

# MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eighty-Fifth Legislature

OF THE

STATE OF MAINE

1931

KENNEBEC JOURNAL COMPANY  
AUGUSTA, MAINE

### HOUSE

Friday, February 27, 1931.

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

Prayer by the Rev. Mr. Bessom of Hallowell.

Journal of previous session read and approved.

The SPEAKER: At this time the Chair wishes to make a statement. Yesterday the Chair ruled that a member could speak only ten minutes if anyone in the House objected. That rule I had in mind could be found in Reed's Rules. I find on a perusal of Reed's Rules that the matter is not mentioned. I find that Robert's Rules, which I also have, on Page 39, Section 7, under "Debate" this ruling: "No one can speak longer than ten minutes at a time without permission of the assembly."

I wish to say that I knew the ruling existed, but I was mistaken in thinking it existed in Reed's Rules which apply under our House Rules when none of our House Rules are applicable to any particular situation. Inasmuch as we work under Reed's Rules, I wish to retract the ruling of yesterday.

Mr. FERNALD of Winterport: Mr. Speaker, a parliamentary inquiry. Which of Reed's Rules do you refer to?

The SPEAKER: The ruling regarding the length of time which a member may speak.

Mr. FERNALD: May I request a citation of the rule in which you ruled that a member is not in order in addressing any member of the Senate or referring to the Senate members personally or as a body?

The SPEAKER: In conformity to the Chair's determination to at all times endeavor to be fair and correct, the Chair wishes to state that it was confused in that ruling. Under our rules no member in debate may refer to any action of the other house to try and influence the action of this House or in any other way.

Mr. FERNALD: May I make another parliamentary inquiry?

The SPEAKER: The gentleman may.

Mr. FERNALD: Under what rule did the Chair rule that a motion for a yea and nay vote was not in order inasmuch as the Chair had not declared the vote? What constitutes the declaration of a vote?

The SPEAKER: The Chair will state its attitude. The point may be debatable, it is a delicate parliamentary point. The Chair holds as its opinion that when the count is ascertained is when the monitors have made their count and returned it to the Chair; that the vote is declared when the result of the tabulations of those figures so given is announced by the Chair, which had been done at that time yesterday; that that constitutes a declaration of the vote and that what follows, whether the motion is carried or lost, is simply an announcement to the House of the status of the question as a result of the found and declared vote.

Mr. FERNALD: May I make this statement, Mr. Speaker? Then in Rule 40 the word "certain" is of no value.

The SPEAKER: It is of great value, but the Chair maintains that the vote is made certain when the monitors have returned their count and it has been tabulated. The Chair will listen to an appeal as to the upholding of its ruling, but does not care to enter into a debate.

Mr. FERNALD: May I appeal from the ruling of the Chair?

The SPEAKER: The gentleman may.

Thereupon, a viva voce vote being taken, the ruling of the Chair became the judgment of the assembly.

From the Senate: Bill an act to exempt U. S. Government mail carriers from the gasoline tax. (S. P. 516) (L. D. 761)

Comes from the Senate referred to the committee on Ways and Bridges.

In the House on motion by Mr. Lowell of Lincoln tabled pending reference in concurrence.

From the Senate: Bill an act repealing the bounty on bears (H. P. 1056) (L. D. 612) which was referred to the committee on Inland Fisheries and Game in the House February 17th,

Comes from the Senate referred to the committees on Agriculture and Inland Fisheries and Game jointly in non-concurrence.

In the House:

Mr. PERHAM of Paris: Mr. Speaker, I would like to state that this bill at the last session was handled by the the committees on Agriculture and Inland Fisheries and Game, placing a bounty on bears, and was passed unanimously. This bill in the House was referred to the committee on Inland Fisheries and Game, then went to the Senate and that body has sent it back referred to the committees on Agriculture and Inland Fisheries and Game jointly in non-concurrence. I move that we recede and concur with the Senate in the reference of this bill to the committees on Agriculture and Inland Fisheries and Game jointly.

The motion prevailed and the bill was so referred.

From the Senate: Bill an act to increase maximum and minimum rates under the Workmen's Compensation Act (H. P. 982) (L. D. 503) which was referred to the committee on Labor in the House February 11th,

Comes from the Senate referred to the committee on Judiciary in non-concurrence.

In the House on motion by Mr. Brewster of Wells tabled pending reconsideration.

From the Senate: Report of the committee on Judiciary reporting ought not to pass on bill an act to incorporate the Knox Water District. (S. P. 195) (L. D. 158)

Comes from the Senate read and accepted.

In the House on motion by Mr. Hobbs of Hope tabled pending acceptance of report in concurrence.

