

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eightieth Legislature

OF THE

State of Maine

1921

AUGUSTA
KENNEBEC JOURNAL PRINT
1921

HOUSE

Tuesday, March 29, 1921.

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

Prayer by the Rev. Mr. Atkins of Gardiner.

Journal of previous session read and approved.

Papers from the Senate disposed of in concurrence.

From the Senate: Bill, An Act to amend Section 2 of Chapter 111 of the Revised Statutes, relating to selection and services of jurors.

Came from the Senate referred to the committee on judiciary.

In the House, referred to the committee on judiciary in concurrence, and on motion by Mr. Gardiner of Gardiner, 500 copies were ordered printed.

From the Senate: Resolve to reimburse the town of So. Thomaston for amount paid for free high school tuition for year ending July 1, 1919.

In the Senate, under suspension of the rules, the resolve was given its two readings and passed to be engrossed.

In the House, on motion by Mr. Spear of Rockport, the rules were suspended, and the resolve, without reference to a committee, was given its two readings and passed to be engrossed in concurrence.

The following bill and petition were received and upon recommendation of the committee on reference of bills were referred to the following committees:

Agriculture

By Mr. Wilson of Presque Isle: Bill, An Act relating to Farm Lands Loan Commissioners.

Education

By Mr. Gardiner: Petition of David W. White and 643 other students of the University of Maine in regard to appropriation for maintenance and deficit of the University.

First Reading of Printed Bills and Resolve

House 309. An Act to increase the Mill Tax Highway Fund and to provide for the method of its application.

House 404. An Act relating to the wrapping of bread.

House 408. An Act to require a fee for registration of milk dealers.

House 407. Resolve reimbursing plantations because of reduction in the rate of interest paid by the State to plantations on their Wild Land School Funds.

Passed to Be Engrossed

House 308: An Act to repeal Section 34 of Chapter 25 of the Revised Statutes requiring an annual appropriation of three hundred thousand dollars for State aid construction.

House 400: An Act to amend Chapter 238 of the Public Laws of 1919, relative to Workmen's Compensation.

(Tabled by Mr. Blanchard of Old Town, pending third reading for purpose of amendment.)

House 405: An Act to amend Section 14 of Chapter 34 of the Revised Statutes, increasing the annual appropriation for scientific investigations in animal husbandry.

House 406: An Act to amend Sections 3 and 9 of Chapter 35 of the Revised Statutes, increasing the amount paid by the State for cattle condemned.

House 410: An Act to regulate the use of motor-driven and animal-drawn vehicles on highways.

House 411: An Act to amend Section 12 of Chapter 36 of the Revised Statutes, as amended by Chapters 126 and 237 of the Public Laws of 1919, relating to the sale of clams, oysters and scallops.

Passed to Be Enacted

An Act to amend Section 18 of Chapter 21 of the Public Laws of 1917, as amended by Chapter 196 of the Public Laws of 1919, relating to the protection of fish.

An Act to amend Section 13 of Chapter 148 of the Revised Statutes, as amended by Chapter 300 of the Public

Laws of 1917, relating to pensions for the blind.

An Act to amend Chapter 293 of the Public Laws of 1917, relating to the powers of the commission of sea and shore fisheries.

An Act to extend the charter of the Boothbay Harbor Water District.

An Act to establish the fiscal year of the State.

An Act to amend Section 22 of Chapter 5 of the Revised Statutes, relating to the compensation of boards of registration.

An Act to amend Section 35 of Chapter 44 of the Revised Statutes, relating to licenses of lightning rod agents.

An Act authorizing the Orono Pulp and Paper Company to erect and maintain booms and piers at and near Bunker Landing on the Passadumkeag river.

An Act to amend Chapter 37 of the Private and Special Laws of 1917, entitled "An Act to provide a police commission for the city of Lewiston and to promote the efficiency of the police department thereof," as amended.

An Act to amend Paragraph V of Section 55 of Chapter 53 of the Revised Statutes, relating to insurance on glass.

An Act to amend Section 8 of Chapter 325 of the Private and Special Laws of 1897, as amended by Chapter 150 of the Private and Special Laws of 1915, and by Chapter 198 of the Private and Special Laws of 1917, increasing the salary of the recorder of the municipal court of Waterville.

An Act to amend Section 26 of Chapter 117 of the Revised Statutes, relating to the salary of the adjutant general.

An Act to amend Section 33 of Chapter 88 of the Revised Statutes, relating to the giving of counsel by a municipal or police judge.

An Act to amend Section 17 of Chapter 12 of the Revised Statutes, as amended by Chapters 121 and 299 of the Public Laws of 1917, relating to the recording of deeds.

An Act to incorporate the Telephone Workers' Credit Union of Maine.

An Act for the preservation, perpetuation and increase of the forests of the State of Maine.

An Act authorizing towns to elect certain municipal officers by secret ballot.

An Act to amend Section 3 of Chapter 34 of the Revised Statutes, relating to duties of the commissioner of agriculture.

An Act to incorporate the Dixfield Water District.

An Act to amend Section 70 of Chapter 8 of the Revised Statutes, relating to forest fire fighters in the Maine forestry district.

An Act to amend Section 36 of Chapter 53 of the Revised Statutes, relating to mutual fire insurance companies.

An Act to protect the bee industry of the State of Maine.

An Act to repeal Chapter 18 of the Resolves of 1917, relating to animal industry.

An Act additional to Chapter 33 of the Revised Statutes as amended, relating to night fishing in certain waters in Kennebec county.

An Act to amend Section 35 of Chapter 11 of the Revised Statutes, requiring monthly settlements by tax collectors.

An Act relating to the licensing of maternity hospitals.

An Act to amend Section 1 of Chapter 305 of the Private and Special Laws of 1909, regulating the taking of alewives in the town of Surry.

An Act to amend Section 5 of Chapter 117 of the Revised Statutes, as amended by Chapter 170 of the Public Laws of 1917, relating to the salaries of justices of the Supreme Judicial Court.

An Act to amend Section 1 of Chapter 34 of the Revised Statutes, providing for the appointment of a commissioner of agriculture to fill a vacancy.

An Act to amend Section 74 of Chapter 219 of the Public Laws of 1917, as amended by Chapter 196 of the Public Laws of 1919, relating to night hunting of skunks and raccoons.

An Act to incorporate the York County Bar Association.

An Act to establish the Western Washington Municipal Court.

An Act to amend Section 55 of Chapter 219 of the Public Laws of 1917, as amended by Chapter 244 of the Public Laws of 1917, and by Chapter 62 of the Public Laws of 1919, relating to the protection of game birds.

An Act relating to life insurance for minors and the surrender of such insurance.

An Act to amend Chapter 256 of the Public Laws of 1919, relating to profiteering.

An Act to amend Section 82 of Chapter 16 of the Revised Statutes, relating to free high schools.

An Act to amend Section 16 of Chapter 129 of the Revised Statutes, making same applicable to the Reformatory for Women, Reformatory for Men, State School for Girls and State School for Boys.

An Act to amend Section 86 of Chapter 219 of the Public Laws of 1917, as amended by Chapter 244 of the Public Laws of 1917 and by Chapter 142 of the Public Laws of 1919, relating to the disposition of money collected under the provision of the Inland Fish and Game Laws.

An Act relating to the Pennamaquan Power Company.

An Act to amend Section 64 of Chapter 11 of the Revised Statutes, relating to the collection of poll taxes.

An Act to enable the towns of Dixfield and Peru, in the county of Oxford, to free the Dixfield and Peru Toll Bridge to Public Travel.

An Act to amend Chapter 91 of the Private and Special Laws of 1919, relating to the use of trawls and nets within certain waters.

An Act to create the Belgrade Lakes Village Corporation.

An Act to amend Section 10 of Chapter 46 of the Revised Statutes, as amended by Chapter 74 of the Public Laws of 1919, relating to the weight and sale of coal.

Finally Passed

Resolve in favor of Austin W. Jones Company, of Veazie, Maine, reimbursing it for property destroyed by fire.

Resolve in favor of Alfred Williams Anthony for services and expenses as Police Commissioner for the city of Lewiston.

Resolve to appropriate money for the purchase of history of the town of Williamsburg.

Resolve providing for the improvement of the Maine State Prison at Thomaston.

Resolve in favor of Francois X. Marcotte for services and expenses as Police Commissioner for the city of Lewiston.

Resolve in favor of Manzie I. Rogers for building highways in the town of Searsport.

Resolve repealing Resolve for the maintenance of the Blaine House.

Resolve in favor of C. H. Thompson of Calais for board and lodging of Mary Socktoma, a member of the Passamaquoddy Tribe of Indians, during her illness.

Resolve in favor of Dr. J. Willis J. Marion of Calais for medical services to Frank Frances, a member of the Passamaquoddy Tribe of Indians, now deceased.

Resolve in favor of R. Lyle Hodgins for damages sustained in building the State Hospital at Bangor.

Resolve in favor of Ralph W. Crockett, for services and expenses as Police Commissioner for the city of Lewiston.

Resolve extending the provisions of Chapter 163 of the Resolves of 1919, relating to the collateral inheritance tax and Probate Laws of the State of Maine.

Resolve in favor of Stephen Blaisdell for materials furnished in the construction of the central school building for the Maine State School for Girls.

Resolve providing for the purchase of the Centennial Celebration of the Maine State Bar Association.

Resolve reimbursing the St. Mary's General Hospital of Lewiston for ser-

vices rendered in caring for certain patients during the calendar year 1919.

Resolve to reimburse the town of Oakfield for two-thirds Secondary School tuition.

(Emergency Measures)

An Act amendatory of and additional to Chapter 9 of the Revised Statutes, relating to the assessment and payment of excise taxes.

The SPEAKER: This being an emergency measure, under the provisions of the Constitution requires the affirmative vote of two-thirds of the entire membership of this House. All those in favor of the passage of this bill to be enacted will rise and stand until counted, and the monitors will take the count.

A division being had,

One hundred and ten voting in the affirmative and none in the negative, the bill was passed to be enacted.

Resolve in favor of the Maine State Prison for maintenance and current expenses.

The SPEAKER: This being an emergency measure, under the provisions of the Constitution requires the affirmative vote of two-thirds of the entire membership of this House. All those in favor of the final passage of this resolve will rise and stand until counted, and the monitors will take the count.

A division being had,

One hundred and eight voting in the affirmative and none in the negative, the resolve was finally passed.

Orders of the Day

Mr. AUDIBERT of Fort Kent: Mr. Speaker, I move that we take from the table report of the committee on ways and bridges on Resolve in favor of Fort Kent and Saint Francis bridge, tabled on March 25, pending acceptance of the report of ought not to pass, and I further move to substitute the resolve for the report.

The SPEAKER: The Chair will read the title: Resolve reappropriating funds heretofore appropriated, and authorizing new funds, to pay for one-half the cost of an international bridge between Fort Kent, Maine, and Saint Francis, New Brunswick.

