

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Seventy-Ninth Legislature

OF THE

STATE OF MAINE

1919

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HOUSE

Tuesday, February 11, 1919.

The House met according to adjournment and was called to order by the Speaker.

Prayer by the Rev. Mr. Seliger of Augusta.

Journal of previous session read and approved.

Papers from the Senate disposed of in concurrence.

Senate Bills in First Reading

Senate 27: Resolve in favor of Westmanland Plantation for the payment of school funds forfeited by failure to file returns.

The following bills, resolves and petitions were presented and, upon recommendation of the committee on reference of bills, were referred to the following committees:

Agriculture

By Mr. Mathews of Oakfield: An Act for better protection against adulterated, misbranded or inferior commercial fertilizers. (1,000 copies ordered printed.)

By Mr. Porter of Mapleton: Petition of R. R. Higgins and 36 others of Mapleton and Chapman Plantation, in favor of same.

By the same gentleman: Petition of R. Porter of Washburn and 3 others in favor of same.

By the same gentleman: Petition of H. W. Crouse of Washburn and 20 others in favor of same.

Education

By Mr. Porter of Mapleton: Petition of V. E. Wilder and 22 others of Washburn, praying that bill requiring approval by the superintending school committee of all contracts for school supplies be enacted into a law.

By Mr. Hammond of Van Buren: Petition of Remi P. Cyr and 16 others in favor of refund of school tax in Hamlin Plantation.

Indian Affairs

By Mr. Berry of Waterville: Resolve in favor of Mitchell M. Nicolar, representative of the Penobscot Tribe of Indians.

By the same gentleman: Resolve in favor of John L. Mitchell, represen-

tative of the Passamaquoddy Tribe of Indians.

Inland Fisheries and Game

By Mr. Sweatt of Andover: An Act to amend Section 67 of Chapter 33 of the Revised Statutes, as amended by Chapters 219 and 244 of the Public Laws of 1917, relating to the licensing of taxidermists.

Judiciary

By Mr. Barnes of Houlton: An Act to amend Section 30 of Chapter 56 of the Revised Statutes as amended by Chapter 76 of the Public Laws of 1917, relating to certain powers of Public Utilities Commission.

On motion by Mr. Wilson of Portland, a viva voce vote being had, the bill was referred to the Committee on Public Utilities.

Sea and Shore Fisheries

By Mr. Perkins of Boothbay Harbor: Petition of M. S. Newdick and 16 others of the town of Georgetown for the repeal of the lobster license law, and remonstrance against the passage of any law licensing fishing and fishermen.

Orders

On motion by Mr. Baxter of Portland, it was

Ordered that 500 copies of the testimony given by Hon. Edward C. Jordan before the Judiciary Committee at the hearing on the water power bills be printed for the use of the members of the House.

On motion by Mr. Furbish of Rangeley, the rules were suspended and there was received out of order bill An Act to amend Section 19 of Chapter 33 of the Revised Statutes, as amended, relating to the propagation of landlocked salmon, trout, togue, black bass and white perch; and on further motion by the same gentleman the bill was referred to the Committee on Inland Fisheries and Game.

Reports of Committees

Mr. Varney, from the committee on education, reported "ought to pass" on bill "An Act to amend paragraph 1 of Section 57 of Chapter 16 of the Revised Statutes as amended by Chapter 188 of the Public Laws of 1917, relative to the payment of state

aid to superintendents of unions of towns."

Same gentleman, from same committee, reported same on bill "An Act to amend Sections 20 and 21 of Chapter 8 of the Revised Statutes, as amended by Chapter 261 of the Public Laws of 1917, relating to moneys received from the sale of timber and grass on reserved lands."

Mr. Conary, from the committee on judiciary, reported same on bill "An Act to amend Section 23 of Chapter 78 of the Revised Statutes, relating to the acknowledgment of deeds."

Mr. Lanpher, from the committee on legal affairs, on bill "An Act to extend an Act entitled 'An Act to incorporate the Odd Fellows' home of Maine,' reported same in new draft, under same title, and that it "ought to pass."

Mr. Mason, from the committee on legal affairs, reported "ought to pass" on bill "An Act to amend Section 5 of Chapter 83 of the Revised Statutes relating to regular sessions of county commissioners of Hancock county."

Mr. Ricker, from the committee on taxation, reported same on bill "An Act to secure information relating to the yearly cut of timber from the wild land townships."

Reports were read and accepted and bills ordered printed under joint rules.

Mr. Varney, from the committee on education, reported "ought not to pass" on bill "An Act to exempt the towns of Minot and Poland from the payment of tuition for high school students."

Same gentleman, from same committee, reported same on bill "An Act to establish a normal school to be located at Dexter in the county of Penobscot." Referred to next Legislature.

