

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eighty-First Legislature

OF THE

STATE OF MAINE

1923

KENNEBEC JOURNAL COMPANY
AUGUSTA, MAINE

HOUSE

Wednesday, February 28, 1923.

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

Prayer by the Rev. Mr. Baker of North Anson.

Journal of previous session read and approved.

Papers from the Senate disposed of in concurrence.

Senate Bills in First Reading

Senate 142: An Act to amend Chapter 3, Section 31, of the Revised Statutes relating to printing and binding of reports of certain State departments.

Senate 137: An Act to amend Section 11 of Chapter 127 of the Revised Statutes, relating to search warrants for implements of gambling.

Senate 139: An Act to create a board of road commissioners in the town of Mt. Desert.

Senate 140: An Act relating to transferring inmates of the State School to the Reformatory for Men.

Senate 136: An Act to amend the 18th paragraph of Section 43 of Chapter 117 of the Revised Statutes, relating to the time of payments by registers of deeds to county treasurers.

Senate 135: An Act to extend the charter of the Eastern Maine Railroad.

Senate 141: Resolve providing for the purchase of reports of the commemoration of a century of peace between the United States and Canada of the Maine State Bar Association.

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

Education

By Mr. Bisbee of Damariscotta: Petition of Joseph C. Sawyer and 40 other citizens of Maine in favor of a Constitutional Amendment prohibiting the use of public funds in sectarian schools.

By Mr. Williams of Falmouth: Petition of George A. Ellingwood and 77 other citizens of Maine in favor of the same.

By Mr. Sanders of Portland: Petition of Fred W. Peck and 40 others in favor of same.

By the same gentleman: Petition of Samuel H. Deering and 40 others in favor of same.

By the same gentleman: Petition of Walter R. Fenley and 40 others in favor of same.

By Mr. Chalmers of Bangor: Petition of M. F. Robbins and 40 others in favor of same.

By Mr. Downing of Bangor: Petition of George M. Hathaway and 40 others in favor of same.

By Mr. Leathers of Hermon: Petition of Morton E. Lord and 40 others in favor of same.

Inland Fisheries and Game

By Mr. Bickford of Brownfield: An Act additional to Chapter 219 of the Public Laws of 1917, relating to the protection of black bass in Lake Walden and Hancock Lake so-called, situated wholly or partly in the town of Denmark, in the county of Oxford, and in the town of Sebago, in the county of Cumberland.

By the same gentleman: Petition of R. W. Leeman and 12 others in favor of same.

Judiciary

By Mr. Hayes of Chelsea: An Act relating to the organization of the Legislature.

By Mr. Nichols of Portland: An Act to amend Section 25 of Chapter 124 of the Revised Statutes of Maine, relative to penalty for falsely assuming to be an officer.

By Mr. Sanders of Portland: An Act regarding the license fees of motorcycles and motorcycle sidecars.

By Mr. Littlefield of Kennebunk: An Act to amend Sections 20, 30, 31, 38, 41, 46, 47, 50, 53, 72, 73, 74 and 82 of Chapter 211 of the Public Laws of 1921, entitled "An Act relative to motor vehicles, and the law of the road, and to revise and amend Chapter 26 of the Revised Statutes and Acts amendatory thereof and additional thereto."

(500 copies ordered printed)

By Mr. Hodgkins of Bangor: An Act to amend Chapter 211, Public Laws of 1921, relating to motor vehicles.

(500 copies ordered printed)

Judiciary and Labor

By Mr. Leland of Sangerville: An

Act relative to the hours of employment of men, women and minors.
(500 copies ordered printed)

Legal Affairs

By Mr. Crafts of Greenville: An Act to repeal the Act organizing the Plantation of Elliottsville.
(500 copies ordered printed.)

By Mr. Hodgkins of Bangor: Act relating to the manufacture and sale of mattresses, pillows, cushions, quilts, or similar articles.

By Mr. Jewett of Vassalboro: Act to amend section 12 of chapter 7 of the Revised Statutes as amended by chapter 207 of the Public Laws of 1921, relating to division of towns and wards of cities into convenient polling places.
(500 copies ordered printed.)

Mines and Mining

By Mr. Piper of Jackman: Act providing for the location and operation of mines.

Salaries and Fees

By Mr. Garvin of Lewiston: Petition of county commissioners of Androscoggin county asking an increase in their salaries.

Sea and Shore Fisheries

By Mr. Baker of Steuben: Remonstrance of Nehemiah J. Beal of Milbridge and 30 others against the proposed law to change the present three commissioners of sea and shore fisheries to a one man commission.

State Sanatoriums

By Mr. Weeks of Fairfield: Resolve in favor of Western Maine Sanatorium for personal services, maintenance, repairs and equipment.

Taxation

By Mr. Barwise of Bangor: An Act to amend section 6, paragraph XI of chapter 10 of the Revised Statutes in regard to forest land exempted from taxation.

(On motion by Mr. Curtis of Brewer, 500 copies ordered printed.)

Orders

On motion by Mr. Douglas of Lamoine, it was

Ordered, that the use of the hall of the House be granted to the committee on Maine publicity for the afternoon and evening of March 6, 1923, for a hearing in the afternoon

and a moving picture exhibition in the evening.

Reports of Committees

Mr. Hale from the committee on legal affairs on bill "An Act relative to material witnesses and bail in criminal cases" reported that 500 copies be printed and the bill recommitted.

Same gentleman from same committee reported same on bill "An Act to amend chapter 112 of the Public Laws of 1919 relative to disorderly houses."

Same gentleman from same committee reported same on bill "An Act to secure prosecution against bail in criminal cases."

Same gentleman from same committee reported same on bill "An Act with reference to the jurisdiction of the courts in certain cases under chapter 120 of the Revised Statutes relating to desertion and non-support of families."

Same gentleman from same committee reported same on bill "An Act to amend chapter 126 of the Revised Statutes relative to proof of marriage in criminal cases."

Mr. Gillespie from the committee on agriculture reported "ought not to pass" on bill, "An Act prohibiting the hunting, taking or killing of wild bees for a term of five years."

Mr. Siddall from the committee on legal affairs reported same on bill, "An Act to amend Chapter 328 of the Private and Special Laws of 1889, as amended by Chapter 453 of the Private and Special Laws of 1889, entitled 'An Act to incorporate the City of Brewer.'"

Same gentleman from same committee reported same on bill, An Act to amend Chapter 386 of the Private and Special Laws of 1885, entitled "An Act relating to drains and common sewers in the town of Brewer."

Mr. Hale from same committee reported same on bill, An Act relating to the incorporation of the Specialty Club.

Mr. Holmes from same committee reported same on bill "An Act to repeal Section 139 of Chapter 4 of the Revised Statutes, relating to the organization of less populous townships."

Reports read and accepted and sent up for concurrence.

Same gentleman from same committee reported "ought to pass" on

bill, "An Act to amend Section 18 of Chapter 35 of the Revised Statutes relating to the entrance of cattle into the State."

Mr. Leland from the same committee reported same on Resolve providing for an annual display of the agricultural products and resources of the State of Maine at the Eastern States Exposition.

Same gentleman from same committee reported same on Resolve making appropriation for the support and maintenance of the State Experiment Station.

Mr. Holmes from the committee on legal affairs reported same on bill, "An Act amending Chapter 449 of the Private and Special Laws of 1865, incorporating Irish American Relief Association."

Mr. Siddall from same committee reported same on bill "An Act authorizing and empowering the inhabitants of the town of Kennebunk to create a sinking fund and raise money therefor by taxation for the retirement of its 'highway and grade school house bonds.'"

Mr. Hale from same committee reported same on Bill "An Act to amend Section 35 of Chapter 44 of the Revised Statutes as amended by Chapter 67 of the Public Laws of 1921, relating to Licenses for Lightning Rod Agents."

Reports read and accepted, and the bills and resolve ordered printed under the joint rules.

Mrs. Pinkham from the Committee on Maine Publicity on Resolve in favor of the erection of a State of Maine Building on the grounds of the Eastern States Agricultural and Industrial Exposition Inc., at West Springfield, Mass., reported same in a new draft under same title and that it "Ought to pass."

(Tabled by Mr. Chalmers of Bangor, pending acceptance of report and 500 copies ordered printed.)

First Reading of Printed Bills

House 187: "An Act to amend Section 32 Chapter 75 of the Private and Special Laws of 1919, relating to the Board of Education of the city of Augusta."

House 188: "An Act to incorporate the Patten Water and Power company."

House 189: "An Act providing for protection of white perch in Bear Pond, situated in the town of Hartford, in the county of Oxford, and in the town of Turner, in the county of Androscoggin."

House 190: "An Act to limit the number of pounds of fish that may be taken from Cobbosseecontee Stream and connecting ponds, in the county of Kennebec."

