't lock out you will dignify this profession so they will eventually have all of the members of that board, and then how will the regular doctors get by it? (Laughter.)

I want the House to understand that when the majority of the legal affairs committee reported on this bill they had something to report on. There was something reasonable before them. We had a bill that seemed right to the majority of us—the committee was divided on it. We had a bill that so far as the hearing went was presented perfectly. There was no objection raised to it that was tenable at all. And just a word in closing. If you will go over the debate in the Senate yesterday, if you will go over the debate that has been going on in the corridors of the State House and in the hotels for the last three or four

days and if you will consider carefully quite a portion of the debate that has occurred here this morning, it will occur to you that no real objection has been raised by anybody to that bill. It has been raised to something that is not in the bill and is not concerned with the bill, right straight along. In the Senate yesterday it was said by one of the honorable senators in debate that if this bill passed, without any examination whatever an Osteopath was entitled to practice medicine in this State. Now under that bill an Osteopath is not entitled to practice medicine at all, as we used the words "practice medicine,"—cannot administer drugs or perform surgical operations. This morning it was suggested to me, if this bill reached the point where it could be amended, that Section 6 could be amended—and this came from an Osteopathic physician—that they would be willing to have that amended so that this section should state clearly and distinctly that an Osteopath should not give drugs internally or perform major surgery, not merely dangerous or poisonous drugs but should not give any, yet in serious debate in the Senate a gentleman arguing said that if this thing passed they could practice medicine without any restrictions whatever. That is not true. Nobody wants that and nobody asks for such a right. We simply say in the State here, where we don't let the dentists practice without a provision to give the public protection and the dentists protection by having a dental board for examination and the same with the druggists and the same with the veterinaries and doctors, the same with almost every profession, every art and anything else that is practiced in the State of Maine, that these men have the right to that same protection and that the public has a right to the protection which the State board can give them. I believe that the public health is concerned in this matter. Here are people who do employ Osteopaths, they want men who know their business, their art, their trade, or whatever it is. Today any man who has any knowledge at all of their art or science or a mere smattering of it

can come into the State and advertise himself as an Osteopath, and without this proposed law any member of this House could do it. I say that if men do that absolutely ignorant of whatever art or science there is in this matter, advertise themselves to the public and then undertake to treat and heal ignorant people who suppose they are educated, there you have a menace to the public health. You cannot get out of it. It has been said that they do not administer drugs or perform surgical operations, therefore they cannot injure anybody. You do not perform surgical operations for the purpose of injuring somebody; you perform them for the purpose of saving life, and if one was necessary and was not performed I suppose it is apt to be an injury. You do not give drugs to try and injure anybody. What you are trying to do is to prevent injury; and if an Osteopathist or anybody else had something which he ought to do and did not do it, then injury must result I should say. The simple bill reported by the committee with the amendment which I shall suggest if the report is accepted would register these people so that they would be known to the public for what they are. That is all there is to it. There is nothing else in it.

Now on that proposition seven members out of nine of the legal affairs committee said this bill was all right. Fifteen senators out of twenty-nine said so; and since that vote was taken in the Senate one of the fifteen has told me that he sees it in a different light and if the bill goes back there he would change his vote because he voted on the debate and did not vote on the bill. Now, however you may look at this matter, it is not of special interest to me. I have become interested in these people a little, in the interest of fair play. There are only 18 of them. They did not come to you and tell you that the State will go Republican at the next election if you do not grant what they ask. (Laughter.)

These Osteopaths are doing a kind of work that commends itself sufficiently so that letter after letter came to me from reputable men in the State of Maine, business men in the State and elsewhere, a

dozen or more letters, stating that they would like to have this registration in the interest of what they believe to be the right thing. I believe it is merely fair play to them. It is something due to them and due to the public just as much as it is to them; and if they are going to practice their profession here they should have a designation and a registration that would enable the public to know who they are and what they are. I regret having taken so much of the time of the House and I thank you, gentlemen, for listening so patiently to me. (Applause.)