Mr. Conary, from the committee on judiciary, reported same on bill "An Act to authorize cities and towns to raise money to aid hospitals and sanatoriums."

Mr. Weatherbee, from the committee on legal affairs, reported same on bill "An Act to amend Section 12 of Chapter 4 of the Revised Statutes, to provide for a uniform date for holding annual meetings."

Mr. Ricker, from the committee on

taxation, reported same on bill "An Act to amend Section 1 of Chapter 10 of the Revised Statutes, to provide for a uniform poll-tax."

Same gentleman, from same committee, reported same on bill "An Act to amend Paragraph 1 of Section 14 of Chapter 10 of the Revised Statutes of 1916, relating to taxation of personal property."

Reports were read and accepted and sent up for concurrence.

First Reading of Printed Bills and Resolves

House 112: "An Act to amend Section 3 of Chapter 130 of the Revised Statutes relating to the sale of milk."

(Tabled by Mr. Barnes of Houlton, to be taken up later during today's session.)

House 113: "An Act to change the name of Sand pond in Denmark to Walden pond."

House 114: "An Act relating to damage by flowage of public lands and highways on the islands in Penobscot river within the limits of the Indian reservation of the Penobscot tribe of Indians."

House 115: "An Act to provide for conducting scientific investigation bearing upon the agriculture of Aroostook county."

House 116: "An Act to provide for the collection of agricultural statistics by assessors."

House 117: "An Act to amend Sections 3 and 5 of Chapter 37, Revised Statutes, regulating the sale of milk."

House 118: "An Act to amend Section 35, Chapter 37, Revised Statutes, relating to unclean milk and unclean cream containers."

House 120: "An Act relating to leasing the shores of the Penobscot River belonging to the Penobscot Tribe of Indians, and to amend the same."

House 121: "An Act to amend Section 48 of Chapter 14 of the Revised Statutes, relating to the Pas-samaquoddy Tribe of Indians."

House 122: "An Act relating to sale of standing wood and timber on islands within the limits of the Indian Reservation of the Penobscot Tribe of Indians."

House 119: Resolve making an appropriation for the continuation of agricultural investigations by the Maine Agricultural Experiment Station on Highmoor Farm.

House 123: Resolve in favor of the Penobscot Tribe of Indians to aid in the purchase of a hearse.

House 124: Resolve in favor of George A. Phillips.

House 125: Resolve in favor of Charles P. Barnes, chairman of the Committee on Elections.

Passed to Be Engrossed

House 106: "An Act to amend Section 53 of Chapter 8 of the Revised Statutes, relative to the protection of forest fire signs."

House 107: "An Act to amend Sections 53, 45 and 55 of Chapter 8 of the Revised Statutes, requiring a permit for the burning of brush or slash near woodlands and providing for the better enforcement of the 'Slash Law.'"

(Tabled by Mr. Bragdon of Perham, pending third reading.)

House 110: Resolve reimbursing the Committee on State Prison for expenses to Thomaston.

House 108: Resolve in favor of the city of Calais to reimburse said city for money expended in the care of state paupers.

Passed to Be Enacted

An Act to amend Chapter 8 of the Revised Statutes by repealing Sections 30, 31, 32 and 33, relating to the control of forest fires.

An Act to amend Section 9 of Chapter 118 of the Revised Statutes, relating to fees of witnesses.

Orders of the Day

Mr. BARNES of Houlton: Mr. Speaker, I move that we take from the table House Bill 112, being An Act to amend Section 3 of Chapter 130 of the Revised Statutes, relating to the sale of milk.

The motion was agreed to.

Mr. BARNES: Mr. Speaker, there is and there has been in the State of Maine for several years what are called and known as the Pure Food Law, the Pure Drug Law; and under and by the provisions of the Pure Food Law certain propositions

have been enacted by the Legislature under which business is conducted. I think I can assert, without danger of successful contradiction, that there is no article of food more essential than milk and its products. I think the professional gentlemen in medicine in the House would suggest that there is no article of food which is more easily a carrier of harmful bacteria than milk. I think it safe to say that to many citizens of the State there is no product of the farm which to each section is more valuable than milk.

I think I have said enough to suggest that the milk question is an important and serious question and affects every family in Maine.

The farmer produces the milk, and the farmer is fortunate in that he consumes the milk before it has been subjected to influences for evil and danger of contagion and infection. The farmer has the milk before it is liable or subject to adulteration.

Now as the food statutes have grown, the Pure Food Law has arisen. We have solemnly suggested that any article which is a food is adulterated if any valuable constituents of the article have been wholly or in part abstracted—perfectly plain? A food is adulterated provided any valuable constituents of the article have been wholly or in part abstracted.