House 191: "An Act to amend Section 2 of Chapter 319, Public Laws of 1915, as amended by Chapter 243, Public Laws of 1919, relating to State and County aid in the construction of Highway Bridges."

House 192: "An Act to regulate the taking of clams in the town of Sorrento."

House 193: "An Act to extend an Act entitled 'An Act to incorporate the Odd Fellows' Home of Maine.'"

Passed to be Engrossed

Senate 86: "An Act to amend section 50 of Chapter 55 of the Revised Statutes, as amended by Chapter 131 of the Public Laws of 1917, authorizing complaint by a utility against itself, and empowering the Public Utilities commission to order refund."

(Tabled by Mr. Wing of Auburn, pending passage to be engrossed.)

Senate 114: "An Act to amend Chapter 172, S. L. 1899 and amended by Chapter 259 S. L. of 1903, relating to close time on lobster traps in the waters of Pigeon Hill Bay."

Passed to be Enacted

An Act to amend Chapter 128 of the Private and Special Laws of 1921 relating to Clerk Hire in the Lewiston Municipal Court.

An Act to repeal Chapter 66 of the Private and Special Laws of 1919, relating to the Biddeford and Saco Water company.

Orders of the Day

THE SPEAKER: Under orders of the day the first item to be considered is that assigned for today and the Chair presents majority and minority reports of committee on Public Health on act for promotion of hygiene of maternity and infancy, etc., tabled by the representatives from Fort Kent, Mrs. Pinkham, pending acceptance of either report; and the Chair recognize the representative from Fort Kent, Mrs. Pinkham.

On motion by Mrs. Pinkham, it was voted to take from the table the report tabled by her on February 23.

Mrs. PINKHAM: I yield to the gentleman from Naples, Mr. Fickett.

Mr. FICKETT of Naples: Mr. Speaker, I move that the majority report from the committee on Public Health be accepted.

Mr. BROWN of Bar Harbor: I second that motion.

Mr. WEEKS of Fairfield: Mr. Speaker, I yield to the gentleman from Harmony, Mr. Reed.

Mr. REED of Harmony: Mr. Speaker and members of the Legislature: In offering this bill in new draft, it was not the intention of the signers to deprive the mothers of our State of any advantages that might be derived from the objects as set forth by the Sheppard-Towner bill. We do believe, however, that we should take pride in doing these things ourselves for our people of Maine if it is within our power to do so. The words "gift" and "state management" appeal, but underlying the whole remains the fact that somebody else is delegated to finally say as to the method to be adopted in the conduct of our affairs. I believe in economy, but, if work of this kind is to be carried out, I think we are amply able to do it ourselves without outside assistance or interference. A halt must be called somewhere or all our activities will be controlled by the central government.

I had handed me this morning a little proclamation from our Governor, in which he says: "I believe the time has come for the states of the Union to hold to principle and to carefully scrutinize all offers of 'Federal Aid' before accepting them. *

* * During the World War the power of the Federal Government over the States of the Union was extended beyond precedent. The time now has arrived, however, when our states should be restored to their former status and should guard against further encroachment."

Again he says: "The time has arrived when the people of this State will jealously guard the rights inherent in them as a sovereign people and will accept the responsibilities the possession of such rights imposes."

I see no reason why it is not possible without any sacrifice to do all that is outlined under this act; and I hope that the motion of the gentleman from Naples (Mr. Fickett) will not prevail.

Mr. WEEKS of Fairfield: Mr.

Speaker and members of the House. I do not want to be misconstrued in any way upon the position which I am going to take in this matter. I am in favor of the rejection of the majority report and for the acceptance of the minority report. Now mind you, I have, in taking this position, looked at the interests of the mothers and the children of the State of Maine and I want to do as I feel is my duty. I have nothing against the work which this bill proposes but I do not believe in the underlying principles of it. Now, let us see what the act is that we are going to consider. November 23rd, 1921 Congress passed what is known as the Sheppard-Towner Bill. I want to go through the different provisions of this bill so that you may know intelligently what you are doing if you accept it.

Section one states the object. It is, "for the purpose of co-operating in promoting the welfare and hygiene of maternity and infancy as hereinafter provided." I heartily agree with the object of that clause.

What is the second provision? And I want to read that at length so that you can understand that too. "For the purpose of carrying out the provisions of this Act there is authorized to be appropriated, out of any money in the treasury not otherwise appropriated, for the current fiscal year \$480,000, to be equally apportioned among the several States, and for each subsequent year, for the period of five years, \$240,000, to be equally apportioned among the several states in the manner hereinafter provided: Provided that there is hereby authorized to be appropriated for the use of the States, subject to the provisions of this Act, for the fiscal year ending June 30, 1922, an additional sum of \$1,000,000 and annually thereafter for the period of five years an additional sum not to exceed \$1,000,000; Provided further, that the additional appropriation herein authorized shall be apportioned \$5,000 to each State and the balance among the States in the proportion which their population bears to the total population of these States of the United States, according to the last preceding United States census; and provided further, That no payment out of the additional appropriation herein authorized shall be made in any year to any State until an equal sum has

been appropriated for that year by the Legislature of such States for the maintenance of the services and facilities provided for in this Act."

And, under a separate paragraph, "So much of the amount apportioned to any State for any fiscal year as remain unpaid to such State at the close thereof shall be available for expenditures in that State until the close of the succeeding fiscal year."

Now, what does the State of Maine receive if it accepts this act, this suggested appropriation of \$480,000? That would mean \$10,000 to the State of Maine, provided they accepted, it would seem. But does it? When is that money available? It is available to June 30, 1922 and then, provided it is not expended during that year it is available for the succeeding fiscal year, so it is available until June 30, 1923. Now, we have in our Constitution a provision whereby no act of the Legislature shall go into effect until ninety days after adjournment. In order to receive the benefits of that \$10,000 the Legislature must adjourn ninety days previous to June 30, 1923, and the history of past Legislatures would show that you cannot come within the provisions of this law unless the emergency clause is attached. I am stating this in spite of the fact that I understand there is some agreement whereby this \$10,000 may be received, but legally the State of Maine is not entitled to it. It cannot come under the provisions of this act in such a way as legally to accept it. Now, with that \$10,000 out of the way what is the next provision? That we should receive, if we accept the act, \$5,000 provided we raise \$5,000 and the balance of the \$1,000,000 to be divided according to the population of the different States. That would mean to the State of Maine approximately \$1,700. So that the proposition is, shall we accept from the United States Government \$6,700 provided we raise it ourselves. That is, for a period of five years.

Section three provides a Board of Maternity—where? In Washington. It provides that the Chief of the Children's Bureau shall be one of that Board—and where? In Washington. It provides that the Surgeon General of the United States Public Health Service shall be a member of that Board—and where? In Washington. It provides that the United States Commissioner of Edu-

cation shall be a member of that Board—and where? In Washington. It provides further, that the Children's Bureau of the Department of Labor shall be charged with the administration of this Act—and where is it to be carried out? In Washington.

Section four of the Act provides for its acceptance, and that I want to go into a little later.

Section five provides for expense. It provides that five per cent of all the money raised under this Act can be used for administration purposes. You say that is not very much, but on a million dollar appropriation, fifty thousand dollars is used in Washington when it could be available in the State of Maine if we did not adhere to the principle that we must pay our taxes in Washington. They must be manipulated there and then returned to the State. That is the principle which you have before you. Now, what is this money to be expended for? It is to be expended for assistants, clerks and other persons in the District of Columbia, in Washington and elsewhere, to be taken from the eligible lists of the Civil Service Commission, and to purchase supplies and material, equipment, office fixtures, etc., and to incur such additional and other expense as may be deemed necessary for carrying out the provisions of this Act—and where? In Washington.

Section seven provides that the Secretary or Treasurer shall certify the different amounts which shall be apportioned among the States.

Section eight shows what the plans are. And I want to read that in full because that is very material. "Any State desiring to receive the benefits of this Act shall, by its agency described in section four, submit to the Children's Bureau detailed plans for carrying out the provisions of this Act within such State, which plans shall be subject to the approval of the board (in Washington): Provided, that the plans of the States under this Act shall provide that no official, or agent, or representative in carrying out the provisions of this Act shall enter any home or take of any child over the objection of the parent, or either of them, or the person standing in loco parentis or having custody of such child. If these plans shall be in conformity with the pro-

visions of this Act and reasonable appropriate and adequate to carry out its purposes they shall be approved by the board and due notice of such approval shall be sent to the State agency by the chief of the Children's Bureau." Everything must be submitted to Washington. Everything must be approved by Washington. How this money must be spent must be approved by Washington.