From the Senate: Report of the committee on Judiciary reporting ought to pass on bill an act to provide for continuous revision of the Statutes and legislative assistance. (S. P. 278) (L. D. 249)

Comes from the Senate report read and accepted and the bill passed to be engrossed.

In the House, on motion by Mr. Burkett of Portland, tabled pend-

ing acceptance of report in concurrence.

Papers from the Senate disposed of in concurrence.

**Senate Bills in First Reading**

S. P. 329: Resolve providing for a State pension for Beatrice E. Gilbert of Bar Harbor.

S. P. 368, L. D. 389: An act relating to whistles on railroad locomotives.

From the Senate: Ordered, the House concurring, that when the Senate and House adjourn, they adjourn to meet Tuesday, March 3, at 4.30 o'clock in the afternoon.

In the Senate, read and passed.

In the House, read and passed in concurrence.

**COMMUNICATION FROM THE STATE HIGHWAY COMMISSION**

"February 25, 1931

To the Honorable House of Representatives:

We hand you herewith a report on the construction of a section of State highway in the towns of Moscow and Caratunk, in accordance with the order of the House of Representatives on February 5, 1931.

Respectfully submitted,

Signed

FRANK A. PEABODY  
EDWARD E. FARNSWORTH  
W. J. LANIGAN

State Highway Commission"

On motion by Mr. Leonard of Hampden the communication and accompanying papers were tabled, and specially assigned for Friday, March 6th, and 500 copies ordered printed.

**Orders**

Mr. Burkett of Portland presented the following order and moved its passage:

Whereas the statutes of this state require that a man or woman shall have attained the age of twenty-one years to be eligible to membership in this legislative body, and

Whereas it has come to the knowledge of the member presenting this order that there is a member occupying a seat in this cham-

ber who has passed but sixteen birthdays;

Ordered that the House members of the Committee on Rules and Procedure be instructed to investigate this matter forthwith and report their findings to the Speaker, who shall transmit them to the House.

The name and seat of this member is intentionally withheld, that no prejudice shall obtain in case the charges are not proven, but said information will be furnished the committee upon application.

Mr. SCATES of Westbrook: Mr. Speaker, do I understand by the reading of that order that there is a member of this House only sixteen years of age? (Laughter)

The SPEAKER: The order so states.

Mr. JACKSON of Bath: Mr. Speaker, is the matter before the House?

The SPEAKER: The matter is before the House on the passage of the order.

Mr. JACKSON: I am indeed amazed, Mr. Speaker, that the distinguished gentleman from Portland (Mr. Burkett), a man whom we have honored by elevating him to the House leadership of this assembly, should present an order with such subtle insinuations. I believe I know the member at which this order is directed, and, while the statement of facts in the order is true, the explanation is that this member happened to be born on the 29th of February (Laughter); and Mr. Speaker, believe it or not, from the years 1896 to 1904 he did not enjoy the luxury of a birthday cake.

Mr. Speaker, I move that the order be indefinitely postponed, and most respectfully ask you to direct your Messenger to hit the green carpet trail and present a bouquet of flowers to my esteemed colleague, Mr. Wilbur C. Oliver, in seat 144. (Applause)

(A beautiful basket of flowers was then placed upon the member's desk, the House arising and applauding).

Mr. OLIVER: Mr. Speaker, ladies and gentlemen: It is up to me to prove to the gentleman from Portland (Mr. Burkett) who presented this order, that I am 21 years of age

(Laughter). Now if you will go back to the House records of 1913, you will find that while not a member of the House, I was here to defend myself as sheriff of my county. I thank the gentleman from Portland, and all those who contributed to these beautiful flowers, and I will tell you that I have had 16 birthdays and am 71 years of age.

Mr. Sterling of Caratunk presented the following order and moved its passage:

Ordered, the Senate concurring, that bill an act relating to Agricultural Societies, H. D. 902, L. D. 358 be returned to the House from the committee on Agriculture.

Read and passed and sent up for concurrence.

#### Reports of Committees

Mr. Robie from the Committee on Interior Waters reported ought not to pass on bill an act to change the name of Pleasant Pond to Sunset Lake. (H. P. 110)

Mr. Varney from the Committee on Judiciary reported same on bill an act entitled an act to provide a hospital lien law (H. P. 970) (L. D. 461)

Mr. Shaw from the Committee on Legal Affairs reported same on bill an act relative to the tenure of office of the City Clerk and Auditor of the city of Bangor (H. P. 615) (L. D. 215)

Mr. Sargent from the same Committee reported same on bill an act relating to commitment of patients to State hospitals for temporary observation (H. P. 976) (L. D. 497)

(Tabled by Miss Martin of Bangor pending acceptance of the report)

Mr. Jack from the Committee on Legal Affairs reported ought not to pass on bill an act relative to the granting of licenses in the city of Bangor (H. P. 609) (L. D. 164)

Mr. Sawyer from the Committee on Ways and Bridges reported same on bill an act relating to the bridge between Richmond and Dresden. (H. P. 882)

Mr. Weeks from same Committee reported same on bill an act to refund excise tax on gasoline to towns, cities and village corporations. (H. P. 63) (L. D. 41)

Reports read and accepted and sent up for concurrence.