Further, we enacted, and it has been the law for some years, that if a person sells as pure milk, milk from which the cream, or a part thereof, has been removed, he shall be punished by fine and by imprisonment, etc., and former legislators considered this a crime to such an extent that they said, "punished by a fine and imprisonment."

Now it will be agreed by all members of the Legislature that the cream of milk is one of the valuable constituents; and our statute provides that if a man wishes to sell in the market milk from which any of the cream has been taken, he must label it as skimmed milk, or prepared milk, or artificial milk, or adulterated milk, to meet the requirements of the law.

Now the milk business in certain

sections of Maine is a big business, and it has gotten into the hands of corporations, wisely and well; and many a hand receives and passes along the milk from the time the farmer gets his six cents a quart for it until the time your landlady pays sixteen cents a quart, or whatever it may be. One great corporation in Maine handles a tremendous quantity of milk. It handles practically all the milk that comes down the Grand Trunk Railway from Canada to a certain stopping point in Maine. It receives it, gentlemen, in tons every morning. It places it in its vats and sterilizes or pasteurizes it, and behold, gentlemen, it comes to this company from various farms; and there are cows which give milk with three per cent. milk fat, and there are cows which give milk with four per cent. milk fat, and there are cows which give milk with nine per cent. milk fat. Sell that as milk, and if it came from the cow with nine per cent. milk fat, all right. Abstract from that any portion of the cream and sell the balance as milk, and you have committed a crime. Strange that the law should say that you have committed a crime; but we will understand why a little later. There are cows and cows in this world, just as there are differences between individuals of other species of animals. There are breeds of cows which give tremendous flow of fluid, and there are breeds of cows which give a lesser flow of fluid and a lesser amount of milk fat in the fluid.

I am speaking here as a farmer, to a body of men, some of whom are farmers. I am speaking as a consumer of milk to men who all consume milk, and I am speaking, as you will see before I get through, as a man who has within him the milk of human kindness, to a body of men to whom I credit that same trait. Now in order that milk which is sold shall have a fair percentage of milk fat, the substance which is of value in the milk—you do not care anything about the casein in the milk; they can talk about it—that makes cheese, but in order that milk shall have not less than a starvation ration of milk fat, the stat-

ute provides that "in prosecutions hereunder milk, which upon analysis is shown to contain less than eleven and seventy-five hundredths per cent of milk solids or less than three and twenty-five hundredths per cent of fat shall not be considered milk of good standard quality."

Now the Legislature attempts to set a minimum below which you shall not fall. You must sell the milk from the cow just as it comes, but if your cow gives milk with less than three and twenty-five hundredths per cent. fat, you cannot sell that in the markets of Maine at all. This is where this corporation which receives milk in such large quantities in its vats every morning, and many other corporations and associations of gentlemen and persons in Maine who receive great quantities of milk in the morning, especially through the summer, get their best money,—by setting the milk and allowing the cream to rise, or separating the milk, taking the cream off and selling the cream. You gentlemen are perfectly familiar with the fact that cream which has been pasteurized or sterilized may be shipped from Auburn, Maine to Albany, New York, and arrive in perfect condition so far as deterioration from becoming sour is concerned; and the people at Bar Harbor and all along our beautiful New England coast are crying for cream for table consumption and for the manufacture of ice cream all through the summer. Now here is the problem that confronts the manufacturer: If he buys the milk straight from the farmer, receives it at his factory and there separates it, he has left on his hands a great quantity of skimmed milk. All of us are farmers enough to know that. Maybe he can sell it on the market today for four or five cents a quart as skimmed milk, but he cannot sell it in Maine as milk unless there is stirred into it substances which will raise it to three and twenty-five hundredths per cent. fat; and if anybody speaks against me on that, they are going to talk that. Let us read the statute! I should show between three and twenty-five hundredths per cent. milk fat. That does not mean pork fat

because pork fat comes out of a pork barrel. The statute says "In prosecutions hereunder milk, which upon analysis is shown to contain less than eleven and seventy-five hundredths per cent. of milk solids or less than three and twenty-five hundredths per cent. of fat,"—f-a-t, fat! That may be pork fat, or it may be fish oil if they could deodorize it. He has this great quantity of skimmed milk in his vats. He may take off nine per cent. milk fat, he may return to it this three and twenty-five hundredths per cent of milk fat, and stir it in and sell it for straight milk, for which you pay twelve cents or fourteen cents, and you accuse your wife of skimming the dish for her cup of after-dinner coffee because the stuff that comes onto your table is so blue. There is nothing worse in the world than to start a man off on his day's work feeling blue because of this kind of milk.