Section 9 reads, "No official, agent, or representative of the Children's Bureau shall by virtue of this Act have any right to enter any home over the objection of the owner thereof, or to take charge of any child over the objection of the parents, or either of them, or of the person standing in loco parentis or having custody of such child. Nothing in this Act shall be construed as limiting the power of parent or guardian or person standing in loco parentis to determine what treatment or correction shall be provided for a child or the agency or agencies to be employed for such purpose." They were afraid, when they enacted this bill that the argument would be that the Federal Government is entering and trying to control our homes, and this provision is, in my mind, put in for the mere purpose of securing the passage of the bill, although, as no penalty whatever is provided for, there is nothing in that section which would prevent any Federal agent coming into our homes and doing anything he wanted to. He could do that because there is no penalty attached whatsoever.

Section 10 is pure form matter and provides how the Act shall be carried out.

Section 11 provides that the United States Government can withhold any money if the State itself does not carry out the plans which are formulated, really, in Washington. They may not be actually formulated in Washington but they are submitted by our State Board, approved in Washington, and unless proper plans are submitted then we are in a position where we have got to either refuse the money or accept their plans.

Section 12 provides that, "No portion of any moneys apportioned under this Act shall be applied, directly or indirectly, to the purchase, erection, preservation, or repair of any building or buildings or equip-

ment, or for the purchase or rental of any buildings or land, nor shall any such money or moneys required to be appropriated by any State for the purposes and in accordance with the provisions of this Act be used for the payment of any maternity or infancy pension, stipend, or gratuity." In other words, gentlemen, this is purely a literature campaign by Washington with which the State has nothing whatsoever to do, and it provides no remedy. It provides simply for the education of the mothers which I think we are able to take care of ourselves.

Now, on Feb. 2nd, Mrs. Pinkham introduced into the House a bill providing for the acceptance of this Act. There is nothing of any special importance outside of the fact that it accepts all the provisions of the Sheppard-Towner Bill. That was heard before a committee and was argued at great length here. What has been the result of that committee's action? The majority report, "Ought to pass." in new draft, is practically the same as the bill itself. It simply adds a section which is as follows, "Nothing in this Act shall be construed as limiting a power of a parent or guardian or person standing in loco parentis to determine what treatment or correction shall be provided for a child or the agency or agencies to be employed for such purpose." Evidently the majority of that committee felt that the provisions of that Federal law are drastic and have added that on to secure its passage in spite of the fact that the Federal Government may make a rule or regulation providing that that section has no effect. The majority report was signed by Messrs. Fickett, Bradbury, Mrs. Pinkham, Messrs. Pierce, Brown, Ray and Croxford. The minority report—and that will come up later because if the majority report is turned down I shall move for the acceptance of the minority report—is in new draft, and is as follows: "Resolved: That there be and hereby is appropriated the sum of \$15,000 for the fiscal year of 1924 and the sum of \$15,000 for the fiscal year 1925 for the promotion of the welfare and hygiene of maternity and infancy in the State of Maine; the said appropriation to be spent by the State Department of Health under the direction of the Governor and Council." That gives you more than you can receive from the Fed-

eral Government and is carrying out the purposes for which the Act was enacted. That report was signed by Messrs. Phillips, Reed, and Allen. Now, to go back to the original Sheppard-Towner Bill, Section 4.

Section 4 provides that, "This Act may be accepted by the Governor of the State of Maine and to be effective until six months after the adjournment of the next session of the Legislature after the passage of the Act in Congress." Now, what has happened under the procedure so far as the Governor is concerned? On June 23d last, Governor Baxter with his Councillors had a hearing upon this particular bill to see whether they would accept its provisions. In favor of the acceptance of the Sheppard-Towner Bill there appeared Dr. Young, Dr. Kendall, Miss Mabel Connor of Augusta, and Mrs. Howard Ives of Portland. Those opposed were Dr. Spalding of Portland, Franklin C. Payson of the Children's Hospital in Portland, Bishop Walsh and Mrs. Kregar of my own home town. The matter was gone into thoroughly at that time. It was not considered hastily. It was laid on the table and the Governor on July 17th, according to the newspaper reports made a proclamation refusing to accept the provisions of this United States Act. His reasoning is the same as my own and his idea of the fundamental principle underlying the Bill is the same as my own, and I would therefore like to go over that proclamation so that you may see his reason and mine.

"At the hearing on June 23 the advocates of the Sheppard-Towner Bill admitted that the United States Supreme Court might declare the Bill unconstitutional thus making the \$5000 'gift' to the State an unlawful use of the public funds by Congress. Notwithstanding this, these advocates urged the State to accept the money 'because other States have done so'. The weakness of this argument is apparent, and the State of Maine will take no money unless it has a clear title to it.

"I believe the time has come for the States of the Union to hold to a principle and to carefully scrutinize all offers of 'Federal Aid' before accepting them. Having no doubt as to what my duty is in this matter, I decline to accept the Sheppard-Towner Bill and this State for the time being will stand with New York, Massachusetts and Rhode Is-

land, the three states that have rejected it. The State of Maine will not sell its birthright, and principle not expediency, has been the determining factor with me in the solution of this problem. The financial aspects of Federal Aid is interesting. The proffered \$5000 has been referred to as a 'free gift' to the State of Maine, while in reality the Federal Government is taxing the State to raise this money, and now in order to help our mothers and children offers to pay back to the State the trivial sum of less than two-thirds of one cent for each inhabitant. At the present time over \$18,000,000 is annually taken in taxes by the Federal Government from the people of Maine and less than \$1,250,000 is returned to the State in the form of Federal Aid. This \$18,000,000 of Maine money is paid into the Federal Treasury at Washington, a large portion being absorbed in heavy administration expenses at the Federal Capitol, and a small fraction being returned to the State.

"The people of Maine are willing and able to care for their own mothers and children, and I have faith to believe that Maine men and women will do this rather than accept so-called gratuities from a Federal bureau. Already we are overburdened with Federal interference and control, and our citizens and industries are hampered by Federal inspectors and other officials from Washington.

"The Sheppard-Towner bill is to be attacked in the court by the Commonwealth of Massachusetts, and eminent lawyers are of the opinion that the Federal Government has no power over the States in maternity and child welfare matters. There also is grave doubt as to whether or not the governor of a State has the power to accept the bill in question, even though Congress attempts to confer that power upon him. The governor of a State does not derive his authority from the Federal Government, and a Federal bill that seeks to confer new powers upon him is of questionable standing.

State Provides the Money

"The existing provisions of the Sheppard-Towner Bill are reasonably moderate, but it properly may be assumed that attempts will be made to broaden its scope so as to further restrict the State's control over its own affairs. It is apparent that the present bill is but an entering wedge

for more radical legislation and Maine's delegation in Congress, our senators and representatives should be urged to resist all further encroachments upon the States by the Federal Government. Maine will loyally support the Union in all matters that come under the provisions of the Federal Constitution but the time has arrived when the people of this State will jealously guard the rights, inherent in them as a sovereign people, and will accept the responsibilities the possession of such rights imposes.

"The seven members of the Executive Council unanimously have advised me not to accept the bill in question. These Councilors are men of wide experience in public matters and I value their opinions highly. They, as well as myself, have at heart the welfare of the people of Maine, and in conjunction with those who favor the bill, we all desire to advance maternity and child welfare work.

"If the time ever comes when Maine refuses to care for its mothers and children or lags behind other States in humanitarian work, as some Southern States have done in neglecting to enact proper Child Labor Laws, then it may become necessary for the Federal Government to intervene, or at least to offer advice and assistance. We are not confronted with this condition at the present time, and should not encourage the centralization of power in Washington.

"In years gone by the State of Maine has not hesitated to stand for great principles and it is well for the forty-four States that have accepted the Sheppard-Towner Bill to know that Maine neither asks for, nor for the time being accepts Federal aid for its mothers and children."

Now, it will probably be stated here that the women of the country and the women of the State of Maine are behind this Bill, but beginning in my own small town of Fairfield, I want to say that I do not know of one women's organization in that town that is in favor of that Bill. The real responsible women's club of that town has passed a resolution against the Bill. That resolution has been sent to me and numerous women from my town have spoken to me against it. Now, going into it a little further, Miss Robertson of Oklahoma was the only woman member in the

House of Representatives when this Act was passed. Was she in favor of this Bill? She said, "If the pitiless lights of publicity" were brought to bear on the methods which have brought the Bill thus far toward enactment "Its most ardent proponents would in all fairness be compelled to allow time for the as yet unheard majority of women who know nothing of the proposed legislation to learn the facts and to speak for themselves."