Mr. HERSEY of Houlton: Mr. Speaker, I do not propose to occupy the time of the House by any lengthy remarks. What I have to say in certain particulars has been so well covered by the able, eloquent and logical argument of the gentleman from Ellsworth and the gentleman from Augusta that I only wish to touch upon one or two points and simply call the attention of the House to those. First, as to the demand for this legislation. Mr. Speaker, if there are only eighteen Osteopaths in this State, and it has been admitted that that is the number, then I claim that they are the busiest workers on the face of the earth by the persistence with which they have pressed their claims here in this Legislature. I should say by the number of times they have met us in the lobby and insulted us there must be at least eighteen hundred of them. I believe the gentleman from Augusta said this is an attempt to degrade a high, ancient and honorable profession. I can look at it in no other way, Mr. Speaker, and upon that point I wish for a moment to call the attention of the House. Seventy-five years after Maine became a state the medical profession of Maine passed the registration bill and had it enacted, a bill which registered the physicians, regular physicians of the high, honorable and learned profession, a profession of which I as an attorney am proud. I have as much respect and love for that high and honorable profession as I have for my own, and I have a great deal for that. Anything that attempts to degrade the profession of law and put a premium upon ignorance of the law I will fight, and anything that attempts to degrade the high, honorable and ancient profession of

medicine and to ridicule it I will fight, because when I do so I believe I am fighting for the homes and for the protection of the people of our State and for their health and liberty.

Now, Mr. Speaker, that medical registration bill as passed after 75 years is the medical registration bill of this State today. The slight changes which you will find in the bill which was reported from our committee and which is upon your table today are very slight changes. It is the medical bill which for 16 years has been the law of the State of Maine, the medical bill of the physicians. And what do these 18 Osteopaths do? They come before this great Court of the people at this session of the Legislature and imitate it. They imitate it, a base imitation of it, by imitating nearly every line and every word of this medical registration bill, only changing it in those particulars where they cannot meet the test of the medical registration bill of Maine. There is not a thing to hinder an Osteopath, if he has the education and if he has been qualified, from going before the medical board of Maine today and passing the examination, and he ought to do it if he practices medicine in the State of Maine and if he calls himself a physician. He ought to do it but he cannot do it and therefore he wants that part of the medical registration bill struck out. They say, "I don't know anything about drugs and I don't know anything about surgery and I am incompetent in all this great line of medicine; but I want the privilege of opening an office, and I want the privilege of hanging out a sign that I am a doctor of Osteopathy; I want the Governor of Maine in his high and dignified office to appoint six of my own number as an examining board to examine and pass the 18 of us, make us into a board to register everybody else who wants to come before us, whoever we please; I want the great State of Maine to put its seal of approval upon these 18 men and women and say we are a little monopoly; I want everywhere to be put on the same plane and with the same dignity

and the same privileges as the members of the medical profession of Maine excepting in the matter of my education, except my ability; I want a premium put upon ignorance, and the seal of the great State of Maine put upon it."

Now in the line of progress, Mr. Speaker, the State has made great strides during the past 16 years, when this medical registration bill was passed. How well do I remember the old man who held himself out as a doctor in the town of the gentleman from Dexter. He built in that town a great mansion that must have cost \$100,000 and that stands there today as a monument to a fakir, and he earned that money how? I remember as a young fellow that he came to my town with a span of horses, and I remember that he put them in his team in tandem style and that he drove them without reins, and he went up and down our streets, and his name was Dr. Fitzgerald. He sold medicine and claimed he could lay on hands and heal, and he took the money out of my town from the poor people who rushed to him in crowds, and he built that great mansion and he died a fakir. He could not do it now, Mr. Speaker, because of the registration bill which says he cannot do it. A few years ago, gentlemen, all over our State in every drug store was advertised patent medicines, and they were the cure-all for every human ill and our people spent millions and millions of their hard earned money for the miserable worthless trash. Why? Because it was not labelled and we did not know what it contained, and now our government says you cannot do that, and you must label the bottles with what they contain and you must label it under the pure food law, and the patent medicine business has gone because you have to label it.