Mr. AUDIBERT: Mr. Speaker and gentlemen of the House: The necessity of a bridge between Fort Kent and Saint Francis, New Brunswick is increasing every year. The town of Fort Kent is situated at the mouth of Fish river, whose water is of such a temperature that it hardly freezes over even in the severest cold of the winter, thereby causing the St. John river at that place to freeze later in the fall and thaw earlier in the spring than any other place along that river. In fact I have known winters when there were spots left unfrozen, making that place very inconvenient and very dangerous,—so dangerous that there is hardly a winter goes by when there is not a father, a wife, a son, or a mother whose heart has not been crippled by seeing some of their loved ones go to their long sleep in the St. John river. With these conditions in winter time, our ice bridge does not last more than 10 or 11 weeks and is very unsafe at that. There are about eight weeks in the spring and four weeks in the fall when we cannot cross, which leaves approximately 29 weeks for the ferryboats. The charge of these boats in summer is 20 and 25 cents for an automobile, and when cold weather comes and signs of frost appear late in the season, they charge more—50 cents, 75 cents, \$1, according to the difficulties and conditions of the river.

Further, Mr. Speaker and gentlemen, we have all noticed the passage of an act just a few days ago authorizing the American Realty Company to build a dam across the St. John River in Township 9, Range 18. That was all right and I favored that bill; but this means a storage of water; it means that this company needs water and needs it in the dryest part of the season, decreasing the amount of water below the dam. What is going to happen to our ferryboats with a sand bar in the river, I leave to you to answer. This bridge is not only a necessity to the town of Fort Kent, but to the whole State of Maine and the provinces of New Brunswick and Canada. What makes it more so is that Canada has planned, begun, and has under construction a

highway beginning at a place in St. Francis, New Brunswick called Caron brook, and from there to Baker lake, Long lake, Glendine, in the Province of Quebec to the St. Lawrence river, leading to Quebec.

In other words, that road is along the Canadian National Transcontinental Railroad, built just a few years ago. This will shorten the way to Quebec from all points south of Fort Kent, that is, Caribou, Ashland, Perham, Limestone, Presque Isle, Houlton and so on, approximately sixty miles, then by the way of either Van Buren or Madawaska. This is worth considering.

I realize that it is a great amount of money to expend in that section of the State; but this is not a town affair and it is not a county affair. It is a State affair, the same as the Portland Pier, the Kittery bridge, and all the State bridges, except that Canada bears one-half the expense of it. This resolve has been favored by all the Legislatures since its origin in 1913, carrying only fifteen thousand dollars. This amount was enough then, but it is not enough for the present time. Therefore, this year we added a provision to authorize the Governor and Council to take from the contingent fund the necessary amount to finish the construction of the bridge. This resolve up to this Legislature carried fifteen thousand dollars, as I have just said, which under the general bridge act of those years would make up a sum equal to one-half the estimated cost of the bridge, or \$37,500. Canada's money is not available at this time for that purpose; but three or four months after the armistice was signed, the Highway Department of Canada sent a notice to the Highway Department of the State of Maine that they were ready to meet them with money for any international construction. In fact I have never known Canada to refuse to come half way with the United States with relation to these construction matters. Canada, a colony of Great Britain, the greatest country in the world, and the State of Maine, one of the States of the United States of

America, the wealthiest nation in the world, are to be connected on the St. John river by three bridges, namely, the Van Buren bridge, which is already built, the Madawaska bridge, which resolve has just been signed by His Excellency, the Governor, and lastly the Fort Kent and Saint Francis bridge, which is before us now. These bridges are about twenty-two and one-half miles apart. I do not believe that they are too close together and I do not believe that it will be too big a burden on the State of Maine. Its use will more than pay twice the interest on the cost.

It may seem that the people of Fort Kent and vicinity are not very interested in this matter because nobody but myself and a friend of mine appeared before the committee. You will note that my mileage is 290 miles, and it would be quite an expense to send delegations here. I have been a witness at many hearings on ways and bridges. I have seen delegation after delegation, and large ones too, twelve to fifteen in number, coming and supporting their bridge and road resolves, helping their representatives and thus making it much more easy for the committee to decide, because of course more facts can be found in two or more minds than in one. I was asked at the hearing relative to this matter if there would be much difference between the cost of the Fort Kent and the Madawaska bridge, and without stopping to give the matter much thought, I said that I did not think there would be much difference, the two bridges being on the same river; but I was wrong. The reason is that there are three rivers that enter the St. John river between the two bridges, namely, Fish river at Fort Kent on the American side, Caron brook from the Canadian side, and Madawaska river also from the Canadian side, making at least one-third more water to take care of at Madawaska than at Fort Kent. Also there is a difference in the formation of the banks. I would suggest, after these facts, that there would be a difference of about seventy-five thousand to eighty thousand dollars in favor

of the Fort Kent bridge. Had I been able to have had a delegation from my town at the hearing, they would have corrected me and probably I would have had a different report.

The gentlemen on the Ways and Bridges committee have my greatest respect and my greatest regard and sympathy. These gentlemen besides having a great amount of work to do are up against something that no other committees are up against. Their capacity is limited to the amount of funds they had available, which makes it very embarrassing. I am sure that all the resolves they have in their hands would gladly receive their favorable support if they only had the funds.

Why that bridge has not been built pending eight long years, and not built last year or the year before particularly is that those two years were years of the high cost of living, high cost of labor, and high cost of material. It was, I think, good judgment, good policy, and in the interest of economy to have delayed the work a year or so until these high prices should come nearer normal. The first year or so of this resolve, in 1913, the locations had been surveyed and delegations sent to Canada for the purpose of getting their share of the money available which we succeeded in doing. While planning and getting ready for the work, the Great World War broke out and Canada was involved through Great Britain, and had to contribute money, men and material, therefore using that bridge money for war purposes. I did not blame her for she needed it. Two years later the United States had to share in this struggle and had to see the departure of our most robust boys. Those years were the years of tears and sorrow, the years of economy and thrift, the years of war stamps and liberty loans, but not the years for any construction that would not have for its end the winning of that great victory.

The summary of all this is that the building of a dam above will make it all the more difficult for the ferryboats, especially in that part of the season when there will be a scarcity

of water; also in the winter time decreasing the proportion of the amount of water in the St. John river to the amount of water in the Fish river will tend to increase the temperature and make it all the worse.

Mr. Speaker and gentlemen, this is the situation in which it is going to leave us. I mean to do right, I mean to do justice, and I mean to be honest, and if you think that twenty-eight cents per capita, the amount which will be taken for that resolve, less than the average fare on a ferryboat, is too much, and if you think it is not reasonable, please turn it down. I thank you. (Applause.)

Mr. GRANVILLE of Parsonsfield: Mr. Speaker and gentlemen of the House: The gentleman from Fort Kent (Mr. Audibert) has quite truly said that the Committee on Ways and Bridges is sympathetic and like to give everyone all the consideration possible. We had presented to us from the St. John river a proposition of two bridges, one at Madawaska and one at Fort Kent. There was an appropriation for a survey at Fort Kent, but at that time they could not agree on the location. No location has been selected, no survey has been made, and there is no money available to build the Canadian end of the bridge; so we decided upon the Madawaska proposition, and that was authorized because money was available from Canada for that purpose. I hope the motion of the gentleman from Fort Kent (Mr. Audibert) will not prevail.

The SPEAKER: The question is on the motion of the gentleman from Fort Kent, Mr. Audibert, that the resolve be substituted for the report. All those in favor of the motion will say aye, contrary minded, no.

A viva voce vote being taken, the motion was lost.

On motion by Mr. Granville of Parsonsfield, the report of the committee, ought not to pass, was accepted.

On motion by Mr. Maher of Augusta, it was voted to take from the table House Document No. 376, bill An Act relating to the sale of milk,

tabled by that gentleman on March 25, pending assignment for third reading, and on further motion by the same gentleman, the bill was indefinitely postponed.

Mr. McILHERON of Lewiston: Mr. Speaker, I move to take from the table House Document No. 86, report of the committees on Judiciary and Appropriations and Financial Affairs on Bill, An Act relating to the Maine Medical school, tabled by me on March 23rd, pending acceptance of the report, ought not to pass. I yield the floor to Mr. Hussey of Blaine.

(Mr. Smith of Skowhegan assumed the Chair.)

Mr. HUSSEY: Mr. Speaker and gentlemen of the House: Shall the State of Maine from now on be without a medical school? I have just received this morning a message from an old-time graduate of the Bowdoin Medical school, Dr. Alfred D. Sawyer of Fort Fairfield, a member of the 79th Legislature, a man of sterling worth, and a man who for 35 years has traveled the roads of Aroostook, day and night, to help the sick. This man today lies on his deathbed, and his message to me is "Do all you can to save the Medical school." Gentlemen, this is the most important question that has or will come before this Legislature. During the last 100 years Bowdoin College has been deciding this question for us and has been assuming our responsibilities; but today we must answer for ourselves, and upon our answer depends not only the future of the young men and the young women of today and the generations to come, but also the future growth and development of this State. I am not a member of the medical profession, nor am I resident of Portland where it is proposed that this school shall go. I have no personal interest except that I am interested in Maine. I am conscious of the fact that there is a shortage of physicians throughout the State, and I believe there is only one way to overcome it—creating more doctors. Gentlemen, if Maine is ever to have a medical school, it must be now. Bowdoin has decided that she will not under any circumstances car-

ry it longer; first, because her true policy is the fostering of the arts and sciences; secondly, because Brunswick is not the proper place for a medical school; thirdly, it is impracticable for her to operate this school 30 miles away; fourthly, the State appropriations, if she should receive them, might conflict with her present charter; and fifthly, to maintain the proper standards of a medical school a city and hospitals are necessary. But, as she has come to the rescue during the past century, she now comes to the State of Maine and offers in good faith her medical buildings, her equipment and her endowment. She offers first her medical school building situated on Chadwick street in Portland on a lot 200 feet by 150 feet, a brick building, 50 by 50, two stories and basement, with a good heating plant, in good condition, well adapted for the school work and worth every cent of \$60,000. She offers a dispensary on India street in Portland, a two-story brick building, 40 by 70, only eight years old, fireproof, built especially for a dispensary, and worth approximately \$75,000. This dispensary was built in memory of the Chisholms, whom I shall mention in a few moments. During the past years Bowdoin, through this dispensary, has given free treatments to the poor unfortunates, and the city of Portland has appreciated this to the extent that every year she has been giving her \$750 towards maintenance. Gentlemen, I want to tell you that she is not handing you any junk. Real estate in the growing city of Portland is increasing in value every day. She further offers the equipment of this building which is worth \$5000. She further offers an equipment of 51 microscopes, worth approximately \$5000. She offers specimens, materials and equipment that could not be gotten together if we were starting a medical school today for less than \$53,000. She offers an endowment of \$193,000, which is bringing in approximately \$9000 each year—and I want to be perfectly fair and frank with every member of this House. There is perhaps some question in regard to this endowment. Bowdoin is willing to give it. It will have to be decided by the su-

preme court of Maine, but the Honorable Barrett Potter of Brunswick, a man who but for defective hearing would have been on the Bench long ago, a trustee of Bowdoin College, has gone into this matter thoroughly, and it is his belief that there is no question but that this endowment can be turned over. I mention this because I want to be fair.

Mr. Chisholm, said to be the richest man in the State of Maine, also very generously offers to give a building large enough to house the medical school and also the State Board of Health. This school will be located on Chadwick street in Portland on a lot which is amply large enough for it.