In Massachusetts there was a hearing which the women largely attended to see if Massachusetts would accept the provisions of this Bill. A poll was taken of the women members present and ninety per cent. of the women who crowded the Auditorium at the State House recorded themselves in opposition to the Sheppard-Towner Maternity Act. Now, in addition to the women, the doctors have the interests of maternity and the children in the State of Maine very much at heart. Consult your own physician or consult any member of the medical profession and you will find that almost to a man they are absolutely opposed to this measure. For they know that literature does not have the effect that personal contact with the women and children does, and they will tell you that the personal contact is of more advantage to the women and children of Maine than any literature that you can possibly get out. Now, the really vital point in this matter is not as to whether we are getting something for nothing. It is whether or not we want to surrender the State rights which we have to the Federal Government. It is true that we have already accepted provisions for Federal aid for Federal Forestry Preservation and for so-called Federal Aid bills, but it seems to me that the time has come when we must stop. We must if we want to spend our own money as we want to and as we know in our own locality it should be spent. Then we should get away from this doctrine of Socialism and Paternalism and Bolshevism that exists in a bill of this nature. Save us from a bureaucratic state! Save us from a concentration in Washington of numberless bureaus for the regulation of human affairs, from maternity to St. Lawrence navigation, from cold storage to patriotic poems. Let us as a people, do some-

thing for ourselves, and remain masters in our own homes.

Mr. MAHER of Augusta: Mr. Speaker and gentlemen, I wish to make a few remarks, not as an apology for my views, nor with the hope that I will persuade any member of this assembly to my convictions, but I am heartily, thoroughly and honestly in favor of the majority report upon this measure, and for this reason, that I have yet to hear, despite the persuasiveness of the gentleman from Fairfield, (Mr. Weeks), despite the eloquence, despite the learning and unquestioned ability of all who took part at the hearing before the Governor's Council last summer which I attended and listened to attentively, I have yet to hear a single argument that does not answer itself. In fact, the position of the minority on this bill, the position of the gentleman from Fairfield, his entire argument, resolves itself in the last analysis to this: "We will not accept this particular money in this particular way, we will not accept this particular agency, but we will pay you an equivalent or a larger amount," admitting at the very outset the premise either that out of expediency in a desire to placate somebody or in an admission that there is, worth in the principle itself, one of the two, either that the principle itself of maternity aid here is advisable or else that they will vote away the people's money as a measure of expediency to placate somebody who thinks it is advisable.

Now, which is it? Is the principle advisable and is it proper? Upon that I will not assume to pass. I will say this much, that the arguments against this particular form of aid under discussion here resolve themselves, if I understand them, into this: into technical, economic and politic objections. The technical objection is, if I get it, that no matter what is the act of this Legislature, it will be entirely futile because it will not come within the purview of the Act because of the referendum provision of our Constitution. In other words, that the fiscal year of the Federal Government will not coincide with our 90-day provision under the referendum. It seems to me that Section 4 that the gentleman refers to completely answers that,—that there is no provision until six months following the adjournment of the Legislature. We are permitted to avail

ourselves of the provisions of the Federal Act. He states that there is some sort of workable understanding that has been reported to him. I know not of that but we are not losing anything and the gentleman's argument again reverts and destroys its position because if this Legislature, by anything that it does cannot come within the purview of the National Act then we lose nothing by having it, unless you would say that we do not get the advantage of the State appropriation, which is pretty obviously handled by an alternative proposition. The technical argument does not seem to me to be sound. I have heard the constitutional objection made, I have read the opinion of distinguished law officers of neighboring states, I have heard this constitutional controversy with reference to progressive legislation of this type from the time that the people commenced to take an interest in these things, I have seen it work with reference to the Federal legislation upon child labor, and I cannot but be inclined to the view that the great source of objection to this type of legislation comes from the same source that is opposed to progressive legislation in the interest of the workers and the children and the women in the factories who are toiling all over the land. It seems to me that there is more than a coincidence in the apparent convergence outside—I do not mean here in Maine—but outside of the State, in the origin of the opposition. Enough for the technical objection. But economy is a persuading argument that we are building up and piling up the danger of bureaucracy and somebody may confound me at once and say, "A short time since with reference to another matter which bore one of those hyphenated names relating to this you took a different stand." If such an argument be used I will distinguish it in a moment and answer it completely because in my mind there is not the remotest connection between educating and bringing out that which is in a man's mind and the principle, which is absolutely basic, that we want a sound mind in a healthy body, and the matter of health is not akin to education at all, the matter of health is not a matter of state sovereignty. The health of a boy who is going to be called to those colors affects every single state and every single hamlet in this broad land, and it is not a proposition of

the State of Maine, nor of the State of Louisiana, nor of the State of Nebraska, nor of the State of New York. When it comes to the proposition of the common defense and sending forth men to keep Liberty safe for us, then I am sure we are ready to take our suggestions from Washington, from the same Washington where we have our Supreme Court, from the same Washington where we have our President, and our legislative and judicial branches of the Federal Government, from the same Washington where Abraham Lincoln sent forth the clarion message that kept this nation all free.

The economic argument does not appeal to me. You are not going to build up a big bureaucracy by this and if you do incur a big overhead expense it is a case where there are justifiable results. Does not the economic argument come from the sources that are fearful of large Federal taxes, who want the income taxes cut down? Does it not come, in other words, gentlemen of the House, from interests outside of the State of Maine that are constitutionally averse to the people taking forward-looking steps provided it results in a burden on property?

Now, what about the politic argument, the centralization of government? The gentleman did well to advert to State aid for roads, for State aid for your University of Maine. Tell me, in Heaven's name, when did it occur to invoke this bogey of centralization up here in northern New England, up here where we have always stood for the Hamiltonian theory, for the bigger, stronger, centralized government? When did it occur that there was going to be danger to the sovereignty of our free people in this State because a little money was needed in order to aid in the proposition of bringing into the world healthy boys and healthy girls and to relieve from some of the burdens incident to motherhood, women desirous of so doing? That is different from the proposition of building a market road from Podunk to the nearest metropolis. We did not fear Federal aid when it was a proposition of our State University. We did not fear Federal aid when it was a proposition of our National Guard. Now, I would like to know whether the women and the girls of this State are not just as important, on this proposition of aid from their Federal Government, as the boys

who are going to make up a part of our national defense unit. And when you come to the proposition of an actual defense by arms there is not anybody but who will immediately recognize, not only the propriety but the necessity of Federal aid.

I do not know of any Federal authority that absolutely refutes the bogey of an over-centralized government. A man whom we up here in Maine have always honored, and whom men all over the nation honor and who is honored all over the world because above and beyond and ever all he was more responsible for our Constitution than any other man that ever lived—and that was Alexander Hamilton—speaking on this very subject said in "The Fœderalist" on page three, "An enlightened zeal for the energy and efficiency of government will be stigmatized, as the offspring of a temper fond of despotic power, and hostile to the principles of liberty. An over-scrupulous jealousy of danger to the rights of the people, which is more commonly the fault of the head than of the heart, will be represented as mere pretence, and artifice; the stale gait for popularity at the expense of public good. It will be forgotten, on the one hand, that jealousy is the usual concomitant of violent love, and that the noble enthusiasm of liberty is too apt to be infected with a spirit of narrow and illiberal distrust. On the other hand, it will be equally forgotten that the vigor of government is essential to the security of liberty; that in the contemplation of a sound and well-informed judgment their interests can never be separated; and that a dangerous ambition more often lurks behind the spacious mask of zeal for the rights of the people than under the forbidding appearance of zeal for the firmness and efficiency of government. History will teach us that the former has been found a much more certain road to the introduction of despotism than the latter; and that of those men who have overturned the liberties of republics the greatest number have begun their career by paying an obsequious court to the people; commencing demagogus, and ending tyrants."

Health is a national asset. The health of a boy or girl up here in the State of Maine is not only a matter of vital concern to the home and to the State and to this section of the country, but to all the country. That

money has been appropriated at Washington. If we do not take it, there it is. Now, where do we for one instant sacrifice one bit of our self respect, one bit of our sovereignty, in taking a part of that of which we have already paid a part in our taxes?

Several years ago it was then my duty, as I saw it, standing within a very few feet of here, to oppose the proposition of women voting. I acted then just as I saw the argument and I say now that this is the first proposition that we have seen that is backed by united woman support. The gentleman says the women are not united back of it. All right, then I will say relative to the argument on woman's suffrage that the women were not united back of that. Probably they were not, but the way they have gone to the polls and the interest they have manifested in government and the good they are doing in government has demonstrated that they are an active, vigorous, militant force. And certainly no man can gainsay that the active, vigorous, militant sentiment of women who are interested in politics and things politic is back of this measure. There cannot be any harm in it unless we are going to smirch the escutcheon of our sovereignty. I think Mr. Hamilton takes care of that. If not, then I commend you to the precedent that has already been established in your own state in the matter of your State University. (Applause).