I say in this world, Mr. Speaker, that you should label men as well as food: men who set out to imitate a great profession should be labelled and properly labelled, and when the State puts a label upon a man it will mean something and tell what he is, and

when the State says you are going to register under the great seal of the State and through your governing body a man for the practice of a profession they should not deceive anybody. But what are you going to do when you have 18 men and take six of them and constitute them a board to register the others. Men came here representing the great profession in Maine, some 1200 regular practitioners who have spent the best years of their lives in colleges and medical schools in the course of their education, learning a great profession, and those 1200 physicians are confronted by 18 men and women who want to come on the same level with them. Think of it! I take up this bill which the gentleman from Waterville says we have not read. I call your attention to Section five of that bill and ask you if there ever was a more wicked insult ever given to a great profession than that? These 18 Osteopaths ask that you organize them and give them a board like this, a board composed of themselves. What do they say in Section five, what do they say to the 1200 doctors of Maine? They say "Nothing in this Act shall be construed as prohibiting any regularly authorized practitioner of medicine or surgery in this State from the practice of his profession as provided by the statutes of this State." Oh, how magnanimous! They will permit the 1200 physicians of this State, the learned men of that learned and honorable profession, they will allow them to practice their profession if you will give them this board. Oh, what an inducement for a legislator to stand here in this House to vote them into respectability and standing in this State.

Just one word more, Mr. Speaker, and I am through. I say that when the State puts its seal upon anything it means something to the common people of the State. When you put your seal of approval upon any board of registration it means something to the common people. This bill provides—and I will say to the gentleman from Waterville that I have read the bill—it provides that this certifi-

cate granted by this board shall be posted up in the office of these doctors, these Osteopaths, and a man coming in there sees not only the sign on the door but he sees the certificate granted by this Legislature through this board on the office wall. What next? Why, you need not patronize them unless you want to, they say. You need not take the treatment unless you want to. That is all right. A man who wants to buy this stuff can buy it now without the seal of the State upon it. The State has some rights in the matter. I go down here along the river and I can see the great castle, a great building built in the form of old ancient Jerusalem, and I say "What is that building on the sand hill there?" and they say "That is Shiloh, the Holy City, built there by a man by the name of Sanford who had certain followers with a strange religion, and who claimed he was Elijah of old and that the mantle of Elijah had fallen upon him," and the State says "Go up there if you want to, follow Sanford if you want to and take his religion if you want to, we don't care anything about it," but the very moment that Shiloh puts its hand upon a boy or girl and says "You are a prisoner at Shiloh" then the State says, no; practice your fakirism or practice anything you please, be it Osteopathy or any other idea, practice what you please among yourselves, but when the State puts its seal upon it I want to know a little more about the matter than I do now. I have great respect for the physicians of this State and I am not going to degrade them. I remember there came a time in my own life when a great physician and surgeon stood at my bedside and performed an operation that kept me to the present time in this world. He did not accomplish much of anything, but to me it meant something, it meant a great deal. I have had an office beside a regular physician and I have assisted a great many times in the giving of ether to patients, I have seen the little child brought in there and I

have put to the little child's mouth the ether while he performed the operation, and seen the dead bone removed and the wound closed and the little child recover; I have seen the poor fellow from the mill torn by the saw brought to the office and the wounds dressed, and I have seen the poor fellow crushed on the railroad train and mangled brought there to the physician's office and treated. Sometimes in the morning I have left my home and on my way to the office have seen the physician coming in from the country with his horse covered with frost on a winter morning, the old family physician who had been out to the old farm house where a life had been saved and preserved. I have been to the home of the physician when there was untasted coffee upon the breakfast table when he had gone away to ruin his health for the sake of helping someone else. I was thinking this morning here were these 18 Osteopaths sitting in their comfortable offices and upon their walls was the seal of the State, asking someone to come in that they might rub them with their hands. Yonder there is the red flag, the red announcement that there is a dangerous disease present in the house. The only one that dares to enter the house is the physician, not the Osteopath but the physician of the old school, and he walks through the door sometimes daring death for the sake of saving loved ones. You and I have seen the old family physician in the home when the light has been turned down, and there has been quick breathing and we have asked the doctor if something could not be done, and the dread disease has been conquered and to our mind the hero of the world is the old physician of the old school, and for my part I will never consent to degrade him. I thank you.