Mr. Jack from the Committee on Legal Affairs on bill an act relating to the Highway Commission of Lewiston (H. P. 834) (L. D. 316) reported same in a new draft (H. P. 1190) under same title and that it ought to pass.

Mr. Sargent from the same Committee on bill an act to enable special officers of Bangor police to receive benefits of department (H. P. 614) (L. D. 214) reported same in a new draft (H. P. 1189) under same title and that it ought to pass.

Miss Martin from the Committee on Legal Affairs on bill an act to grant a new charter to the City of Bangor (H. P. 600) (L. D. 221) reported same in a new draft (H. P. 1193) under same title and that it ought to pass.

Mr. Shaw from same Committee on bill an act to provide a penalty for circulating false reports concerning banks and loan and building associations (H. P. 838) (L. D. 320) reported same in a new draft (H. P. 1194) under same title and that it ought to pass.

Mr. Harrington from the Committee on Taxation on bill an act relating to loan and building associations (H. P. 938) (L. D. 935) reported same in a new draft (H. P. 1191) under same title and that it ought to pass.

Reports read and accepted and the new drafts ordered printed under the Joint Rules.

Mr. Robie from the Committee on Interior Waters reported ought to pass on bill an act to change the names of certain waters in Piscataquis County. (H. P. 572)

(Tabled by Mr. Farris of Augusta pending acceptance of the report)

Mr. Robie from the Committee on Interior Waters reported ought to pass on bill an act to designate certain waters of the Kennebec River as "Wyman Lake." (H. P. 1131) (L. D. 706)

Mr. Goudy from the Committee on Legal Affairs reported same on bill an act to amend an act to incorporate the City of Brewer High School District. (H. P. 613) (L. D. 213)

Miss Martin from same Com-

mittee reported same on bill an act relating to the counting and sealing of ballots. (H. P. 835) (L. D. 317)

Same member from same Committee reported same on bill an act relating to removal of patients from State hospitals when requested; towns may become liable for support on failure to remove. (H. P. 974) (L. D. 495)

Mr. Burkett from the Committee on Taxation reported same on bill an act exempting charitable organizations from excise tax. (S. P. 1039) (L. D. 571)

Mr. Blanchard from same Committee reported same on bill an act relating to the exemptions of estates from taxation. (H. P. 997) (L. D. 439)

Reports read and accepted and the bills having already been printed were read twice under suspension of the rules and tomorrow assigned.

Majority report of the Committee on Legal Affairs on bill an act providing for probation on jail sentences where a fine is paid (H. P. 606) (L. D. 207) reporting same in a new draft (H. P. 1192) under title of bill an act providing for sentences and the imposition thereof and that it ought to pass.

Report was signed by the following members:

Messrs CROSBY of Penobscot  
HOLMAN of Farmington  
SOUTHARD of Kennebec  
—of the Senate

JACK of Lisbon Falls  
BLAISDELL of Franklin  
SHAW of Bar Harbor  
BLANCHARD of Phillips  
GOUDY of So. Portland

Miss MARTIN of Bangor  
—of the House

Minority report of same Committee reporting ought not to pass on same bill.

Report was signed by the following member:

Mr. SARGENT of Brewer  
—of the House

Tabled by Mr. Sargent of Brewer, pending acceptance of either report, and 1000 copies ordered printed.

On motion by Mr. Bowers of Portland the House reconsidered its action earlier in the session where-

by it accepted the ought not to pass report of the committee on Ways and Bridges on bill an act relating to the bridge between Richmond and Dresden (H. P. 882); and on further motion by the same gentleman the report was tabled, pending acceptance.

#### First Reading of Printed Bills and Resolves

(H. P. 133) (L. D. 767) An act relating to catching smelts in Salt Pond in the towns of Bluehill, Sedgwick and Brooklin.

(H. P. 663) (L. D. 768) An act relating to lobster fishing in waters adjacent to Criehaven.

(H. P. 817) (L. D. 769) An act relating to Hancock County Publishing Company.

(H. P. 827) (L. D. 770) An act relating to Mount Hone Cemetery Corporation.

(H. P. 1186) (L. D. 771) An act in regard to qualifications of teachers.

(H. P. 1187) (L. D. 772) An act relating to Probation Officers for Cumberland County.

(H. P. 1188) (L. D. 773) An act providing appeals in certain tax cases.