The Dispensary, which I have already mentioned, is named after Mr. Chisholm's wife's father. This new building, if built, would be named after his own father; and I want to ask you gentlemen if you believe that Mr. Chisholm, as wealthy and as generous as he is, would allow this monument to their memory to die out without coming to their aid.

Why does Bowdoin make this generous offer? She is proud of her physicians. She has graduated 2,224 doctors. Eight hundred and fifty of them are now living. Five hundred of them are in the State of Maine; 250 of them are in the small towns. Her graduates are our foremost citizens. Some of them are men of wealth; some of them are of international reputation. During the last four years, not a single Bowdoin medical man has failed to pass any medical examination in any State in this Union. Bowdoin wants this good work to go on, and the people of the State of Maine, the people we represent, want it to go on, and we are accountable to them for their safety and their protection. (Applause).

Mr. McILHERON of Lewiston: Mr. Speaker, I believe it was the intention of the last speaker to substitute the bill for the report, which motion I now make.

Mr. GARDINER of Gardiner: Mr. Speaker, I do not propose to speak for any other members of the joint committees which held the hearings on these bills, but I would like to

state to the House a little of the history of these measures.

Some time ago the trustees of Bowdoin College decided that it was necessary for them to close their Medical School. They had been running this school on a budget of about \$22,000 a year, but they were short of funds and it was necessary for them to expend more money than they could find to keep the school up to Class A requirements. They were not willing to see the school graded lower than a Class A school. At the same time the trustees of the school were not willing to put themselves in the position of accepting any appropriation from the State to help them continue the school. So public spirited citizens then formed a plan of conducting a State Medical School and these two bills were introduced. At the time of the hearing the sole question was whether it was advisable to establish a State school. Some of us felt a little hesitation in saddling the State with the problem of running a new State institution. We preferred, if possible, to see if the Medical School could not be preserved in some other way. As long as the proposition of a State school was pending, no situation could arise providing for a Medical School in any other way. That was my reason for joining in this majority report that the measure ought not to pass. It has been some time since the report of that committee was announced, and nothing has so far arisen to change the aspect of the matter. The only way possible now to keep a Medical School open within the State of Maine lies in these two bills which you have before you at this time. I cannot help referring to the leaflets that have been distributed, giving such grossly exaggerated figures that the propaganda must almost necessarily defeat its own ends. I believe that the correct figures and estimates will be submitted to you by another member of the House; but if you take those correct figures and estimates and determine the cost first of a Medical School for the State of Maine, you have not then remedied the problem which we have before us. The value of a Medical School to the State cannot be figured

in dollars and cents. It is a matter of policy; it is a matter that concerns the welfare of the whole State, and that welfare sometimes passes beyond the matter of dollars. It is a matter of opportunity to our boys to have a medical training. There are men now in the school, which is about to be closed, who cannot find entrance to any other medical school. The schools are full, and what schools there are available would cost too much for the Maine boys to attend. A medical school, I say, is a matter of policy. This is the last chance we shall have to continue a Medical School in this State. I hope that the motion will prevail.

Mr. GERRISH of Lisbon: Mr. Speaker and gentlemen of the House: Bowdoin maintained a medical school for 90 years without deficit. During the last ten years, the average yearly deficit has not been over \$3000. The greatest cost for yearly maintenance during those 100 years was \$23,000. Last year's report, with fuel and materials high, shows the total cost of maintenance to be in round numbers \$23,000. Suggestions come from the Council of Education. The actual budget presented here covers these suggestions.

First, eight full time teachers	
at \$3,500 equals	\$28,000
Second, four full time assistants at \$2,000 equals	8,000
Third, sufficient other teachers	10,000
	<hr/>
Total	\$46,000

Surgeons and physicians are glad to give four months yearly of free service to hospitals. Men take positions in medical schools for the prestige it gives them. There is no going out nights. Some men are not adapted to private practice, but are adapted to teaching. Thirty-five hundred dollars will secure a good man. Bowdoin College up to the present year has never paid over \$3,000 for any of its professors. At the University of Maine, professors of like grade now average about \$3,300. The four full time assistants need not be physicians. Two thousand each for the assistants is an

unusual liberal amount. Included in the "sufficient other teachers" are the men who give short courses, such as the "legal side of medicine," \$100. In the Harvard Medical School six lectures are given on that subject; medical ethics, \$50. (Only three talks given.) Lecture on "Public Health," \$400—they meet only once a week. These are the men who have the small subjects to teach. The total cost for teachers is \$46,000.

Under rigid Class A recommendations I call attention to the following telegram: "Portland, Maine, March 28, 1921. The Conklin Class of one hundred women heartily indorse the bill for Grade A Maine Medical School. Maude I. Berryman, President Conklin Class."

The cost of running the buildings, light, heat, water, janitors, gas, insurance, materials and repairs, was last year, in round numbers \$7,000. I am going to more than double that amount and give the proposed school \$14,000 for overhead expenses. New equipment the first year will amount to \$5,000, and thereafter \$3,000 yearly will keep it Class A. Averaging the above for a period of ten years gives \$3,200 as a yearly average.

Now let us summarize:

Teachers	\$46,000
Overhead expenses	14,000
New equipment	3,200
	<hr/>
Total	\$63,200

Now we have something coming in to help us on this \$63,000. Today there are 65 students at \$150 each or approximately \$10,000 for revenue. I am figuring the tuition too low. Tuition at the Jefferson Medical School, \$350 per year. Tuition at the Harvard Medical School, \$400 yearly. I am figuring it, \$150.

A safe increase in students for the new school will be 50%. On a ten year basis, we can count on \$15,000 yearly from tuition. From the total operating cost of \$63,000 take away the tuition money, and the net cost is \$48,000. This \$48,000 is more than double what Bowdoin expended last year. Our opponents may say that this will be an increasing cost. The annual cost of running this

Medical School will not increase. Recommendations and overhead expenses can never be higher. There is only one department. There are only six big studies in a medical school. There is no chance for expanding, in all directions as in a university. Widening in medicine means specialties. A man goes to Boston or New York for these. X-ray equipment is the equipment of hospitals, not of Medical Schools.

Thirty boys are planning to go to the Medical School next year. Fifty per cent. of them cannot afford to go elsewhere. It takes twice as much money to get an education out of the State. Six to seven hundred dollars at Bowdoin—twelve hundred to fifteen hundred elsewhere. Eighty-seven boys in Bowdoin will have to pull up stakes. Seventy-five per cent. of them are Maine boys and in the larger classes the percentage will be higher. Not a single Bowdoin boy has failed in the last four years to pass any medical examination in any State in the country. In 20 years, Bowdoin students, in all State examinations rank third in the percentage of failures. Yale first, Harvard second, Bowdoin third. Not less than ten internes are serving in hospitals, receiving aid from the State. These are Bowdoin men. In 20 years, out of State internes have numbered not more than 12. To replace these ten internes will cost the State yearly \$10,000, and it is a question whether we can get them at all. Twenty-nine of our 49 states maintain State Medical Schools.

Portland is a geographical medical center. The nearest schools are in Vermont, Montreal and Boston. Portland furnishes the material for students. When a boy enters a medical school, he at once is taught to care for wounds, to render first aid and to do things of a practical nature. A city is the proper environment. Portland is a seaport and offers the opportunity to study foreign diseases. Europeans are flocking to our shores. Today in New York City, they are teaching the physicians about a new disease, new in this country, typhus and how to recognize it. Immigrants bring it in. Like the "flu," it is dan-

gerous. It might wipe out any of our cities, or lumber camps. Our seaports are open to the danger of bubonic plague. It is on the coast now. California and Louisiana have expended millions of dollars fighting it. They will have to fight it some day in Maine! And in this fight, rich men are interested. John D. Rockefeller, Cyrus K. Curtis, Hugh J. Chisholm and many others are summer residents of our State. From these men, might come assistance; and, in fact, Mr. Chisholm offers to build, for this proposed new school in Portland, a substantial building, to be in part a health center, for all the people. The policy of medical education is far-reaching. We must create physicians for our hospitals. If physicians diminish, nurses will be less efficient; it is the heart of our military system. One hundred sixty-one physicians in Maine during the World War, served as examiners for the selective draft. A campaign is now in progress for annual physical examination of the young manhood of the country. Our manhood is more important than "temporal construction" of human hands. Sixty per cent. of the youths drafted into the military service during the World War were physically defective. In most instances, these defects may be remedied. In our war with Spain, fever and disease undermined and destroyed the boys. In the World war, medical supervision returned the boys clean,—the marvels of the world.

Recently, there appeared from the White House this official statement: "The affairs relating to public welfare, such as Public Health and Education, are so intimately related and so vital to the Nation's prosperity, that a careful survey of all matters pertaining to these subjects, will at once be made."

Bowdoin men created our state departments of health and hygiene. The words Health and Education are the corner stones of our civilization. (Applause.)

Mr. MOODY of York: Mr. Speaker and gentlemen of the House: I have a deep interest in Maine's Medical school. I have an interest in the boys or the young men who go

there and who will be unable to complete their medical education if this school is discontinued. I know of a boy who was born in York and who was in Colby. When we entered the Great War he enlisted as a gunner's mate in the United States Navy. He went across. He landed when the marines, the naval forces landed. He took part in those bloody fights and he came back with a medal or two on his breast. He returned to Colby and graduated last June. He is now in the Medical School at Bowdoin. He would like to complete his medical education there. His father is the practicing physician in York. I speak for those scholars, those medical students at Bowdoin. Mr. Speaker, that young man is my grandson. (Applause.)

(Speaker Barnes resumed the Chair.)

Mr. WISEMAN of Lewiston: Mr. Speaker, it is with pleasure that I rise and say a word in behalf of my old school, the Maine Medical school, where I had the honor to graduate eighteen years ago and where I have a son today studying. Now, gentlemen, I am surprised to see that there is a certain coterie of medical men, well known in this State, who are against this proposition—I believe for some personal ambition and for nothing else. I believe that the State ought to get hold of this school and put it where it belongs. We ought to follow our motto which is *Dirigo* "I lead." As I understand, this school has to be put in Class A, otherwise it will go in Class B; and I say, gentlemen, rather than have the Medical school of Maine put in Class B, let it remain with flying colors in Class A. Gentlemen, you or I have sons studying medicine, and let me tell you frankly that if this school is closed, the State of Maine loses a means of education and I lose my son from the State, and I am only one of many. I hope that the Eightieth Legislature will go on record to maintain this school. I thank you. (Applause.)

Mr. DODGE of Portland: Mr. Speaker. I agree with my colleague from Blaine (Mr. Hussey) that this is one of the most important ques-

tions that will probably come before the Legislature. It seems to me that the question ought to be looked at apart from the matter of sentiment. It is a question of principle, broad, underlying principle, a question as to whether or not we are in favor of the establishment of another State institution. That is the question that is before us. It is not a question of personality; it is not a question of whether we are interested in medical education and public health, because, gentlemen, I wish to say here that I believe I am as interested in these things as any gentleman in this House. But I do hesitate when it comes to the question of the establishment of another State institution. We are already burdened with expenses; we are already staggering under the burden of State institutions that have already been established, and we should deliberate very carefully and very seriously before we take any step which will commit us to the policy of establishing another State institution. Now let us just get down to facts as to what it is we are discussing.