Mr. COLBY of Bingham: Mr. Speaker, I object to having the 18 Osteopaths of this State at this time called fakirs. I know of at least two that are not, and I have friends in my town and in my district that have been greatly benefitted by them. I call for the question and move that when the

vote is taken it be taken by the yeas and nays.

Mr. AMES of Norridgewock: Mr. Speaker and Gentlemen, the State of Maine undertakes to educate her children. By means of a State superintendent and the superintendents of the various schools we are attempting not only to determine what our children shall study but how they shall study. By various degrees and by various examinations grades are determined whereby children may be shifted from one class or school room to another, whether it be in the same town or in a neighboring town in the county. The State in this sense is not acting on the theories of some faddist but through the knowledge of generations of thinking men and women, things that have been threshed and winnowed of the straw and chaff until there is accumulated a sufficient amount of the real thing to teach it to our children. There is no difference of opinion between you and me as to what our children shall study. You and I both believe that they shall learn to read and write, arithmetic, geography and grammar and these things. You and I might differ as to whether they should learn the Roosevelt method of spelling, but in the essential things you and I do not differ. It is a fact that in every town in this county and State, as far as they are financially able, the schools are kept up to this grade. The boy in Portland who is in the third year in the Portland High school can enter into the third year in the Skowhegan High school, although the teachers never have seen each other, because both of those schools are kept up to grade. And this is true throughout the State and throughout the different states.

Now the medical schools in this country undertake to educate the boys and girls in the medical profession. They do not adopt the theory or scheme of the men who have made inventions but they adopt the methods that have been handed down for generations and have been subjected to this process of threshing and winnowing, not only in the State of Maine and

in the United States, but in Great Britain and in France and Germany and Italy and in the whole civilized world. The thing you find in a text book in the United States you will also find in the text books all over the world. It is not simply theory. They start in at first and they teach you anatomy. This is not a matter of theory nor anything of the sort, it is the cold facts as nature made them; they teach physiology, the action of the different organs and their functions, and this is nobody's theory. This is just the same study today that it was a hundred years ago excepting that today we have it laid before us in better form. They then teach you chemistry and it is the chemistry of our scientific schools. It is the same chemistry you would use if you were to make an examination for the pure food commission or an examination of the phosphate for the farmers. It is taught in all schools. They teach you pathology. Now pathology is the science of diseases that attack the human system, and they tell you its history and the effect it has upon the human organism and the extent of the disease, and they attempt to go all over these particulars not only in the medical school of Maine but in the medical schools all over the world; and they analyze the subject and lay it before you so that you understand it. There are many other branches that they teach. They teach you materia medica, that is, as it were, the tools of the trade. The apprentice would be taught by the builder, for instance, the tools that he might use to build a building or to make repairs; he does not teach him just how he shall use them under this class, he tells about things that have been used in the past and that have been found useless, and shows other things that are up to date and considered the best things. Under this branch or closely allied to it comes therapeutics and pharmacy; under therapeutics the application of those things, the way that they affect the human system and the quantities that the body can stand; under pharmacy it tells you the most convenient form in which to put those up, the most useful forms of drugs. All these things are agreed upon by the various nations of the earth;

it is not a fad; it is just as thoroughly accepted a thing among the medical schools of the nations of the earth as is the question of text books in the State of Maine among our superintendents of schools.