Mr. HOLMES of Lewiston: Mr. Speaker, may I ask the attention of the House for a few moments in reply to some of the arguments of the gentleman from Augusta, Mr. Mather? I followed, as you did, his remarks with great interest, and I noticed, as you did, that in particular he insisted that the opposition of those who are not in favor of this State's adopting the Sheppard-Towner act may be divided into three parts—the objections on technical grounds, economic grounds and political or politic grounds. I wish to add that we who are opposed to adopting the Sheppard-Towner act in this State may also base our objections upon social and moral grounds; and I was very much pleased, Mr. Speaker, that my friend, the gentleman from Augusta, as well as I could understand his argument, got the mask from the original claim of the proponents of this measure and

clearly brought it forth—at least no other inference could I draw—that it is not money that they want, it is Federal interference; and instead of the position of the opponents of the majority report being insincere, it seems to me that the position of the proponents is insincere. Otherwise they would be willing that this House should adopt the minority report, because if they really believed that the mothers and the babies of this State were in such crying need of financial assistance as their propaganda has given us to understand, they would be glad to take money from any source, and most particularly from the treasury of the State of Maine, and disregard the Federal Government part of it, especially if they could get more money from the State than they could get by joining with the Federal government in the enforcement of this Sheppard-Towner act.

There was laid on our desk, Mr. Speaker and Members of the House, two or three weeks ago a pamphlet headed by the words, "What is the Life of the Baby Worth?" And in large print right under it, "What is the Life of the Mother Worth?" This was obviously intended as an appeal to our sympathies. Those of us who are opposed to the Sheppard-Towner act are placed in the embarrassing situation that we are presumed to be disinterested in the question of what is the life of the baby worth and what is the life of the mother worth. I studied this pamphlet very carefully and because, although I may not be a follower of the great authority, Alexander Hamilton, to the full extent perhaps, I am a great admirer of Thomas Jefferson and Patrick Henry, and I am interested in the lives of mothers and the lives of things generally, and I hope that you all have studied this pamphlet because it is filled with half-truths, that most insidious form of deception, worse than an outright falsehood because it requires investigation to see it and to answer it. On the third page, on the inside, this is laid down: "Its administration is not centralized in the Federal Government. The State authorities formulate the plans under which the work is to be done and carry out those plans." The State authorities formulate the plans, but they cannot get a dollar of the Federal money until those plans are agreed to, ratified and adopted by the Chief of the Children's Bureau,

the Surgeon-General of Public Health, and the Commissioner of Education, off in Washington. That is an absolute fact.

On the second page of the pamphlet, the pamphlet says: "What the Maternity and Infancy Act is. The plans submitted by the States and approved by the Board vary greatly in accordance with State needs and the progress already made in infant welfare work. They include such measures as the following:

"Classes for mothers in prenatal care, distribution of literature on prenatal and infant care and letters to prospective mothers. Increase in number of well-baby stations. Increase in number of public health nurses and employment of supervising nurses. Improvement in birth and death registration."

Now I am not one of those who stand for the old, half-century ago Victorian simplicity, Victorian prudery; but I regret to see this modern tendency of which we see so much nowadays,—to discuss before mixed audiences questions of eugenic, prenatal care, maternity, and the like. These subjects are discussed freely nowadays even though girls of tender years may be in the audience. For myself I would prefer to ignore this; but as this propaganda has raised that question, I wish to call attention to the fact that in June, 1919, this Children's Bureau called a great public meeting in Washington for the purpose of formulating plans to get the

Heppard-Towner act through Congress, and to that end they summoned men and women, not only from all over the country, but from all over the world—Russians who believed in state fatherhood and motherhood, parenthood of the state; who believed that the child is an economic unit; Japanese to tell the American Christian mother how to bring up her child. Among other things they announced their plans, and these words here are taken from their plans. Evidently, by the wording, they do not give the full plans of this propaganda that was given to us, perhaps because it begins—the statement of their plans that was published and sent broadcast throughout the country at government expense, under the government stamp, from the government printing office. The first one says here, "Maternity or prenatal centers sufficient to provide for all cases not receiving prenatal supervision from private physicians * * *. The application of the Wasserman (syphilis) test

when indicated." You do not find that in there. You find that in the original plans. That is the purpose of the Children's Bureau in Washington to make plans, to send out field agents, to enter homes, to ask mothers such questions as "Have you taken the Wasserman test," and various other questions of that kind. This was published as a government document entitled, "Standard of Child Welfare."

We American people respect our government, and many of us, unfortunately, when we think of the federal government, think of something that exists an entity by itself. That is not true. This Children's Bureau is a part of the government. It is the government functioning in that direction. When they send out that pamphlet, it is as if the government was recommending them to the people. Now among the speakers

at this meeting in June, 1919, was a certain Dr. Royal Meeker, and in this bulletin of the Standard of Child Welfare there is a quotation of what this Dr. Royal Meeker said: "Whether we discuss babies, baseball, bolshevism or the binomial theory, we finally come up against the fundamental philosophy of life—the meaning of creation. What is it all about? Many economic discussions deal with babies chiefly as potential labor power * * *. I take it that the Children's Bureau has been established for a purpose quite similar to that which brought about the establishment of the Bureau of Animal Husbandry."

My friend, the gentleman from Augusta (Mr. Maher), referred to the State aid that we have received for the maintenance of the University of Maine, for agricultural work, and the like. This Dr. Royal Meeker evidently believed that the enforcement of the Maternity Act would also come under the Agricultural Department. It is true, very true, that this State and other states have been accepting Federal Aid for roads, for poultry, and other animal industry, but it is a bad precedent to establish, and one that really must be stopped. If your friend who steals an automobile, when brought to the bar of a court of justice should be entitled to plead that, as horses always were stolen in the past that he is justified in stealing an automobile. You can imagine how far he would get with that. Now I can remember when the Federal Government did not appropriate any money for poultry or for the care of chickens. When I was a young fellow I can re-

member when eggs cost 25 cents a dozen at wholesale. The last I knew in Lewiston they cost 75 cents a dozen to the consumer. If the Federal Government has no better success with babies than it had with chickens, I think that we had better let it alone. (Applause.)

Mr. Speaker, a word more: I have the profoundest respect for the lady and especially for the Federation of Women's Clubs, but I cannot follow them the whole distance. I do not presume that the Maine State Federation of Women's Clubs is a part and parcel of the New York State Federation, but there is a community interest, I fear, though I hope there is not; and I hope that the lady from Fort Kent (Mrs. Pinkham) will so assure us, because I was reading within a few weeks that the New York State Federation of Women's Clubs adopted a resolution of certain legislation that they want the New York Legislature to enact, and among it was this: They want the New York State Legislature to enact a law requiring the finger printing of all babies, of all expectant mothers, of all parties to a proposed marriage, and of all deceased persons. Now, members of the House, I can follow the New York State Federation part way. If I were a member of the New York State Assembly, would vote for that in part. I would vote to have dead men finger printed. That might be all right in a democracy, but so far as the rest goes, I should be very sorry to see such legislation ever enacted either in New York State or any other state. Such tendencies are dangerous—the tendency toward the centralization of power. I do not want to go into the question of what was originally behind the Sheppard-Towner act which I listened to at the hearing before the committee. It seems to me it is not now important because the Sheppard-Towner act is now the law; there is no doubt of that. The proposition that faces us is whether or not we will put the approval of the State of Maine upon the proposition that the State stand by the expectant mother during the time of expectancy, that the State undertakes to become an overseeing partner in that event. They may reply, they do reply, that no mother is bound to accept the aid or oversight of the State; yet the fact remains that the State will assume to do it, and they reply that no State or Federal authorities can enter the house against the will of the mother. But how do we know, once we enter into this undertak-

ing, but what before future Legislatures they will come, those who are in favor of this kind of legislation, and say: "There are certain mothers in the State who stand in our way, who refuse this beneficent aid of the State of Maine and of the Federal Government, and we ask now for an amendment to put teeth into this law—not because we hate them, but because we love them, and we will make them good and healthy by force." Who can speak for what future Legislatures may do under those circumstances?