The joint Committees on Judiciary and Appropriations and Financial Affairs had the hearing as you all know, and they brought in a unanimous report of ought not to pass. Now the report of any committee, or joint committee, of course is not sacred, but it does seem to me that after looking into a question the opinion of that committee is worth considering. I did not appear for the committee but simply for myself as a member of this Legislature.

Now, House bill No. 86, which is the one under discussion, provides "that there be and hereby is established a Medical School for the instruction of students in all branches of medicine, surgery and chemistry,"—I want you distinctly to get that point of "all branches of medicine." If a State institution is established known as the Maine Medical School there is no reason under God's Heavens why that school should not teach besides allopathy, homeopathy, osteopathy, or any other "opathies" for which there may be a

demand from our citizens of the State of Maine; and in spite of the modest budget of \$50,000 which is called for in House bill No. 87, you may cast into the future and see what such requests may be. Now, gentlemen, the only justification there is for the establishment of a State Medical School is to furnish doctors for the rural communities; and so far as I know from any evidence that has yet been presented, I do not find that the people of the rural communities are particularly exercised over this matter. The most of the hue and cry over this matter has come from the people who live in the cities where we have more doctors than we can support.

Now, gentlemen, this question is not peculiar to the State of Maine. The State of Massachusetts has almost exactly the same problem that we have here in the State of Maine. In the State of Massachusetts, they have at least three Class A medical schools, large and prosperous, and yet there are seventy towns in the western part of Massachusetts where they have no physician at the present time, and they are attempting to bring them in by subsidy; and that is the proposition that we ultimately will get up against in this State if we do not look out where we are heading. Now, gentlemen, we want to think very carefully before we commit ourselves to this policy, because once having established it, there will be no turning back. If any of you gentlemen of this House have ever tried to effect any actual and practical economy in the operation of State affairs, you know how difficult it is to change anything that exists. I know from personal experience in this session of the Legislature, because I introduced a bill which, so far as I know, is the only one which provides for economy, and it only amounted to two or three thousand dollars a year, and yet I met all kinds of organized opposition to it, and I was called all sorts of things. I merely cite that to bring out this point that if we establish the principle, we will have it with us for all time.

Now let us see what happens, for it

is a question of furnishing doctors in the rural communities which we are particularly interested in, and I understand that that has been the reason for suggesting that the State take over this medical school. Now how many doctors have gone into the rural communities in the last 10 years from the Bowdoin Medical school and stayed there? Fourteen; a little over one each year. This coming June the Bowdoin Medical school will graduate eight young men. How many of those young men will go into the rural districts? So far as can be determined at the present time, and so far as I have been able to find out, not one of them proposes to go into the rural communities. Gentlemen, it is an economical question that confronts us, not a sentimental one, and I think we ought to keep that in our minds all the time in deciding this question. It is not a question of personality; it is not a question of any small group; it is not an appeal from our young men of the State of Maine to give them a medical education. Gentlemen, if you seriously believe that there is a danger of lack of doctors, it would be far better for the State of Maine to set aside scholarships and send our young men to Class A medical schools out of the State on condition that they come back here and locate. Now the proponents of this proposition say this is not practicable; but I am going to say that I believe—and I think time will bear me out if this proposition should go through—that it would have been cheaper for the State of Maine to have established scholarships and paid the expenses of the young men who wish a medical education rather than for us to take up this burden, the increasing extent of which no one can now foresee. We have in the State of Maine today one very striking example of what has happened with reference to a State institution or a quasi-State institution, if you wish to call it that. In 1900, 20 years ago, the State of Maine was called upon to contribute \$40,000 annually for the purposes of the University of Maine; and you can look back at the record and you can find where it was said at that time that if they could

be assured of that amount for a reasonable period, the time would come when they would no longer ask any aid from the State; but that time has not yet come, and is not in sight. You have got to keep that in mind. I am not stating this as anything against the University of Maine, but it is the principle I am trying to bring out.

Now the question of expenses that has been mentioned. House Bill No. 87—and these two propositions are closely intertwined—asks for \$50,000 for each of two years. Now those of you who attended the hearing upon this matter will recall that Dr. Whittier, who perhaps has been as much interested in this proposition as anyone in the State, discovered, after the introduction of that bill into the Legislature, that \$50,000 would not be adequate to establish and maintain a Class A medical school, and that they would be obliged to have that amount increased to \$70,000. That was merely a starter. They discovered in a space of a few weeks that they were \$20,000 off in their estimates. Now this was only on the basis of operating the Bowdoin Medical school on its present basis. It has nothing to do with the possibilities of providing for any other lines, which, if made a State institution, there is no reason it should not have.

Now the question of Bowdoin Medical School so far as the trustees of Bowdoin College are concerned: For 100 years Bowdoin College has fostered the Bowdoin Medical School, but the time has come when they feel that they no longer wish to carry the burden. Do they let sentiment stand in the way of this great proposition? Do they say that we will go out and attempt to raise an endowment; that we will make up the deficit required? No! After careful deliberation they say we cannot continue this school any longer. Now what is the general proposition? You gentlemen know how easy it is when a proposition cannot be operated successfully under private auspices to turn to the State and get the State to take hold of it. You can find so many instances of small municipal operations that have not turned out successfully

where they turn to the government and get the government to take hold. In that case it is difficult to trace the expense, you do not feel it, and it comes out of the government, as I say.

Now, gentlemen, there is just one thought that I wish to leave with you, and I do not wish to be misunderstood in this proposition, because personally I feel it very keenly as a matter of principle that we ought not to commit ourselves to this principle of another State institution. Bear in mind that House Bill No. 87, calling for \$50,000 for 1922 and the same amount for 1923, is merely the entering wedge, and it makes no difference if you pass House Bill No. 86 whether you appropriate \$50,000 or \$1,000, because if you once accept the principle of a State-operated medical school, you will have it for all time; and there is no other New England State that has any such proposition.

Mr. GERRISH of Lisbon: Mr. Speaker, in reply to the gentleman from Portland (Mr. Dodge) he states that the Council of Education at first estimated the cost of maintenance at \$50,000 and later found that they were \$20,000 off in their estimates. Now remember! What comes from the Council of Education is simply suggestion. Now as an actual fact, if we receive \$50,000 from the State, in addition to that we have our tuition money of \$15,000, and also the interest of \$9,000 on this endowment, which I did not even consider in my budget.

Mr. BREWSTER of Portland: Mr. Speaker, I rise to speak with some diffidence on this question, as it might be suggestive that my opinion would be the subject of prejudice. I shall accordingly try to confine myself to facts rather than to my opinion or the opinion of others in discussing it.

The proposition of taking over the Bowdoin Medical School by the State has been advanced, so far as I have heard, upon the ground of the rural problem with reference to physicians; and for the purpose of this discussion I am prepared to assume that there is a very crying need of

physicians in the country districts, and that any steps which the State can take to help in the supplying of that need is something we should most seriously consider. The questions which we would then have would be, first, whether the State can afford the proposition—and then again when matters so vital as public health and safety are at stake, the State can certainly well afford to go a considerable distance. The second question is whether the proposed solution is a solution, whether it is going in any material way to meet the needs; and on that I think there are some facts which you should consider. First, the proposition which the gentleman from Portland (Mr. Dodge) called your attention to, where Massachusetts, with three medical schools and comparatively few country towns, finds itself with 72 towns without a physician. Second, that in the past ten years the largest estimate of students from the Maine Medical School going into country towns is about 25 or 30. Unquestionably, the physicians pass away more rapidly from those towns than their places have been supplied up to the present time by the graduates of the Maine Medical School.

One other incident which has come to my attention is that the more recent graduates of the school with some of whom I have been personally acquainted, and one of whom I knew in last year's classes—the only one as it so happened—is now located and practicing in New York City. The boys who are graduating from the present school came down here at the hearing. One of them I knew and I asked him where he would locate. These boys in the school are very much interested in the continuance of the school, with their natural loyalty to the school in which they have spent four years of their lives, and the boy I referred to shared that interest; but he said to me in this House at the time of the hearing that there was no reason whatever to base the continuance of the Medical School upon the rural problem, because the boys will not go into the country to settle. I said, "Where are you going?" He said,

"I am going to locate in Troy, New York. I had an opportunity to go as an interne here in Maine, but I felt it was wiser to go out of the State." He was a Maine boy, and from what you might term a Maine country town. He is one of the eight graduates of the school this year.

The question whether this will solve the problem is a very serious one, and you face also the question of whether there is any other step which will afford a better solution. In connection with the consideration of this solution and the probable expense of it, Dr. Gerrish stated that there was no chance, if I quote him correctly, for an extension or increase in the cost of the continuance of this school; although they are here today with a proposition of a school which has been running for \$23,000 per year, now requiring from \$50,000 to \$70,000 a year to continue it; and, if I am correctly informed, it is assumed by all who are discussing this matter that a Class A school must be maintained. A Class A school is a school created and defined not by anyone within the State of Maine. It is a grade determined by a committee of the American Medical Association, whose headquarters are in New York City, and just think! We are increasing these requirements at the present time to a point where the budget of the school must be more than doubled, and it was that which occasioned the action of Bowdoin College in discontinuing the school. There is no evidence whatever as to what the future requirements of this committee in New York may be; but if the State has once established the policy of maintaining a Grade A Medical School, can you conceive of the State turning back after it has once set its hand to the plow? Certainly any step to reduce the grade of the school would be very seriously opposed by every interest connected with it; and, on the other hand, if you adopt the policy of accepting their grading and maintaining their rating, you have embarked upon the policy of following the notions and the determinations of people who are not citizens of Maine, who have no knowledge of your problems, and you

are not concerned with your economic or social interests.

So much for the proposition in relation to the expense and the prospects of the future! Now is there any other alternative? We have considered what the expense of this may be and whether it is likely to meet the problem. Is there any other possible solution of this problem? It has been stated that the boys of this school, or future boys in Maine who want to study, cannot get an opportunity for a medical education or for continuing it elsewhere. There are two schools in the country today which are refusing applications, one of them only temporarily. Those two schools are Harvard and Johns Hopkins. Harvard University is at present refusing some applications, but will almost certainly increase its numbers very shortly. Both of these schools, however, are what are termed graduate schools, requiring a degree from a college or university before a boy can even enter its gates. Certainly the rural problem in Maine is not going to be met by boys who have to have a college education and a university education. Therefore those schools are not concerned with a rural problem. There are numerous other schools, however, taking in boys every year, and available, on the same grade and rating as the Maine Medical School, in Boston and New York, and in other centers of population not more remote. Those schools are available for Maine boys today, and will continue to be so. The question is to find the boys and then to get them to go through the schools; and in that connection you must consider the fact that during the past ten years the number of medical students in this country has declined from 28,000 to approximately 12,000, a decrease of over one-half in number. That has not been because of a lack of schools, but because as an economic problem the boys could not carry out the requirements of a modern medical education or for some reason it did not appeal to them; but coincidentally with that, and as a necessary result of the failure of boys to be interested for one reason or another in the continuance of a medical

education, schools have necessarily been closed.