I think I have said enough to justify the proposition that we should pause now before we change the Pure Food Law of the State of Maine; but I am going to say something more. Men may follow me in this discussion who may be talking for a corporation, the middleman between the producer and the consumer, in the interests of the men who wish to make more money. These are their clients. I hold no brief for anyone. But who are the people for whom I am speaking? True their voice is not heard. They are a puny folk, they cannot lobby. They cannot come down here to be heard, but their voice is heard in every humble home in Maine, where from the little cradle of the poor the voice of the puny infant raises its inarticulate voice in protest against these conscienceless profiteers who are taking the nourishment from the bottle raised to his lips. The baby must have some cream in his bottle. The fact that cream costs much money does not deprive the wealthy baby of proper sustenance because he can have the proper preparation furnished. It is nothing to the man in ordinary circumstances who can pay out two or three dollars a week for milk and cream; but every doctor

here will tell you that to make a substitute for the mother's milk for the baby, and especially for one that is the least bit ailing, you cannot take over a third of the milk, and you must put with that a third of some preparation of cereal and water, and you must mix with these about a third of cream. But the poor among us, whom we shall always have with us, from whose fireside and from whose home come the men that make things go, where the burden is heavy and the day is long,—in these homes money cannot be spent at the rate of four or five dollars a week to get food for the baby; and the next time you go home you take your last town or city report and note the deaths of babies less than two years old; and where one dies in the home of the wealthy, where cream and other proper foods can be had, three or four little ones die in the homes of the poor, where they cannot be properly fed. Now these are my clients—the little babies that are brought up on the bottle. The man who is not satisfied to take the milk that we produce and sell it on the open market as milk, should by you men be required to sell it as skimmed milk, if he has skimmed it and taken his money out of the top of the can. Don't you worry over agriculture demanding it, and don't anyone tell me that the Department of Agriculture here is in favor of this bill. This bill was introduced as a proposition for standardizing milk, with half a dozen others whose objects are given. This bill has been talked over by the Commercial Association of Milk Producers and that association meeting has been attended by representatives from the State of Maine, and the middlemen who are handling the milk, and taking out the cream and selling the barren residue at the expense of the lives of these little ones, are just as conscienceless profiteers as can be found in the country. They present this specious argument, that unless you allow this proposition to be carried through, the quality and character of the cattle which we raise will be lowered. Now about that just a minute, and I am through! This same discussion was

up two years ago and this same point was raised, and one of our honored members rose and said, "I have spent a large portion of a lifetime breeding up Holstein cattle and I am getting two cents a quart more than my neighbors because the people prefer my milk," and that is all there is to it. If we bow the neck to the commercial association of milk handlers, if we reduce this guarantee, that which heretofore has been the minimum, namely 3.25 per cent. milk fat content, becomes hereafterward the maximum.

Whereas heretofore you could get good milk carrying from nine per cent. down to 3.25 milk fat, pass this bill and the great quantity of milk that is sold in the State of Maine is milk which under no circumstances whatever will contain more than 3.25 per cent. milk fat.

Gentlemen, should you be inclined to pass this bill, amend it. Do not let it be said that when they stir that fat into the vat for your little children, they can put any fat in there other than milk fat. Mr. Speaker, I move that this bill be indefinitely postponed.

The SPEAKER: It is moved and seconded that bill, An Act to amend Section 3 of Chapter 130 of the Revised Statutes, relating to the sale of milk be indefinitely postponed.

Mr. AUSTIN of South Berwick: I move that that bill be laid on the table.

The SPEAKER: The motion to table the bill takes precedence over the motion to indefinitely postpone, and must be decided without debate. All those in favor of the bill being

laid upon the table will say aye; those opposed no.

A viva voce vote being taken, the motion to table the bill failed of passage.

The pending question being on the motion of the gentleman from Houlton, Mr. Barnes, that the bill be indefinitely postponed, and a viva voce vote being taken, the motion prevailed, and the bill was indefinitely postponed.

The rules were suspended and Mr. Maher of Augusta introduced the following order out of order:

Ordered, the Senate concurring, that to facilitate the performance of the business of this Legislature all acts and resolves shall be engrossed in printed form by the Legislative printer, and not in writing or type-writing, before their final enactment or passage.

Mr. MAHER: Mr. Speaker, inasmuch as this very brief order on its face may not be of great importance, but yet in fact is, dealing with a departure from the fixed policy of this State since 1867, I do not desire at this time to urge its passage until the members familiarize themselves with the facts and circumstances in connection therewith; so I would move that it be tabled until next Thursday.

The order was tabled, pending passage, and specially assigned for Thursday next.

On motion by Mr. Burns of Eagle Lake

Adjourned until tomorrow morning at 10 o'clock.