The lady who first introduced this proposition in the House of Representatives at Washington was Miss Jeanette Rankin of Montana. Has it worked successfully in the State of Maine? There is a precedent. In 1915, Miss Rankin was elected to the House. In 1916, the state of Montana—the Governor, the Legislature and the state authorities—agreed that there should be set up in Montana a model workshop, as you might call it; and they went and did the same kind of work as is proposed now. Field agents, spinsters mostly of this Children's Bureau, went through the state, and they reported that they did not miss more than ten to twenty expectant mothers of that state. Now in the year 1915, according to the United States census of 1919, the maternal mortality in Montana was nineteen per one hundred thousand of population. In 1916, when they started their propaganda of pamphlets, circulars, maps and charts to expectant mothers, it had risen to twenty-two. In 1917, the state of Montana and the Children's Bureau of the Federal Government were working fine and the machinery was going. The mortality then rose from twenty-two to twenty-eight per one hundred thousand. In 1918, it went to thirty-five. Now it must be said that in 1918 the flu also was raging. In 1919, the Children's Bureau ran out of money and had to stop, and although that also was a flu year, the mortality immediately dropped from thirty-five per one hundred thousand to twenty-six per one hundred thousand. Now proponents of this measure make the most of it! Have the real mothers of this State come to this State and asked for this kind of legislation? Is it not strange that after this one hundred years or more of the statehood of the State of Maine, is it not strange after the four hundred years of the American people living upon this continent, is it not strange that after the

thousands of years of children that have been born into this world without state aid, is it not strange that the necessity has suddenly arisen and the welfare of society is in danger unless we go into an undertaking whereby we permit the Federal government to say what kind of teachings shall be given to mothers, what kind of medicine or what kind of doctors, and what kind of spinster field agents shall be sent out from Washington? I have seen some of those mothers. You have. I can imagine the family of the father and the mother that make up the backbone of the people of the State of Maine. Many a time I have been in their houses. Imagine some of them that you have seen—the working people, the steady people who are not in politics. They do not look for jobs in politics or offices. They would not accept them if offered to them. Go to their house the latter part of the afternoon when the good mother has been preparing not dinner, but supper, ready for her man who is coming home from his work! The children have come out of school, four or five different ones of them. You can smell in that house a smell perhaps of corn beef and cabbage and yellow soap. When you enter you are not met by a pretty maid with a cap on her head. You go into the kitchen and you sit down and talk with the mother, the lady of the house, and you find that the troubles of the day, that the troubles of the children who have come home from school,—you find that the poor mother is tired; she is cross; but she gets the supper ready for the man and the children, she puts the children to bed after they are washed and mended and patched up, their faces and their hands, and she sits down to patch and mend the panties and the stockings; and tired as she may be, there is a song in the heart of that woman—the song of the ages, the song of motherhood. And the good man who has worked hard all day takes from the shelf in the kitchen the pipe, the pipe that the mother has often looked at and wondered how he could smoke such a strong pipe,—but he is a strong man. He sits down and he smokes and reads the evening paper. Now he knows that the Legislature is in session because he sees it in the headlines. He has perhaps very vague ideas about the powers of the Legislature and the powers of the government. He is more interested in the baseball dope. He reads that Christie Mathewson—"Big Six Mathewson" has

bought the Boston Braves, and he reads that the Legislature is going to adjourn pretty soon, thank God! (Laughter.) And he reads that Lane is on the job with coal and all is well with the earth, and, as he finishes his pipe, he dumps the ashes from the pipe into the coal hod, and he sits and thinks. The children sleep on peacefully. The old clock on the shelf over the stove ticks the minutes away, and perhaps the cat purrs; and as the good wife mends the clothes and stockings, he is thinking of the future of those children. He is thinking perhaps that he will give those children a better start in life than he had himself. Dreaming! Dreaming! If we officials here in this State want to enter that house, let us step softly; we are treading on hallowed ground. The mothers of this State have been doing their duty and bringing children into this world who are protected and guarded the liberties, as my friend from Augusta said of this great nation for four generations. They will continue to do it without a Sheppard-Towner act, and they will do it successfully. They probably never heard of the Spartan mother who said to her boy, "Go forth to the wars and come with your shield unsullied." I, myself, in the late war, in the volunteer days here in Lewiston, heard a mother say to her boy, "Jimmie, if you don't drive that crazy Kaiser back to Berlin, don't you ever show yourself in this house again." (Applause.)

Mr. Speaker and Members of the House, forgive me for talking so long. I arose in answer to some of the arguments of the gentleman who preceded me, and have used more time than I should. I believe that no more important question will come before us during this session. I hope, I know, that everyone will vote conscientiously according to what he believes is for the best interests of the State and the good mothers of the children born and to be born in this State. (Applause.)

The SPEAKER: The Chair recognizes the representative from Fort Kent, Mrs. Pinkham.

(At this point, Mr. Baker of Steuben assumed the Chair.)

Mrs. PINKHAM of Fort Kent: Mr. Speaker, I will first endeavor to answer and clear up some of the arguments brought up by the opponents of this bill. One of the opponents stated that we would have less by accepting the Sheppard-Towner act than by

accepting the minority report. As a matter of fact by accepting the Shepard-Towner act we would have about \$25,000 a year, whereas the minority report would give us only about \$15,000 a year.

The section added by the committee was not for the reason that we were afraid that the sanctity of the home was going to be invaded, but it was at the request of certain people who wanted that section of the Federal act repealed.

Again, the work that the Children's Bureau did in Montana was the survey of a homesteading county, and did not extend over all those years in which statistics were quoted, but covered only a small section of the state; and if there was any explanation of the increase in the death rate which could be attributed to the influence of the Children's Bureau, it would be in the fact that registration was more accurate; that the increase was more apparent than real. Of course there was some increase due to influenza.

It has been stated that most of the physicians in Maine are opposed to this act. I have a letter from a very prominent physician in Maine—I have not asked him whether I could read it or not—so I will not give his name. He says as follows:

"Out of the one thousand physicians in Maine, probably well under one hundred have ever seen the act. The rest have no first-hand information regarding it whatever. The Journal of the American Medical Association opposed this legislation in the beginning. Mainly because the work is in charge of the Children's Bureau instead of the Public Health Service. This position prejudiced medical men who were finally stampered by the mistaken statement from one of their most public spirited physicians that the purpose of the bill was to take child birth out of the hands of the practicing physicians and put it in charge of the State Health Department, thereby depriving them of an important part of their practice.

"On the other hand, of the physicians who took the trouble to look up for themselves the actual provisions of the law, a majority expressed themselves in favor of accepting at least such funds as could be obtained under the Act without additional appropriation on the part of the State. The Public Relations

Committee of the Maine Medical Association, for instance, which probably gave the matter more thought than any other group, took this position with but one dissenting vote. The matter, was brought up by the opponents of the Act in the annual meeting of the Association last June, with the purpose of obtaining an expression of this approval. The opponents were laboring under the delusion that acceptance of the money would give Federal authorities rights to operate in the State of Maine, which they do not now have, whereas rejecting the money would deprive them of such rights. Specifically mentioned was the right to investigate the causes of the abnormal infant death rate in the State. Fortunately, the legal advisors of the Maine Medical Association had been consulted on this point and when their statement that the Federal Government already possesses such privileges just as it possesses the privilege of making the census and that neither accepting or rejecting this Act would effect their constitutional right or those of the citizens of Maine, the subject was dropped.

"From these experiences, I have reason to believe that if the purpose of the act had not been misrepresented to the physicians no such feeling as exists would have developed."

Anybody who was present at the hearing on this act probably got the impression that all sorts of horrible things were contemplated by it. I expected to have to defend the purposes of the act as well as to show the necessity for it. However, if you are inclined to accept either report of the committee it will not be necessary to plead for funds with which to combat the high death-rate of mothers and babies in this State, a death-rate so high that the motto of our State might very literally be used in describing it. For we not only lead in infant mortality rate of white babies in the registration area but our maternal mortality rate is highest in the ten states which have had accurate returns for the past six years, and among those states are many with conditions similar to our own. The other New England states, New York, Pennsylvania, Michigan and Minnesota. I could stand here probably an hour and read off statistics but most of the time I am afraid I should be alone. So I shall say

that I have spent many hours studying the vital statistics of our State—they are all down in the library where you can all study them if you are so inclined, but I warn you just if you have any imagination at all you will not find the reading pleasant. I have no intention of drawing any harrowing pictures, but briefly in 1920 the infant mortality rate was 103 per thousand live births, the total was 1798 in addition to 750 still-births. In the same year, 124 mothers died from causes directly attributable to childbirth, or one out of every 146. The astounding thing is that these rates are not decreasing, rather they appear to be increasing.

I hold no brief for the sacredness of statistics but all vital statistics being subject to the same sources of error they are useful for comparative purposes. The question now is, do we wish to hold this position in the eyes of the world, and if not, what can be done about it? At least we can say that we ought to make considerable effort to reduce these death-rates with every assurance that it can be done if we can judge by the experiences of other localities which have tried it. According to the most conservative and scientific estimates about 40 per cent of the deaths of both mothers and infants is preventable. The fact that these percentages work out to almost exactly the same figures is the best proof in the world, to my mind, of the need for and the value of prenatal instruction and instruction in the proper care of infants. That is the sort of work which your State Department of Health would do if it had the funds. And I don't think anybody really thinks that they would do the work in any objectionable or nonsensical way.

It would be absurd to say that the acceptance of this bill would prevent all the unnecessary deaths but in every case where work of the sort contemplated has been done the death-rate has been materially reduced. The returns in actual money value would be many times the amount expended. The Metropolitan Life Insurance Company estimates the average cash value or cost of a newly-born baby as \$90. On this basis if we could have saved 40 per cent of the babies who died in this State in 1920, the saving would have amounted to about \$64,000. The same authority estimates that at five years

of age a child represents an investment of \$950. You can do your own multiplying for the total saving represented as most deaths of children occur in the first year of life. It seems almost insulting to put the case on this level and I shall not attempt any estimate of the value of a mother. I think most of you had good ones sometime.