Now is there any other step which can meet this problem? You have heard the fund of Bowdoin College spoken of amounting to approximately \$190,000. That fund was given to the trustees of Bowdoin College to use for medical education, bearing in mind the needs of poor boys in securing a medical education. I quote the substantial phraseology of that deed of gift "to be administered by the trustees." As the gentleman who first spoke on this proposition stated, it is a serious question whether or not that fund, with its \$10,000 income, might be turned over to another school under different control. It is a much less serious question whether or not the fund might be used for scholarships for Maine boys in carrying on a medical education, with the fund under the administration of the trustees constituted by the ones who created the gift—the Garcelon-Merritt Fund,—as it is called. That is, it is a much less serious question whether or not the Supreme Court of Maine, which must decide it, would not say that the trustees of Bowdoin College could carry on this fund by means of scholarships for Maine boys, with such additional stipulations as they might provide in the interests of the medical conditions in the State of Maine. Suppose, for instance,—and this has been seriously considered by responsible authorities—that scholarships of \$500 each were given to Maine boys for this very purpose. Twenty boys would then be carrying on their education, and that would much more than cover the difference between the cost of a boy going to school in Portland and the cost of a boy going to a Medical School in Boston or New York. That is the only question. It is not a question of supplying the boy with money enough to get his whole education, because you do not propose here to subsidize a boy to go through school. You are not going to pay his board and room. You simply cover the expense of the difference as between Boston and New York and Portland, and in addition you provide that the boy who takes advantage of that scholarship shall for

a period of five years, or for some limited period at least, spend his time in some rural community in Maine or a community designated by the public health department. In this way you have gone very much further in assisting the rural communities of Maine in meeting the problem for themselves.

Now in addition to that, if you take any portion of the fund which it is proposed to create here for the establishment of a State Medical School and let the State authorities administer it without relation to what the trustees of Bowdoin College may do—and they are as concerned in the affairs of Maine as are we—but let the State take such fund as it may create, \$50,000 a year, which is the proposed amount here, and that would give 100 scholarships of \$500 each for Maine boys to study medicine and to settle in Maine communities. In this way the State has automatically gone far toward meeting this problem without at the same time creating an additional State institution, which, if once established, must necessarily continue, no matter where the road may lead. We are doing a great deal for education in this State today, and we may see what its problems necessarily involve by harking back over a period of 15 years when we established another State institution; and for this reason it may very well be questioned, even granting that there is a problem of the rural districts needing physicians, whether the State can at this time wisely embark upon a proposition that will lead to what ends we know not.

Mr. HUSSEY of Blaine: Mr. Speaker, the gentleman from Portland, Mr. Dodge, seems to have some doubt as to whether or not there is any shortage of doctors in the State of Maine, in the rural districts. If he will take the trouble to read the Portland Evening Express of January 15th last, he will find that the State Chamber of Commerce in a canvass which was made found there were 47 districts without a medical physician at all. Yesterday morning I cut out a little clipping from the Aroostook Daily News, and that item says that the towns of Cary, Linneus, Hodgdon,

Ludlow, Littleton and New Limerick, towns that are populated and quite thickly populated, and not a doctor in them. Gentlemen, there are stretches of from 25 to 40 miles in the county of Aroostook, where it is a thickly populated section, and yet there are no doctors in the vicinity.

The gentleman from Portland, Mr. Dodge, has treated this subject all the way through as though it was a proposition of dollars and cents. I maintain, gentlemen, that there are a number of districts in the State of Maine that are worth at least \$50,000 a year to the State of Maine. He says that we cannot drop this proposition. Why can't we drop it? There is one thing sure, if we drop it now we never can pick it up again. He insinuated that Bowdoin ought to carry this load. I maintain that Bowdoin College has done her part, and if we gentlemen haven't the backbone to do ours, we ought not to have a medical school. Bowdoin College has been carrying this load for 100 years, and is she under any responsibility to the State of Maine? No! The gentleman from Portland, Mr. Brewster, has admitted the shortage of doctors in the rural districts, but he says that he doubts if a medical school will overcome this difficulty. Gentlemen, I believe it is fair and reasonable that the only way to overcome this difficulty is to produce more of them, produce them so that they cannot live in the cities. There are a good many of them that are just doing that now, and that's all. There is a young man in my town who just came there four weeks ago, and I rode down on the train with him about three weeks ago when he was taking his examinations, and he told me that the first month that he was in Mars Hill he made \$700. And they had to coax him to come there! He will stay, now gentlemen.

The gentleman from Portland, Mr. Brewster, has offered one solution of this proposition, and it practically amounts to subsidizing the doctors. In the Portland Evening Express of February 23 there was an article written by a transient who happened to be in town, and his name was George H. Marble, and I want to read the very

first part of his article. "As a transient in town, I read with much interest your editorial of a proposed medical school for Maine in this morning's issue. The heading attracted my attention by reason of my special interest in providing doctors for rural districts. As I have served in two states on civic committees to deal with this problem, and in both states subsidizing has been tried with most disappointing results, or rather with no results at all. We found that even a much larger subsidy than now proposed was no inducement to graduates from schools outside the state." Unfortunately, the gentleman did not state what two states he served in.

Another thing, how is the boy of eighteen or twenty years of age when he first enters medical school going to bind himself to come back to the State of Maine for five years? Gentlemen, do you know that Thomas B. Reed got through Bowdoin college by the aid of a ministerial fund and that he got it with the best intentions. When he entered college he intended to preach, but after he got out, he found that he couldn't see it that way, and I maintain that you cannot get these boys to tie themselves down to the proposition that they will come back to the State of Maine and practice. (Applause.)

Mr. PERKINS of Orono: Mr. Speaker, I move the previous question.

The SPEAKER: The question before the House arises on the motion of the gentleman from Lewiston, Mr. McIlheron, that the bill be substituted for the adverse report of the committee.

Mr. DODGE of Portland: Mr. Speaker, I move that when the vote is taken it be taken by the yeas and nays.

The question being on the motion that the yeas and nays be taken, and a sufficient number having arisen,

The yeas and nays were ordered.

Mr. McILHERON: Mr. Speaker, I would appreciate it if the Chair would again state the question understandingly so that the members will know just how to vote.

The SPEAKER: The matter be-

fore the House is on Bill, An Act amendatory of and additional to Chapter 6 of the Private and Special Laws of Maine for 1820 and for the incorporation of the trustees of the Medical School of Maine. A joint committee made up of the committee on appropriations and financial affairs and judiciary reported in the House on March 23d that the same "ought not to pass." The gentleman from Lewiston, Mr. McIlheron, moves that the bill be substituted for the report of the committee. A vote of yes in sufficient numbers would substitute the bill for the report; a vote no is equivalent to the acceptance of the report of the committee, reporting "ought not to pass." The clerk will call the roll.

YEA—Audibert, Austin, Baker, Barney, Bartlett, Barwise, Bean, Belliveau, Bennett, Blanchard, Boothby, Bragdon of Franklin, Brown, Burns, Buzzell, Carroll, Carney, Chalmers, Chamberlain, Chandler, Chase, Cherry, Cole, Conant, Crabtree, Crafts, Cram, Croxford, Daigle, Downing, Downs, Doyle, Eastman, Fagan, Farnsworth, Finnell, Gagne, Gardiner, Gerrish, Gipson, Granville, Hammond, Heal, Hodgkins, Houghton, Hunton, Hussey, Kerswell, Kimball, Landers, Larrabee, Lowe, Luques, Masse, Maxwell, McIlheron, Moody, Morneau, Murray, Myrick, Nadeau, Newcomb of Newburg, O'Connell, Oram, Patterson, Peabody, Peaslee, Pennell, Perkins, Plummer, Poore, Ricker, Roberts of Vinahaven, Rogers of Rockland, Savage, Small, Smith of Skowhegan, Spear of Limestone, Spear of Rockport, Story, Tilden, Thomas of Chesterville, Thomas of South Portland, Trefethen, Varney of Windham, Viles, Wadsworth, Washburn, Weeks of Dresden, Weeks of Fairfield, Wight, Willard, Williams, Wilson, Wing, Wiseman, Witham, Woodruff—98.

NAY—Adams, Atherton, Elmore, Bragdon of Perham, Bragdon of Westbrook, Brewster of Portland, Brewster of Orland, Case, Chadbourne, Clarke, Cordwell, Dain, Davis, Dodge, Dunning, Elmore, Emery, Forbes, Hariman, Hinkley, Holley, Jordan, Maher, Main, Mason, McGlauffin, Murchie, Newcomb of Scarborough, Nickerson, Owen, Phillips of Orrington, Phillips of Bar Harbor, Reed, Roberts of Lyman, Rounds, Sawyer, Smith of Waterboro, Smith of Ludlow, Snipe, Teague, Warren, Wentworth, Winter, Wood—44.

ABSENT—Hayes, Leighton, Porter, Rogers of Jonesport, Towne, Twombly, Varney of Jonesport, Weatherbee—8.

The SPEAKER: The total number of votes cast was 142, 98 having voted in the affirmative and 44 in the

negative, the motion prevailed and bill is substituted for the report.

On motion by Mr. Hussey of Blaine, the rules were suspended and An Act amendatory of and additional to Chapter 16 of the Private and Special Laws of Maine, 1820, and for the incorporation of the trustees of the Medical School of Maine, was given its first reading.

Mr. WING of Auburn: Mr. Speaker, I desire to offer an amendment to House Document No. 86 as follows:

House Amendment "A" to House Document No. 86.

Section 8 of House Document No. 86 is hereby amended by adding thereto the following words: "And the said medical school of Maine shall be opened to both sexes."

The amendment was adopted, and the bill had its second reading as amended by House Amendment "A."

On motion by Mr. Hussey of Blaine, the rules were suspended, and the bill given its third reading as amended by House Amendment "A."

The SPEAKER: The Chair presents for consideration, House Doc. No. 87, report of the committees on judiciary and appropriations and financial affairs, on Resolve in favor of the Maine Medical School, tabled pending the acceptance of the report, on motion by the gentleman from Lisbon, Mr. Gerrish.

Mr. Gerrish then moved that the resolve be substituted for the report of the committee.

The motion was agreed to.

On further motion by Mr. Gerrish, the resolve received its two readings under a suspension of the rules, and was passed to be engrossed.

The SPEAKER: The Chair presents for consideration, House Doc. No. 262, Report of the committee on taxation on resolve amending the Constitution relating to income tax, tabled pending the acceptance of the report of the committee, reporting "ought not to pass," on motion by the gentleman from Gardiner, Mr. Gardiner.

Mr. GARDINER: Mr. Speaker, I move that the bill be substituted for

the report, and will make a few remarks in support of that motion. The members of the House will note that House Doc. No. 262 proposes an amendment to the Constitution to be voted upon by the people of the State in September, 1922. The purpose of the amendment is to provide that the Legislature shall have power to lay and collect taxes on incomes from whatever sources derived. That is the whole purpose of the bill, to provide that in September, 1922, the people of the State of Maine shall vote upon a constitutional amendment as to whether or not this Legislature shall have the power to levy an income tax. This resolve proposes no tax in itself; it merely proposes to the people of the State of Maine the question of whether the Legislature shall have the power to levy an income tax.