Now since all time there have been men who have been anxious to make short cuts to get the degrees of a school. There was a time before the medical profession had reached anything like the position which it now occupies, when they were giving the old-fashioned doses and purges and those things that were so offensive, any they raised up a school that went to the opposite extreme, Homeopathy, and they gave what they called infinitesimal doses, and as time goes on we find that both classes have learned the fallacy and foolishness of their opposite controversies. Today they come together and are studying the same things and making the same requirements and have the same boards. The Osteopathic theory perhaps had better not be talked as there is perhaps no Osteopath present. I thoroughly believe that if any man who wishes to study and practice Osteopathy were obliged to take the course from beginning to end until he graduated from any of the regular established medical schools in this or any other country and take his degree, that when he got through he would not practice Osteopathy; he could not practice it in a great many instances. I spent a little time at the Melrose Sanitarium at Melrose, and they have a fad there of teaching hydro-therapy, a treatment by use of hot and cold water, electricity and massage, and it is under the charge of a regular physician. He does not claim it to be a cure-all, but they practice what they call a massage in a form that is far superior to Osteopathy, very much so. It is so nearly allied to Osteopathy, excepting in some of the frills, that it would be hard to tell the difference between a man who is trained in massage and an Osteopath.

Mr. Speaker, I believe as many gentlemen have intimated here that while theoretically this bill is a harmless

thing, nevertheless, that under it there is something. They would not take all this trouble for nothing, although I admit I am not bright enough to point it out here. If the Osteopath does not study drugs and does not know anything about the *materia medica* he evidently would not know whether the case should be treated that way or not, but since he is blind on that subject you cannot convince him. Take a college in the State of Maine requiring a certain examination and having the power to confer degrees, if the faculty were to be approached by a man who said he was the head of a school for boys and that he wanted his boys to go to that college and graduate and receive the degree but he wanted to make this proviso that since the young men knew nothing about mathematics he wanted a special board of mathematics for the school, men who knew nothing about mathematics and he would then allow them to come in and receive the honors of the school and a degree. Now, gentlemen, cutting out drugs and medicine, although we don't believe in them in anything like the way the ancients did, is like cutting off mathematics from a college course. There is under it all more than appears on the surface. I believe it has been said that the only thing that we have a right to consider is the thing from the side of the people. Personally I am interested in the thing, but as a representative I believe that we have no right to consider it other than as a barrier to keep incompetent people out of the practice of medicine, and if that is the case we have erected a wall and we then put on a guard who says who shall go through. If this guard is unfair and is not willing to let those who are qualified to go through, then I think it is our duty to take him out and put in a man who will. I know a man coming up to register in the regular school, and if he is an Osteopath might have some question in his mind as to whether he would pass even though he were qualified, and if there are any doubts in this matter that should be put right. Suppose in olden times there were a castle and around it a wall to protect

it from invasion, and that on the east side was a warlike tribe established, skilled in scaling walls and fighting, and on the west a tribe who were not skilful in that respect, do you think that they would build a wall high on the east and low on the west sides to protect it? I think not.

Mr. MURPHY of Portland: Mr. Speaker, as a member of the committee I have not read the bill over thoroughly. I want to say here that I am here in the interest of the people, and as I see it there is no demand from the people for the establishment of a board of this kind. If we shall have a board of this kind and give them the right to stick out their shingle, so-called, the people are misled, and when they go for a doctor they want a doctor in case they are sick and they want to be cured, and as most of us know they look for just one kind of a doctor to cure them. They don't look for a faddist or anything of that kind. I am going to cut it right short here and say this, that all the demands that I have received for the last four years have come entirely from interested parties. We never heard of the word "Osteopath" up to four years ago in the city of Portland. We run across all kinds of people that pretend to cure and people that cure, and I never heard the word. Lots of people come to us asking us to help them. Gentlemen, I am going to cut it right short and say that from my knowledge of affairs I am going to vote against it.