According to the two drafts reported by your committee the question has narrowed itself down to whether we wish to accept Federal aid and co-operation or whether we wish to go to it on our own initiative. The majority report favors the first plan for the following reasons: First—We would have about \$10,000 a year more under the Federal plan. Second—it would cost the taxpayers of the State \$8,000 to \$9,000 a year less, and Third—The State Department of Health would have a five-year program on which to work. These three reasons seem to me rather important, and in addition I personally feel that co-operation with the Federal Board would be a very good thing. In the 42 states which have accepted the act I am told there has been no criticism of the way it is being worked out. In every case except two the first plan of the State has been accepted. In those two cases the states proposed to use some of the money to subsidize private institutions, a thing which was contrary to the provisions of the Act, and new plans were presented and approved. The Chief of the Children's Bureau states that it is their conception of their duty in respect to the administration of the act that they are to see that the money is spent for the purpose for which it is appropriated. An auditor is employed for that purpose. The other five members of the division are two physicians, a public health nurse—who at the request of the different states, are consulting with them, also a clerk and a stenographer.

I wish to consider briefly some of the objections I have heard to accepting the Federal Act. First—The constitutionality of the Act has been questioned by Massachusetts. Their reason, no doubt, for this attitude, is that any Federal aid act takes from them about a dollar for every thirty cents they receive. In the case of Maine this is just reversed, we get about a dollar for every thirty-five cents we contribute in taxes for these Federal aid purposes.

It seems very unlikely that the law will be declared unconstitutional because so many appropriations have been made under the general welfare clause of the constitution. During the long debate in Congress this question was discussed at great length, and among those who voted in favor of the bill were all of the Maine delegation. And I rather think they expected Maine to get some of the benefit. In the final votes in Congress only seven senators and 39 representatives voted against the measure. You have all noticed in the papers recently the ruling of a Justice of the Supreme Court of the District of Columbia pointing to the constitutionality of the act. If it is constitutional to look after the education of the child why is it not equally constitutional to see that he lives to the educational age? If you are so inclined you can work up quite an argument against public education. It would be just about as sensible as an argument against public health work which must necessarily be largely educational.

The doctrine of states' rights, the fear of paternalism and of the ill effects of Federal aid are more potent arguments. I have tried to show that in the administration of the act there is no meddling interference. The purpose of the act was to stimulate states where little or no work had been done along these lines. And properly—because surely a high phase of governmental activity is legislation for the purpose of bettering the conditions of human life and giving every child an equal chance. State rights should be carefully guarded but there are even greater rights, the right of every child to be well-born and to have a mother, living and well. I believe that local interest would be so stimulated by public health work in these lines that after the five-year period over which the act extends, the work would go on through voluntary organizations and the death-rate continue to decrease.

Federal aid as a bugbear would be more convincing if we were not receiving it in so many departments and without many objections. Very reasonably it is said that perhaps the Federal Government has gone far enough in that direction. But the place to stop that is in Congress, which has taxed us for this appropriation and our proportionate share of the tax amounts to about \$5600. They will give us \$15,179 a year. The

danger of gifts may be a real one, although the 42 states which have accepted the act seem to be willing to take the risk. If we can accept over a million and a half of Federal aid as we did last year in eight departments, why will this additional sum, less than one per cent of that amount, cause us to lose our self-respect and our heads and turn us all into bolsheviks? Nobody who knows the temper of our people need fear that we will lose our sense of self-reliance and our fine freedom from such a cause or from any cause. Why is it that when Federal aid is given to roads, or forests, or agricultural or vocational education—in other words to the improvement of economic conditions—that nobody cries "Socialism"? Did anybody object to our State Department of Health receiving about \$10,000 in 1920 for combatting social diseases? Why pick on this small Federal appropriation which is evidently so much needed? We should realize that health is wealth just as much as forests and farms. No, try as I may, I find it impossible to shudder over the danger in this small amount of Federal aid.

There is just one other point that I want to touch on—the talk that has been heard in the corridors of the State House to the effect that only one or two women in the State want this work done, that my point of view does not represent the majority of women in the State. Now I am perfectly willing for all the world to know that I deeply resent such insinuations, that I do not claim to represent anybody but myself, but that as far as I am able to gauge public opinion there are very few women who understand the bill who are not in favor of it particularly when they realize the situation. I am not in favor of this bill because I introduced it, but I introduced it because I was and am in favor of it. It seems to me to be one clear call for action and I hope we will answer it in the most effective way, which I believe is the adoption of the majority report. (Applause).

At this point the Speaker resumed the Chair.

Mr. MOODY of York: Mr. Speaker, it will take me about a minute to define my position. I belong to what is called the Old Guard. I am somewhat of a State rights man, and I certainly believe that in case of necessity the mothers and the babies of the State of Maine can be taken care of by the

State of Maine without any entangling alliance with the Federal government. That is all I have to say. (Applause.)

Mr. GAGNE of Lewiston: Mr. Speaker and Gentlemen of the House: I will undertake not to detain you very long on this matter. I for one can speak from experience. I have raised eighteen children, and I should not want my daughters, or anyone in whom I was interested, to be interfered with in my home. I have raised children that I am proud of. I have been in a good many homes, and talked with a good many mothers, and I would not want anyone to interfere in the bringing up of my children; and when the mothers of the State of Maine can raise such a splendid body of legislators as we have here, such a lovely gathering of women and men as there is here, they need no interference. I think they know how to do it. (Applause.)

Mr. CUMMINGS of Portland: Mr. Speaker and Members of the House: I have no desire to burden you with any extended remarks; I merely rise to justify, if I may, the vote which I shall cast on this occasion. I have read somewhere that everyone should be able to give a reason for the faith that is in him. I understand perfectly well that this is a matter upon which very able men and women differ. We have heard some very excellent addresses today upon this question. I have no quarrel with the man who thinks differently from what I may think upon this matter, but it seems to me that when you boil the thing down, it is merely this: We have in the State of Maine an organization to do this work, and which is doing this work. The proposition is that it shall receive, or may receive, from the Federal government the amount apportioned to this State for carrying on the work which it is already doing. In order to receive that, our own board places before the national authority a plan under which they are now expending their own money and under which they will expend the aid to be received from the national government. I am as jealous perhaps as almost anyone of foreign interference in local affairs. If I believed that this act, or the purpose of this act, or the receiving of Federal aid in carrying it out, would invade the home, or interfere with the rights of our citizens, you may rest assured that I would be opposed to it.

This is a matter which I have taken

some time in considering. I have given very scant comfort to either side that have approached in regard to my opinion on this matter. I have done the best I could to ascertain the facts and the bearings of this thing, and my conclusion is that there would be no interference in our home affairs, no interference with our rights, if we accepted this small stipend from the national government. If, by receiving that, this organization which we now have in this State is to invade the homes and trespass upon the rights and privileges of our citizens, then, gentlemen, what we want to do is to abolish the board that we now have. If the time ever comes when this board which is now in existence and doing this work does interfere with the home and trespass upon the rights of our citizens, you may rest assured that I will be one of the first men to try and do away with it; but believing as I do that interference of that sort is not threatened by receiving this aid from the national government, I shall vote in favor of the majority report on this bill. (Applause.)

Mr. BARWISE of Bangor: Mr. Speaker, I do not wish to take the time of this House in recapitulating any argument that has been made; but the best way to find out how a measure is working, a measure of national scope, is to inquire how it is working in those states that have actually accepted it. It is very easy to throw out bugaboos of fear. Fear is the most easily aroused of any of our passions, and it is taken advantage of by all those who oppose any new idea or any advancement in any department of the world's thought. Forty-two states are now working under this bill—forty-two American states—and they have not found the purity of the home destroyed. They have not found any of these terrible things that have been portrayed to us that would take place. It is also simply a bugaboo that the opponents of this bill are setting up, and the actual experience of more than ninety per cent. of the American people is that this law works well in the states where they have tried it; and this Federal government down in Washington, as my friend from Fairfield (Mr. Weeks) tries to talk about it as though Washington was in another country somewhere—down in our Washington, the capital of our government, and this Federal government is our government as much as this State government is our government—if

these opponents were consistent in their talk that paternalism is the basis on which they could reasonably oppose this bill, then these very same opponents ought to come in here and advance measures whereby we would refuse to receive aid in other departments of our work. If paternalism is so hateful in a matter of this sort, why is it so beautiful in questions of education, better cattle and in the preservation of our forests and all the other means whereby we receive aid from the Federal government? I merely want to say, let us meet this question with our judgment and not with our emotion. Let us reason with our brains and not with our fears, and learn from the experience of those states that have actually found this proposition to be a good one. (Applause.)