This question of the advisability of the Legislature having the power of levying an income tax narrows down essentially to one particular class of property, that is, intangible property, and by intangible property I mean stocks and bonds, certificates of ownership in corporations or the obligations of corporations which yield dividends or which bear interest to the owner. The property is represented by a mere paper certificate which is readily concealed from the local assessors, and although taxable by law in most cases, I shall show you that about \$25,000,000 of this intangible property is discovered by our assessors while more than \$400,000,000 of such property is owned by the residents of this State.

An income tax is the fairest and the most satisfactory method of taxation for reaching this class of property, for an investment is of value largely only as it yields income to the owner, and that therefore is the measure of the ability to pay a tax. I shall allow you that at the present local rate of taxation being rigidly enforced by the assessors, would amount to almost confiscation. That is one of the difficulties local assessors have, and you want an assessor to enforce a tax which means practically confiscation, and what intangible property is being taxed at the present time is being taxed at an un-

fair rate, but the amount that bears the tax burden is small in comparison with the amount that escapes any share of the tax burden.

The history of the attempt to enforce a tax upon this class of intangible property is an old one. My memory does not go back so very far, but I have taken pains to look up the history of this subject to some extent. I have here the report of a special committee appointed by the Legislature of 1889 to investigate our tax laws. You will see that the problem that confronts us now was then in existence, and I will read to you a short extract from that report:

"That all taxable property is not equally assessed under our present laws, and that land and houses and cattle, visible and tangible property, are bearing an unequal share of the public burdens; and that farmers especially, as a prominent stock raiser concisely put it, are 'drawing at the short end of the yoke,' all concede. That this complaint of the escape of much personal estate from taxation, and the demand for a remedy, has not been a mere partisan cry, but a well founded desire for a much needed reform, is apparent from the following extracts from the recommendations of our governors, of both parties, during the last 16 years, in their messages to the legislature." And then follow several extracts from the addresses of Governor Dingley in 1874 and 1875, Governor Garcelon, Governor Davis, Governor Plaisted, Governor Robie, Governor Bodwell and Governor Burleigh in 1889.

The problem, if anything, is more acute today, for while the amount of land available for taxation in the State of course does not increase, and while homes, houses and other visible property that may be subjected to taxation in the State increases, but at a slight rate, the bulk of the wealth of the people of the State is represented in stocks and bonds, or other certificates of a share in property. That increases our prosperity, and that is the best measure for some part of our tax burdens.

This amendment that is proposed to the Constitution was before the

voters of this State last September and was beaten by more than 10,000 votes, almost 11,000 votes. I will give you a little of the history of the measure and then ask if you see any circumstances which justify the re-submission of this question to the voters at an election to be held a year and a half from now, at the next biennial election.

The Legislature of 1919 was aware of the unfair operation of our tax laws, and were aware of the fact that so much property was escaping taxation. A special committee was appointed to report to the next Legislature upon this subject. That special committee reported to the special session of the Legislature which convened in the fall of 1919, and recommended the adoption of a constitutional amendment very similar to that contained in this document. A hearing was held before the regular committee of taxation of the 1919 Legislature. The committee reported unanimously that the resolve ought to pass, and the resolve was passed by that Legislature. The matter then went to the people at the September election, and as I have said was defeated by a majority of 30,825. The measure, however, was carried successfully in seven counties, the counties of Hancock, Knox, Oxford, Penobscot, Piscataquis, Somerset and Washington. Eleven thousand is not such a large majority, but I would not feel justified in urging the submission of a question so soon if there were not other circumstances which entered into that vote.

If you will remember, the adoption of the constitutional amendment was recommended explicitly in the Democratic platform; it was recommended even more explicitly in the Republican party platform adopted in March, 1920. Under the heading of "State Issues," I will read Section 3 of the Republican party platform last fall.

"Recognizing the necessity of equalizing the burdens of taxation by imposing a just tax on the large amount of intangible property now escaping taxation, and believing that a State income tax affords the fairest

available method of accomplishing this result, we advocate the adoption at the September election, 1920, of the constitutional amendment proposed at the special session of 1919, authorizing the enactment of a State income tax."

You note that they recommend that the Legislature have the power to levy an income tax for two reasons: First, that considerable property was escaping taxation; second, that an income tax is the fairest available method for reaching this class of property. So much for the platforms of both parties during the campaign of last fall. But you will remember that early in the campaign no State issues developed, and the party platforms, so far as State issues went, were forgotten. Both parties had endorsed this measure, so that there was no issue between the two parties upon that. You will remember that the national issues were the chief issues that were brought to the attention of the voters during the campaign of last fall. The subject of this constitutional amendment was therefore hardly discussed in any of the political meetings. There was very little written about it and very little appeared in the newspapers. I do not allege that the people did not know what they were voting about, but I do claim that they did not know exactly what was proposed for them to vote upon. I must confess that I know more about this subject now than I did last September, and I presume that I would know even more in regard to it by September, 1922.

In addition to the lack of discussion of the subject there was one thing that I feel sure was responsible for the defeat of this measure, and that was a campaign which was carried on at the last minute to defeat it. I have here before me the issue of the Kennebec Journal for Saturday, September 11th, the Saturday before the election on Monday. On the front page of that paper is an advertisement, a small heading at the top, "political advertisement," no signature at the bottom, no person responsible for it, no organization responsible for it, no association re-

sponsible for it, the identity completely concealed. Talk about your gum-shoe campaign! These fellows had on hip rubber-boots. The burden of this advertisement is urging the people to vote against the constitutional amendment to levy an income tax. It reads as follows:

"VERY IMPORTANT

"Do you realize the importance to you of Question 3 on the ballot to be passed next Monday ?

If passed, it will allow any Legislature to tax you every dollar of your income, if it pleases. It offers no bill and it provides no limit. The people have had no time to consider it." That statement is true, and then it goes on to say,

"They don't know what it means." And that statement is true. Then it goes on,

"France is taxing incomes down to \$300," and that may be true, but it does not concern us.

"We may get a Legislature that will do the same thing or even worse.

"Are you not already paying all the taxes you can stand?

"If so, then vote NO on Question 3."

Now there appears no means of knowing who paid for that advertisement, no means of knowing who sponsored it. While I am speaking about this advertisement, let me remind you that you never need worry about an occurrence of this nature again, for you have passed at this session of the legislature a law requiring that when a political advertisement is published, the name of some responsible person shall appear as a part of that advertisement. You have spoken and stated that the people of the State of Maine have a right to know who is trying to influence their votes through the newspapers of our State. That advertisement came out at the last minute for the purpose of obscuring the issue before the people. There was no tax measure before them, but there was merely a proposition to grant authority to the Legislature. This advertisement goes on and talks about France and their income taxes, and that had nothing to do with us at all, but it stated as a reason for defeating

the amendment that the people have had no time to consider it, and they did not know what it meant. If that was a reason for defeating the amendment last fall, I submit to you that it is a reason for resubmitting the question in 1922. If a measure is endorsed by both political parties and is admitted by its opponents not to be understood by the people, and it is admitted that the people of the State have not had time to properly consider the measure, I submit that that measure should be considered again, particularly when it was defeated by so small a margin.

I regret to say that in Kennebec county this advertisement was successful and the amendment was lost by a vote of about 5000. One-half the number of votes which defeated this amendment were passed in the county of Kennebec. I regret to state that the advertisement was successful in my own town, and the measure was lost in my own town by quite a number of votes. I can only explain the large vote against the measure in Kennebec county and in my own town by the fact that we have become so endeared to the Kennebec Journal, as doubtless all of you have during this session, that we believe every word that is printed in it, even the advertisements, even though the advertisements advise us to do something that is not in reality for the best interest of the State of Maine. So much for the influence of the press.

A measure that had been adopted as the policy of both parties, defeated by some group of master minds who had the price to pay for a few advertisements in the newspapers scattered throughout the State. I have said to you that I would give you the history of the attempts in the State to tax intangible property, stocks and bonds. I have referred to the difficulties that the local assessors face in ascertaining property of this nature which is taxable. The certificates of stock or other papers are of course kept either in the mattresses or in safety deposit vaults. The assessors do not have access to them, and they have no means of knowing whether a man owns property of this nature or not. His house,

his furniture, his livestock, they can readily see and assess a tax upon that, and yet these securities lie concealed in safe exemption.

I will read to you some extracts from the reports of the State assessors for the last few years. In 1914 they recommended legislation for the classification of intangible personal property; in 1916 they made the same sort of a recommendation. They also recommended a compulsory listing of all taxable property, and I shall refer to that later. An absolute listing law would require every citizen to make a return to his local assessors of all the stocks and bonds he owned which were subject to taxation. As I have said before, that will result in a tax which would amount to practically confiscation; it would not be fair on the owners of the securities, but still so much property escapes that the assessors recommended some step in an effort to correct the error.

In 1918, the following recommendation is found in the report of the assessors:

"All property, real, personal and intangible should pay some tax. If intangible property is paying too much, and if under our present law it cannot be found, then some method should be devised or law enacted that will find it. To leave the present system as it is defeats us in our effort to find and assess all property. Something should be done. Inaction will not do. If action is to come, the question is what ways are open? We believe one of two things must be done. Either we must have a low flat rate on intangibles, or enact an income tax law. Either of these methods would be acceptable to a majority of our people when properly understood. They certainly accord with the past contention of the intangible property owner."

In 1919, the assessors made a similar recommendation, and say:

"The local rate under the general property tax would in most cases confiscate the income and therefore it is nearly impossible to enforce this law.

"The income tax seems to be in conformity with modern economic

conditions and in this respect seems to be preferable to any other method."

Let me state here that if the average local rate of taxation in the municipalities, which is for this year about 35 mills, if that rate of tax were enforced on all intangible property in the State, the revenue would be \$15,000,000. The total at present of all State, County and municipal taxes is \$16,000,000. If all the intangible property in the State subject to taxation were found by the assessors, the total of the State, county and municipal yield from taxation would be almost double.

In 1920, the State assessors make this recommendation:

"Several attempts have been made to reach intangible personal property on some equitable basis. These attempts have thus far resulted in failure. We believe that all fair-minded people will agree that the revenue of the State should be raised as equally and economically as possible and that it is not so raised so long as a large portion of the property of the State escapes taxation entirely. And we also believe that all fair-minded, thinking men, who believe in Maine and its future development, will concede the justice and fairness of the proposition that every person having taxable property should contribute in some equitable way to the expense of running the government under which he is domiciled."

I have said that it is difficult for the local assessors to discover this sort of property, although it should be subject to a tax: but there comes a point of time in every man's life when his estate is subject to the inspection of all who care to read the records. When a man dies and his estate goes through the probate court, an inventory is there made to which the assessors, as well as others, have access. The assessors can go to the probate records and find out exactly what stocks and bonds and what property a man has left. They can then enforce the local rate of taxation on the full value of that property. That makes a tax that is absolutely unfair; it is too large. For in-

stance, if you should save your money and buy a thousand dollar bond which yielded an interest at the rate of seven per cent., you would receive seventy dollars a year. You might follow the example set by most of the owners of intangible property, an example for which I do not blame them, and conceal your ownership of that bond from the local tax assessments. You would therefore, during your lifetime, pay no tax upon that bond. But if after your death, the assessors should discover the ownership of that bond through the probate court records, and they assessed that bond at its market value and taxed your widow, they would enforce a tax according to the local rate, the average of which would be about 35 mills, on the interest which you received on your bond, which was seventy dollars, and this would amount to a tax of practically thirty-five dollars. Now, the assessors can do that at the present time if they have the information, and if they have the support of their fellow-citizens, but a tax of 50 per cent. of the income is too high to be fair.