Mr. LITTLEFIELD of Bluehill: Mr. Speaker. I have no quarrel with our Osteopath friends here, and I have no quarrel with any man who gives his efforts to the relief of distress and the prolongation of human life. I live down in the country town of Bluehill in Hancock county, and I want to say that when I came here I knew nothing about Osteopathy but I have been studying it a little in the last few days and I came across a text book written by Dr. Still, the founder of this method, and I find that if he is right that I and a great majority of the profession in Maine and throughout the world are wrong. We all understand the necessity of toxin in

smallpox. Throughout the world it has been found to be a great preventative of the disease known as smallpox, and I was surprised to see in the book written by Dr. Still the method of treatment of smallpox. It is this:

"The spread of disease and death by toxin causes people to hesitate to allow toxin matter to be put into the arms of children and older persons by military force. When they learn that a fly blister as large as a fifty-cent piece on the arm will keep off smallpox in all cases there will be no fear or trouble about smallpox or toxin."

Think of it, Mr. Speaker and gentlemen, men being allowed to practice in Maine, and they are practicing today, going about among our children and preaching that smallpox can be prevented by a blister upon the arm. And furthermore, I will speak about the disease known as appendicitis. I read in this same book, and it is new to me, that this disease is caused by a dislocation of the eleventh and twelfth vertebrae of the back bone. Now, gentlemen, all men understand, all physicians understand and all laymen understand that appendicitis often ends in what is known as an abscess, and we admit and know that if that abscess is not opened and the pus drained out that generally the patient dies; and we find our Osteopath friends treating these cases by putting, as he says, the ribs in place, and the patient will certainly die under that treatment unless the pus is discharged. I want to inform the gentleman from Augusta, Mr. Williamson, who could not understand their method of curing constipation, that it is extremely beneficial to the practitioner, for I can understand that with four men taking that patient and shaking him well on his back and then turning him over and shaking him well on his face, that every dollar in his pockets will certainly run out. (Laughter.)

Mr. SCATES of Westbrook: Mr. Speaker, I had intended to discuss this question but I am not going to. I will simply say this: As to the composite board of registration—Dr. Riley, the Osteopath physician of New York, when he came before the committee and advocated the bill

there, said that in New York they had only one board of registration, a composite board, composed of Allopath, Homeopath and Osteopaths. It has been said here that the Osteopaths could not get a fair show before a medical registration board composed in that way. They do in New York, and it seems to me that what is right and just in the great state of New York ought to be suitable to the State of Maine. That is all I am going to say upon that question.

Now, Mr. Speaker, if I understand the parliamentary situation it is this: The gentleman from Waterville moved to adopt the majority report and the gentleman from Ellsworth moved to concur in the action of the Senate.

The SPEAKER: In adopting the minority report.

Mr. SCATES: And as I understand it, the motion to concur has precedence over the motion to adopt the majority report.

The SPEAKER: The parliamentary position has been correctly stated, but not fully. The gentleman from Bingham, Mr. Colby, makes a further motion that when the vote is taken it be taken by the yeas and nays.

Mr. OTIS of Rockland: Mr. Speaker, I rise to move that this House take a recess until three o'clock.

Mr. SCATES: I would move the previous question.

The SPEAKER: The gentleman from Ellsworth moves that we concur with the Senate in the adoption of the minority report, ought not to pass. The gentleman from Bingham moves, and it is seconded, that when this vote be taken it be taken by the yeas and nays. As many as are in favor of the yeas and nays will stand in their places. A sufficient number have arisen and the vote will be taken by the yeas and nays. Those voting to concur with the Senate will vote yes, that will be for the adoption of the minority report, that this bill ought not to pass; those voting no will vote in favor ultimately of the passage of this bill. The clerk will call the roll.