Mr. McDONALD of East Machias: Mr. Speaker and gentlemen, as Chief Justice Cornish of our State Supreme Court said at a banquet of the Bar Association a few weeks ago, we have been led to the heights by the oratory of the gentleman who preceded me. Now, I just want to say a few words to you from the viewpoint of a practitioner of medicine. I have practised in one of our rural communities for many years and I have seen a great many maternity cases, and we find a great many complications coming up in these cases that if the patient had had proper care and observation a great many fatal results might have been prevented. We have had a very vivid picture drawn by the gentleman from Lewiston, (Mr. Gagne), in regard to the scene in a home of the working people of the State of Maine. But, he also told you something about half truths and he did not picture to you the other home where the mother, perhaps of five or six children, has been taken away through some neglect or want of care and those children left to go through life without a mother's care. I think that the majority of those complications arise from the fact that we do not see these people and do not properly care for them, and I want to voice my sentiments in this matter of the Sheppard-Towner Bill by saying that I think that every medical man in the State of Maine should support this bill. And I recommend to any of my friends in this Legislature that I believe that it is the proper thing, from the viewpoint of a medical man. (Applause.)

Mr. STURGIS of Auburn: Mr. Speaker and fellow members, I come out emphatically against this bill. I am a grandfather and I come from old Puritanical stock and I am not afraid of being encroached upon by foreign nations. Now, to my mind, our home is our castle, and we can go in and shut the door and it is our home and under this Act no one can come in and tell us what to do. And I believe that there are old maids in this House today who can give more advice in regard to bringing up children than lots of the mothers (Laughter and applause.)

Mr. GRANVILLE of Parsonfield: Mr. Speaker, I would like to support the motion of the gentleman from Naples, Mr. Fickett, that the majority report be accepted.

The SPEAKER: The question is on the acceptance of the majority report as moved by the gentleman from Naples, Mr. Fickett. Is the House ready for the question?

Mr. REED of Harmony: Mr. Speaker, I would like to have the vote taken by the yeas and nays.

Mrs. PINKHAM of Fort Kent: Mr. Speaker, I just want to have it understood by everybody that it is absolutely untrue that the home would be invaded by the acceptance of this act. That section which was objected to by one of the opponents of the bill was put in in order to make that perfectly clear. The field is enormous and the harvest is very much worth while. Can we afford to throw away this extra ten thousand dollars which is so much needed? Can we afford to tax ourselves eight or nine thousand dollars more when we do not need to?

The SPEAKER: The Representative from Harmony, Mr. Reed, moves, that the vote be taken by yeas and nays. This requires the consent of one-fifth of the House. As many as are in favor of the vote being taken by the yeas and nays will rise and stand in their places.

A sufficient number having arisen the yeas and nays were ordered.

The SPEAKER: The Chair will state for the benefit of the members that the pending question is on the acceptance of the majority report. A "yes" vote when your name is called is a vote to accept the majority report. A "no" vote is a vote to reject the majority report. Is the House ready for the question. The Clerk will call the roll.

YEA—Archibald, Atwood, Ayer, Baker, Bartlett of Hanover, Bartlett of Waterville, Barwise, Beckett, Bickford, Blaisdell, Boman, Boulter, Bradbury, Brett, Brown, Cates, Cherry, Conant, Cummings, Curtis, Douglas, Dudley, Dunbar, Edwards, Pickett, Foss, Gile, Gillespie, Gilmour, Goldthwaite, Granville, Hamilton, Hayford, Hobbs, Houghton, Hutchinson, Jewett, Jordan of Westbrook, Keef, Knight, Lamson, Leathers, Leland, Littlefield, Lord of South Portland, Macomber, Maher, Martin, McDonald, Morse of Bath, Nadeau, Newcomb, O'Connell, Overlock, Owens, Palmer, Perkins, Pierce, Pinkham, Plummer, Ramsdell, Ranney, Ray, Rogers, Rowell, Saunders, Stevens, Storm, Story, Towne, White, Willis—Affirmative—72.

NAY—Adams of Liberty, Adams of Litchfield, Belliveau, Benoit, Bisbee, Brett, Brewster, Chalmers, Clarke, Crafts, Dain, Downing, Drake, Dunn, Farley, Finnell, Gagne, Gagnon, Gardiner, Gauvin, Gordon, Greenleaf, Hale, Hallett, Hammond, Hayes of Chelsea, Heal, Hodgkins, Holmes, Johnson, Jones, Jordan of Cape Elizabeth, Keene, Kitchen, Lord of Wells, Ludgate, Mellheron, Melcher, Moody, Morrison, Nevins, Nichols, Nickerson, Pendleton, Phillips, Piper, Reed, Rounds, Sanders, Siddall, Small, Sparrow, Staples, Stitham, Stratton, Sturgis, Tarr, Teague, Thomas of Waterville, Thomas of Leeds, Tilden, Weeks, Williams, Wing, Winn.—Negative—65.

ABSENT—Burns, Crowley, Dilling, Gamage, Hayes of Gorham, Jacobs, Morse of Greene, Oakes, Perry, Sayward, Smith, Whitney, Winslow.—Absent—13.

The SPEAKER: Seventy-two having voted in the affirmative and 65 in the negative, the motion to adopt the majority report is accepted, and the matter will lie on the table, pending printing under the joint rules.

Mr. MAHER: Mr. Speaker, I move that the minority report be indefinitely postponed.

The motion was seconded by Mr. Barwise of Bangor.

Mr. WEEKS of Fairfield: Mr. Speaker, I move that it be tabled.

A viva voce being doubted,

A division of the House was had, Seventy-three having voted in the negative and 66 in the affirmative, the motion of Mr. Weeks of Fairfield

to table the minority report was lost.

The SPEAKER: The question is now on the motion of the gentleman from Augusta, Mr. Maher, that the minority report be indefinitely postponed.

A viva voce vote being taken, the motion to indefinitely postpone the minority report prevailed.

Mr. Maher of Augusta moved that the above action be reconsidered.

The question being on the motion to reconsider.

A viva voce vote being taken.

The motion to reconsider was lost.

The SPEAKER: The Chair presents at this time, House Document No. 131, an act relating to the State Department of Health, tabled by the gentleman from Portland, Mr. Rounds, February 21, pending its third reading; and the Chair recognizes the gentleman from Portland, Mr. Rounds.

Mr. ROUNDS: I will say, Mr. Speaker and gentlemen of the House, that this is an act to add more expense to the citizens of the State. We have now a Board of Registration of Medicine and of Health, and I want to say that until the Cole report comes in, I think this ought to be left on the table. Therefore, I move that it be tabled.

The motion prevailed.

The SPEAKER: The Chair presents resolve appropriating money for rebuilding steamship sheds of State Pier, tabled by the gentleman from Lewiston, Mr. Mellheron, February 22, pending final passage; and the Chair recognizes the gentleman from Lewiston, Mr. Mellheron.

Mr. MELLHERON: I move that the matter be indefinitely postponed, and I want to inform the House in regard to some information I have received which caused me to table the resolve.

(The debate on this matter and the letter concerning which the debate occurred was ordered expunged from the Record by a viva voce vote of the House.)

The SPEAKER: Does any gentleman wish to make a motion for the previous question? If he does, the Chair will entertain it.

Mr. Granville of Parsonsfield then moved the previous question.

A division of the House being had, and a sufficient number arising, the previous question was called for.

Mr. McILHERON of Lewiston: I move that there be a yea and nay vote.

The SPEAKER: As many as are in favor of the yea and nay vote will rise and stand in their places until counted.

A sufficient number not having arisen the yeas and nays were denied.

The SPEAKER: The question is now on the indefinite postponement of the resolve. All those in favor of its indefinite postponement will say aye. Those opposed no.

A viva voce vote being taken, the motion to indefinitely postpone the resolve was lost.

On motion by Mr. Rounds of Portland, it was voted that the resolve be finally passed.

The Chair presents report of the committee on towns on act to divide the town of Jonesport, and incorporate the town of Beals, tabled by the gentleman from Portland, Mr. Rounds, February 23, pending acceptance of report.

On motion by Mr. Rounds of Portland, the report was re-tabled and assigned for Tuesday, March 6.

Mr. CUMMINGS of Portland: Mr. Speaker, is there not another matter to be taken from the table?

The SPEAKER: What matter does the gentleman refer to?

Mr. CUMMINGS: The one, Mr. Speaker, tabled by Mr. Jordan of Cape Elizabeth on February 27, on its passage to be engrossed, House Document No. 163, An Act relating to Portland Water District.

The SPEAKER: The Chair will state that only those things which are tabled the previous week come from the table on Wednesday, according to the order passed.

Mr. CUMMINGS: Then, Mr. Speaker, if it be in order I move a reconsideration of those items tabled.

The SPEAKER: The Chair will state that the gentleman is out of order. The motion cannot be entertained.

On motion by Mr. Rounds of Portland,

Adjourned until tomorrow morning at ten o'clock.