In the same way, bank stock at the present time bears too high a share of our tax burden, and I wish to say that I hold no brief for bank stock owners, but I certainly feel obliged to say that I think they pay too much tax. For instance, a resident of Augusta who owns stock in a certain bank located in Augusta, pays his local tax to the Augusta assessors on the ownership of that stock, and the amount of his tax is equivalent to about thirty-five per cent. of the income he receives in the shape of dividends on that stock. That rate is prohibitory. Of course bank stock is readily located by the assessors because the banks are required to return to the assessors the names of the owners of that stock.

The intangible property that escapes taxation is mostly shares or interests in corporations without the boarders of the State. There is, however, one agency which has given us certain facts from which we can estimate the amount of intangible property owned by individuals

in this State, and that is an analysis of the United States income tax returns filed for the year 1918. And that report shows that during the year 1918, 25,104 individuals in the State of Maine filed United States income tax returns. The total income reported was about \$84,000,000 and the total tax was about \$4,000,000. Of the income reported dividends on shares of stock reported as income amounted to over \$14,000,000; interest on bonds and other obligations amounted to nearly \$12,000,000. So that from the forms of intangible property which yielded that income of dividends and interest, the total yield of income, about 25,000 inhabitants of the State of Maine showed an income of about \$25,000,000—that sum in the way of income from intangible property received by individuals resident in the State of Maine. If you assume that these securities which yielded this income were paying at the average rate of six per cent. that income of almost \$26,000,000, represents an invested capital of \$433,000,000. Intangible property of the value of \$433,000,000. That was the amount that was owned by our citizens as estimated from the United States income tax returns. Possibly those returns do not represent all the intangible property within our State, but they represent a sufficient amount to show us that over four hundred million dollars' worth of intangible property escapes any share in our State, county or municipal taxes.

During the year 1919, the assessors in this State located and assessed and taxed intangible property amounting to between \$24,000,000 \$25,000,000, that sum representing the worth of intangible property found by the assessors, while the returns showed \$433,000,000 worth of such property owned in the State; five per cent. of the amount of that property owned in the State being found and taxed, and ninety-five per cent. going absolutely tax free. That seems to me like an unjust situation; somebody is paying too much of a tax, and somebody is not paying tax enough.

I have said that the Republican

party in their platform stated that the income tax was the fairest form of tax. I do not believe I need to discuss the question of the fairness of the income tax further than that. Any hypothetical objections to a specific form of income tax do not now concern us; what we are concerned with is whether the Legislature shall have the right to levy an income tax, and whether the people of the State of Maine shall have the right to vote upon that question. No question is raised now of the distribution of the proceeds of any tax to the towns and cities. They of course would have to be reimbursed for the loss represented by the amount they now collect in taxes on whatever intangible property they do reach, but those questions are not before us. Because so much property escapes taxation altogether, it necessarily follows that the burden falls more heavily upon the property that remains open and visible and is discovered by the assessors. I have told you that five per cent. of the intangible property in our State is taxed and ninety-five per cent. is untaxed. That situation is comparable to a town containing a hundred homes. Let us imagine a town composed of one hundred houses. Imagine the assessors in that town, through some reason perhaps beyond their control, assessing the taxes in that town on five of these houses and letting the other ninety-five houses go tax free. That is the same situation as exists with reference to intangible property at the present time. The entire tax of that town comes from those five houses, the other ninety-five paying no taxes at all. Now, the property that is visible to the assessor must pay the burden.

You will find in the report of the assessors for the year 1919 that livestock was taxed at a valuation of \$21,000,000. This is the year, you will remember, that intangible property was assessed and taxed at a value of \$24,500,000 dollars. And that same year musical instruments were assessed and taxed at the value of \$4,000,000; furniture was assessed and taxed at a valuation of over \$2,500,000. It is on property such as this

that the burden falls. Imagine the situation that confronts you at this time. The live-stock of the State of Maine and the musical instruments together pay an equal share of the burden of State, county and municipal taxation, as that paid by the intangible property owned by residents of the State. That situation cannot longer continue without becoming an enormous hardship on the person who owns property which is visible to the assessors. If the escape from taxation was not so wholesale, I would have fewer opponents and more gentlemen represented on my side of this proposition. Whenever they get caught in the matter of taxation, they are caught bad, but they are left at the present time in a situation where they can safely deceive their local assessors.

Now, gentlemen, I ask you to remember that this measure calls for no tax, that this measure is merely a resolve calling for the submission to the people of this State a year and a half from now of a proposed amendment to the Constitution of our State. This amendment was defeated last fall, and I trust that I have shown you reasons enough which make it necessary to urge the resubmission of this question to the people. You may think I am audacious or foolhardy, arguing in the face of such opposition as carried the State of Maine on this amendment last fall. I am fighting for this measure because I believe it is right, because I believe that the tax burden is unfair, because I believe that when our law reads that "all property is taxable," we should see to it that all property bears some of the burden. I have called your attention to the history of this problem for the past thirty odd years. This is a question which must be answered, and it must be answered upon? The question of the ability of the Legislature to levy an income tax presents the fairest opportunity to correct the abuse that exists at the present time. I say that I am fighting for this bill, and I am fighting with my back up against the wall, because I need the support of every vote in this House. I hope that

I have shown you to some extent the escape of a considerable amount of taxable property from taxation. I will ask you not to forget the fact that some escapes which are revealed in the probate courts pay too great a share of taxation, and it seems to me that in the interest of justice the people should again have the opportunity to vote on the question of whether or not the Legislature shall have the authority to correct this situation if they so see fit; and I hope, Mr. Speaker, that my motion will prevail. (Applause.)

Mr. HINCKLEY of South Portland: Mr. Speaker, I have listened with much interest to the earnest discussion of the gentleman from Gardiner, Mr. Gardiner, but I must bear in mind, as you must bear in mind, that this is not a proposition to tax intangible property, and that has been the gist of the argument. There is no proposition before us attempting to tax intangible property. I have a feeling that we are not taking the constitution of our State seriously enough. I have a feeling that the constitution of the State of Maine should not be submitted to the people for the purpose of having this passed upon unless there is a great demand for it, and unless a serious occasion arises. Two years ago this Legislature did submit this very question to the people of this State. As has been stated to you, the platforms of both of the great political parties declared in favor of this proposition. It may be that the people did not understand. I believe they did. I believe if there was any question understood by the people of the State of Maine last September, it was the question of the income tax, because we have all had experience with it. It is not a question of intangible property; it is a question of taxing incomes, and both political parties have declared in favor of it, and it was discussed in political meetings to my personal knowledge in different parts of the State. After both political parties declaring in favor of it, the great people of this State of Maine, men and women who went to the polls last September and elected you and me, at the same time

said "We are not in favor of an income tax." I say to you, gentlemen, that it would be inconsistent, it would be very presumptuous on our part to say to those people who elected us and sent us here, "You knew enough to send us here, but you did not know enough to vote properly on the income tax proposition, and we are going to send it back to you so that you can use better judgment next time." Now that is all there is to the proposition. The people did understand the income tax proposition, and they did not want it. There is no way of getting at the intangible property and the people of our State may get at that some time, but it is not through the income tax at this time; and I submit it would be absurd and unreasonable and unfair to the men and women who registered by more than 10,000 votes in this State only six months ago that they were against it, to send it back to them and say to them, "You were wrong, and we expect you to correct it." I say, it is not within our province and it is not fair, and I certainly hope the Legislature will not adopt this proposition and send this back so soon again to the people.

Mr. CHERRY of Eastport: Mr. Speaker, it may be presumption on my part to enter into this controversy, but as a member of the committee that listened to the evidence for and against this proposition, I feel that I should say just a word. We have this morning had the extreme pleasure of listening for the second time to the able presentation of this case by the eminent gentleman from Gardiner, Mr. Gardiner, and I will say to you, gentlemen of the House, that you have listened to the same argument which was presented and the same facts which were presented at the hearing before the committee when this matter was heard, and at that time the committee decided to make the report upon this bill which is now before you. So much in the way of argument could be said both for and against this measure, that it would require a great deal of time, but I will simply say to you that the principal points which attracted my

attention to this matter were from the local standpoints. I realize that I am here representing the city of Eastport and as representing that community I felt that this is no time to have such a measure committed to this Legislature, and that this is no time to confuse the minds of the people of our State with matters of taxation.

It seems to me, Mr. Speaker, that we are already taxed and re-taxed and taxed again, and I submit that you are all well aware of those facts. We, in the city of Eastport, realize very much in the way of revenue from intangibles, so-called, and we are not ready to have our resources from that source taken away from us, or having this matter referred to the people of the State, because we cannot afford to get along without them even for so short a time as might intervene between the time when they were taken away from us and the time when the State might see fit to give them back to us, as the case might be.

I hope, gentlemen, that you will recognize the fact that the committee on taxation, with the possible exception of the speaker, possess a reasonable amount of common sense, and that they are able to give an intelligent idea on what should be the result of such a measure as this when it is presented to them. They considered this matter very carefully, and they considered the honesty and the sincerity of the gentleman who presented the measure. I believe he is honest in his position, and I honor him for the able manner in which he presented his case. We listened to him very attentively and we went over the matter very carefully and decided that the people of the State of Maine had already spoken very decisively upon this question, and we decided honestly and fairly that our duty to our constituents required that we should report on this measure "ought not to pass."

Mr. RICKER of Poland: Mr. Speaker, as House chairman of this committee I wish to state that this committee heard this matter carefully and there were only three proponents who appeared in reference to this matter, the

gentleman from Gardiner, Mr. Gardner, a professor from Bowdoin College and a lady who appeared. There were over 1500 different business men from all over the State who appeared in opposition, and among them was the secretary of the American Federation of Labor of the State of Maine, who was sent here by his association to appear against this bill. The lady who appeared brought out in the hearing that she thought the women of the State did not vote intelligently upon this amendment last September, but I think I can prove to you that they must have known and understood when they were voting. You will remember that there were four amendments voted upon at that time. On that ballot there was a square in which to vote "yes" and on the other end of the paper there was a square in which to vote "no." On the first two amendments they voted yes, and they made their cross on the left-hand side of the paper; and when they came to the third amendment, which was for the income tax, they went over to the right-hand side of the paper and voted no, and then they came back and voted yes on the fourth amendment, so that they must have known what they were voting for.