YEA—Ames, Andrews, Austin, Bearce, Benn, Berry, Bisbee, Bogue, Bowker, Briggs, Brown, Buzzell, Campbell, Chase, Clark, Clearwater, Conners, Cowan, Croning, Cyr, Davis, Deering of Waldoboro, Dufour, Emery, Files, Frank, Gamache, Gross, Harmon, Hastings, Heffron, Hersey, Hogan, Kelley, Kelleher, Kingsbury,



Knight, Lambert, LeBel, Littlefield of Bluehill, Littlefield of Wells, Mace, Macomber, Mallet, Manter, Marriner, McAlister, McBride, McCann, McCreedy, McCurdy, Monroe, Morse of Belfast, Morse of Waterford, Murphy, Newcomb, Noyes, Patten, Percy, Perkins of Kennebunk, Perkins of Mechanic Falls, Peters, Pinkham, Plummer, Porter of Mapleton, Porter of Pembroke, Powers, Quimby, Robinson of Peru, Ross, Russell, Sawyer, Scates, Skehan, Sleeper, Small, Active I. Snow, Alvah Snow, Snow of Bucksport, Stetson, Stinson, Strickland, Thompson of Presque Isle, Trafton, Trask, Trimble, Turner, Waldron, Weston, Wilcox, Williamson, Woodside—92.

NAYS—Allen of Jonesboro, Boman, Burkett, Colby, Copeland, Descoteaux, Dow, Doyle, Dresser, Drummond, Dunn, Dutton, Emerson, Farnham, Johnson, Lawry, Libby, Merrifield, Merrill, Miller of Hartland, Mower, Otis, Packard, Pattangall, Pelletier, Phillips, Pollard, Putnam, Robinson of Lagrange, Smith, Soule, Thompson of Skowhegan, Tucker, Wheeler, Whitney, Wilkins—36.

ABSENT—Allen of Columbia Falls, Anderson, Averill, Couture, Davies, Deering of Portland, Goodwin, Greenwood, Hartwell, Hedman, Hodgkins, Hodgman, Pike, Shea, Trim—16.

PAIRED—Mitchell, yes; Wilson, no. Weymouth, yes; Fenderson, no. Nennard, yes; Jordan, no.

So the motion of Mr. Peters of Ellsworth prevailed and the minority report was accepted.

Mr. PETERS of Ellsworth: Mr. Speaker, I move that the bill be now indefinitely postponed.

The motion was agreed to.

On motion of Mr. Peters of Ellsworth the rules were suspended and that gentleman introduced resolve in favor of Roy Morrison, and on further motion by the same gentleman the resolve was referred to the committee on appropriations and financial affairs.

On motion of Mr. Jordan of Portland, bill, An Act to authorize the mayor of the city of Portland to appoint commissioners of cemeteries and public grounds, was taken from the table, and on further motion by the same gentleman it was re-

committed to the committee on legal affairs.

On motion by Mr. Wilson of Auburn, resolve providing for an amendment to the Constitution by abrogating and annulling the 26th amendment adopted on the 8th day of September, 1884, relating to the manufacture and sale of intoxicating liquors, was taken from the table.

Mr. Pattangall of Waterville moved that the resolve lie upon the table and be specially assigned for next Tuesday morning.

The motion was agreed to.

On motion by Mr. Chase of York, resolve, providing for an appropriation for the protection of trees and shrubs from the introduction and ravages of dangerous insects and diseases, was taken from the table and on further motion by the same gentleman it was recommitted to the committee on engrossed bills for correction.

On motion of Mr. Austin of Phillips Bill, An Act to repeal Chapter 240 of the Private and Special Laws of 1907 regulating the use of a certain road in the town of Readfield, was taken from the table, and on further motion by the same gentleman it was re-committed to the committee on ways and bridges.

On motion by Mr. Chase of York, Bill, An Act to authorize the town of York to construct a way across the tide waters of Barrell's Mill pond, so-called, in York Harbor, was taken from the table.

Mr. Chase offered House Amendment A, to amend by striking out from the second and third lines of Section 1 the words "pedestrian promenade" and insert in place thereof the word "way."

The amendment was adopted.

Pending the first reading of the bill, Mr. Active I. Snow of Brunswick moved that the House adjourn.

The motion was agreed to.