On my way to the session this morning I picked up a morning paper, the Boston Herald, and just to show that you cannot tell how high a tax rate you are going to face if you vote for an income tax, I would like to read a short sentence from an article in that paper, and they have an income tax in the state of Massachusetts. The heading of this article is "Jumps income tax one percent. Cuts exemption to \$1500." In the course of the article I find this sentence: "Since this income is now taxed at the rate of one and one-half percent, passage of the pending bill would mean that every person with income within that classification would have to pay this year 66 2-3 percent more income tax than he figured," because they are going to raise it one percent. So you see even with the income tax in the Legislature the people of the State would not know how high a rate of taxation they would have to pay. This bill was

given a thorough hearing and the committee talked it all over and considered the fact that it had been voted upon in September, which seemed to the committee to indicate that the people of the State of Maine did not want it. I hope the motion of the gentleman from Gardiner, Mr. Gardner, will not prevail.

Mr. DAVIS of Freeport: Mr. Speaker, I think if you want to keep people from coming into the State of Maine to do business and if you want to drive people that are in the State out of business, you couldn't do any better than to pass this bill, and I hope the motion will not prevail.

Mr. MURCHIE of Calais: Mr. Speaker, I am as hungry as anybody, and for that reason I will try and be very brief in what I have to say with reference to this measure. I was in hopes that the committee on taxation would offer something that I would call a good reason why this bill ought not to pass; if I have heard correctly all the statements which have been made in the way of objections to this bill, they were these: First, the loss to the municipality that would be sustained by having a tax on this class of property collected by the State; secondly, the bogey of taxation raised by the gentleman from Poland, Mr. Rickler, and the gentleman from Freeport, Mr. Davis; and finally, the question that is as old as any constitutional amendment or referendum, that it has already been settled.

I think it is true, Mr. Speaker, that in every State where the income tax law has been adopted, that machinery has been put into the income tax law so that every municipality is protected in getting from the income tax fund an amount of money equal at least to what has been collected from intangible personal property. If this constitutional amendment is submitted and adopted, it is still open to the Legislature, when it is deemed wise, to enact legislation to put a tax law in effect, to see to it that the city of Eastport and the city of Augusta and the several other cities and towns in the State are fully protected so far as their local revenue is concerned. The gentleman

from Poland, Mr. Ricker, says that if we have an income tax law we can never tell what our rate of taxation is going to be; but I submit, Mr. Speaker, it is a good deal better for us to know, regardless of what our tax rate may be, that it is going to be uniform, than to leave it in the present condition with 95 per cent. not paying. I am amused also to find the gentleman from South Portland, Mr. Hinckley, uniformly consistent, as he explained to this House the other day, telling this body this year that it was improper to resubmit a question when two years ago he stood upon the floor of this House and voted for a Federal suffrage amendment, which three months before his constituents had said they did not want. (Laughter.) I hope the motion of the gentleman from Gardiner, Mr. Gardiner, will prevail, and I ask that when the vote is taken it be taken by the yeas and nays. (Applause.)

Mr. BARWISE of Bangor: Mr. Speaker, I did not intend to have anything to say upon this question, but the very able argument of the gentleman from Gardiner, Mr. Gardiner, has convinced me that his motion ought to prevail. (Applause.) This matter of income tax returns is the bugaboo that scared the people of Maine into voting the way they did; it was the endless trouble connected with making out the complicated income tax returns which they saw behind the constitutional amendment, rather than the principle of an equitable tax on all property in the State of Maine, regardless of whether it was tangible or intangible.

Now, there is no necessity for having any complicated system in the application of this income tax. We can learn something from the Dominion of Canada and from the Province of Quebec where they have a very simple and easy way of managing this question, so that two minutes' time of any man is all that is necessary to handle a State income tax return. The Dominion of Canada has a complicated system, fully as complicated a system of income tax returns as are the United States

government returns on the Federal income tax. It is a great deal of trouble to make out the returns, but the provincial government of Quebec has prepared a list of the names of every person in the Province of Quebec who pays a Dominion income tax at Ottawa, and they simply send out a small sheet of paper with the man's name written upon it and asking him one question,—“How much income tax did you pay the Dominion government at the end of a certain date?” And this date might have been probably 60 days before, and then there is a printed statement stating that his income tax to the Province of Quebec is 15 per cent. of the amount that he paid to the Dominion, and there is simply added to that, “Please enclose your check and send it to the proper officers of Quebec.”

Now, gentlemen, we can have just as simple a system as that here if we wish, with no complications and no silly exemptions, and nothing very difficult to reckon, and we can make this matter so simple that no one need object to it on that ground, and we can make it so effectual that our general tax rate on tangible property that all of us have to bear will be materially reduced. (Applause.)

Mr. MAHER of Augusta: Mr. Speaker and gentlemen, it was absolutely furthest from my mind to say a word with reference to this subject, but I have been moved to it by the uniqueness of the situation and particularly by the remarks of the gentleman from Calais, Mr. Murchie, and the attitude of the gentleman from South Portland, Mr. Hinckley. I am standing up here chiefly to oppose the motion of the gentleman from Gardiner, Mr. Gardiner, because I desire to be consistent, and two years ago I consistently opposed suffrage because the city of Augusta voted against it, and I was consistently opposed then in the first instance because the city of Augusta voted against it, and for a still better reason.

In the first place, I believe in the income tax, and I think it is absolutely the right thing. I think it is

the sound, theoretical way of equally spreading the burdens of government. I happened to be a member of the committee to which the gentleman from Gardiner, Mr. Gardiner, alluded, which made a report to the Legislature advising an income tax amendment, advising the submission of that to the people, which was done; and that committee made a very grave error, not in its submission of this question, not in its suggestion, but in its action, and I stand up here and frankly admit it. And the same error which we made is now applicable to the situation as presented by the gentleman from Gardiner. Why the income tax proposition was defeated at the polls was not because of the political advertisements in the Kennebec Journal, it was not entirely from the lack of information or misinformation on the part of the people, but it was because the people did not know, not the mere proposition of whether they were for an income tax or not, but they did not know just what the specific, concrete thing before them was. Now, when you get ready to put the income tax up to the people of the State of Maine, put it up to them in a manner so that they will know just exactly what you mean, and then they will vote intelligently, either for or against a constitutional provision authorizing the imposition of the tax. But I do not believe the people of the State of Maine are now going to put their backs up against the wall and buy any "pig in a bag." The argument is excellent in theory for the constitutional amendment and for an income tax, but I want to know whether it is going to be a tax upon the unearned incomes, so to speak, whether it is going to be a tax upon this escapable property, or whether it is going to be a tax upon industry and upon thrift and upon energy and upon the lawful acquisitions of men. I want to know what the exemptions are going to be. I want to know how much a man with a family who is earning in his profession or at the bench or in his business—I want to know what his share is going to be, as contrasted with the man who is clipping his coupons to whom the

gentleman from Gardiner, Mr. Gardiner, has referred. And that can only be compassed by an intelligent bill, by the submission of a bill that will take effect. It is perfectly proper and it has been done, and it was done here last June with reference to the soldiers' bonus, by the submission of a comprehensive, well-considered, well-digested and commendable measure that will show the people what they are going to meet. I submit that such a measure to take effect when and only when the constitutional amendment is acceptable,—such a proceeding is a rational and a logical one, and it is a fair one and it is the only one in my judgment that would receive the approbation of the people of the State of Maine.

I do not purpose for an instant to be diverted from the position which I take here into a discussion of the merits or the demerits of the income tax, or the income tax proposition. Now, gentlemen, you have seen your papers throughout the State day by day, carrying other advertisements besides those unsigned ones. Turn to the financial page of any one of your papers, and you will see a list, and it seems to me an ever-increasing list of brokerage concerns that are advertising tax-exempt securities for sale. Now money is the blood, the very life blood of all business, and if you are going to advocate an income tax, or any measure of taxation which is going to drive that life blood away from the heart of industry and from the heart of business in the shape of putting it into tax exempt securities, with no proposition to the man who is working with his head or with his hands, that he is not going to be taxed, not only on his little place and on his stock in trade, but upon his modest earnings, then you are not, to my mind, spreading the burdens of government, but you are creating a class against which there is an unjust discrimination.

I agree absolutely with the argument of the gentleman from Gardiner, Mr. Gardiner. I think it should be supplemented, however, by an intelligent bill which I think the gentleman from Gardiner is capable of offering to this House, but I think un-

til we have an intelligent, comprehensive measure that we have but taken the first step today in line with the campaign of education which should go on until the bill itself has been formulated and all the real and not mere fancied objections are met.

Mr. COLE of Eliot: Mr. Speaker, I rise to make a motion. Some years ago some party in searching for material from which to write a story of the true life of George Washington, found among papers an old book in which was contained these words: "George Washington, he liketh not to pay his tax," and in order to find out how many George Washingtons we have, I move the previous question.

The SPEAKER: The question before the House is on the motion that the bill be substituted for the report of the committee. Upon that, the gentleman from Calais, Mr. Murchie, moves that when the vote is taken it be taken by the yeas and nays.

A viva voce vote being taken, the yeas and nays were not ordered.

The question being on the substitution of the bill for the report,

A viva voce vote being doubted, a division was had, and 45 voted in the affirmative and 73 in the negative.

So the motion was lost.

On motion by Mr. Viles of Augusta, the report of the committee, reporting "ought not to pass," was then accepted.

The SPEAKER: The Chair presents Bill, An Act incorporating the Union Mutual Exchange of Lewiston. In the House the report of the committee, reporting "ought not to pass," was adopted. In the Senate, that body reconsidered its action whereby the report of the committee was accepted in concurrence with the House, and the bill was then recommitted to the committee on banks and banking.

On motion by Mr. Gagne of Lewiston, the vote was reconsidered whereby the vote of the committee, reporting "ought not to pass" was accepted, and on further motion by the same gentleman, the bill was recommitted to the committee on Banks and Banking in concurrence with the Senate.

On motion by Mr. Audibert of Fort Kent, it was ORDERED, that the Secretary of Senate return to the House, report of the committee on Banks and Banking on Bill, An Act to incorporate the Maine Mutual Loan Society of Fort Kent.

The Speaker stated that the papers had been returned to the House and that the report of the committee reporting "ought not to pass" had been accepted by the House.

On motion by Mr. Audibert, the vote was reconsidered whereby the report of the committee was accepted, and on further motion by the same gentleman, the bill was recommitted to the committee on Banks and Banking.

On motion by Mr. Barwise of Bangor, House Doc. No. 362, Bill, An Act providing for an increase in tuition paid by towns for secondary school pupils, was taken from the table.

This bill being tabled pending its third reading, on motion by the gentleman from Madison, Mr. Towne.

Mr. BARWISE: Mr. Speaker, the gentleman from Madison, Mr. Towne, who is absent, wished me to take this from the table and have it specially assigned for Friday of this week, as he wishes to offer an amendment to the bill.

On motion by Mr. Barwise, the bill was again tabled and specially assigned for consideration on Friday of this week.

On motion by Mr. Daigle of Madawaska, House Doc. No. 305, House Amendment "B" to Resolve appointing State Library Building Committee, was taken from the table.

The pending question being on the adoption of the amendment,

On further motion by Mr. Daigle, the amendment was adopted.

The resolve then received its second reading and was passed to be engrossed as amended by House Amendment "B."

On motion by Mr. Granville of Parsonsfield,

Adjourned until tomorrow morning at 9 o'clock.