#### Passed to be Engrossed

(S. P. 46) (L. D. 726) An act relating to the construction of a road in the town of Guilford.

(S. P. 507) (L. D. 734) An act to amend an act incorporating Alna Lodge.

(H. P. 138) (L. D. 754) An act relating to the towns of Lincoln and Enfield.

(H. P. 574) (L. D. 196) An act to amend an act to supply the town of Bucksport with water.

(H. P. 908) (L. D. 362) An act relating to appointment of receivers; attachments dissolved.

(H. P. 956) (L. D. 447) An act vacating location of streets.

(H. P. 959) (L. D. 450) An act relating to prosecutions and violations of liquor law.

(H. P. 1180) (L. D. 756) An act relating to the care of children of women committed to the Reformatory for Women.

(S. P. 75) (L. D. 513) Resolve providing for the payment of certain amounts due exhibitors at the Central Maine Fair Association in 1929, on account of State stipend.

(S. P. 145) (L. D. 725) Resolve providing for an increase in State

pension for Lorenzo D. Wright of Fairfield.

(S. P. 497) (L. D. 727) Resolve providing for a State pension for Susie W. Morse of Auburn.

(S. P. 498) (L. D. 728) Resolve providing for a State pension for Heslyn York of Freedom.

(S. P. 499) (L. D. 729) Resolve providing for a State pension for Florence H. Baker of Liberty.

(S. P. 500) (L. D. 730) Resolve providing for a State pension for Lottie McFarland of Searsmont.

(S. P. 501) (L. D. 731) Resolve providing for a State pension for Nellie E. Turner of Auburn.

(H. P. 867) (L. D. 755) Resolve in favor of the State School for Boys.

(Tabled by Mr. Wright of Bath pending second reading)

(H. P. 1181) (L. D. 757) Resolve in favor of the State School for Girls.

(Tabled by Mr. Wright of Bath pending second reading)

#### Orders Of The Day

On motion by Mr. Hathaway of Milo the House voted to reconsider its action whereby S. P. 1039, L. D. 571, an act exempting charitable organizations from excise tax was assigned for its third reading; and on further motion by the same gentleman the bill was recommitted to the committee on Taxation for the purpose of correcting an error.

On motion by Mr. McCart of Eastport it was voted to take from the table the 8th unassigned matter, bill an act to incorporate Turner Boom Company, S. P. 317, L. D. 293, tabled by that gentleman February 25, pending third reading.

Mr. McCart offered House Amendment A and moved its adoption as follows:

House Amendment A to Senate Paper 317, L. D. 293, an act to incorporate Turner Boom Company.

Amend said document by adding thereto the following:

"Section 6. Said company is authorized and empowered to fix the amount of its capital stock, and the classes thereof, and to increase the same from time to time in accordance with the general laws of the State."

Thereupon the amendment was adopted and the bill as amended by House Amendment A had its

third reading and was passed to be engrossed.

Mr. HATHAWAY of Milo: Mr. Speaker, I understand there is in the possession of the Clerk H. P. 990, L. D. 433, an act classifying sewage companies as public utilities. That bill was introduced by me. Since its introduction there seems to be no need of the legislation and I would like the permission of the House to withdraw the bill.

The request was granted, and the bill was withdrawn.

On motion by Mr. Clement of Durham it was voted to take from the table the 17th unassigned matter, House report, ought not to pass, of the committee on Judiciary on bill an act relating to the recovery of damages for flowing or by diversion of water, H. P. 961, L. D. 452, tabled by that gentleman February 26th, pending acceptance of the report.

Mr. CLEMENT: Mr. Speaker, I would like to say to the committee that it is no reflection on the report that I tabled it, but I simply wanted to find out just what it referred to; and I now move that the report be accepted.

The motion prevailed.

On motion by Mr. Bennett of Presque Isle, it was voted to take from the table the 14th unassigned matter bill an act to regulate the practice of the system, method, or science of healing known as naturopathy, and to create a Board of Examination and Registration for those desiring to practice the same and providing penalties for violation of this act, H. P. 126, L. D. 51, tabled by that gentleman February 25, pending first reading.

Mr. BENNETT: Mr. Speaker, I move that the vote be reconsidered whereby the first reading of the bill was ordered.

Mr. GOUDY of South Portland: Mr. Speaker, I fear I do not understand.

As I understand it, there is a motion before the House at the present time that the bill have its first reading. Is that right?

The SPEAKER: That has been carried. The motion before the House is for a reconsideration.

Mr. GOUDY: And the motion at this time by my good friend from

Presque Isle (Mr. Bennett) is to reconsider the vote whereby that motion was carried.

The SPEAKER: That is the motion before the House.

Mr. GOUDY: I am asking you if this is the time to point out the merits of this particular bill? Is this where I speak on the subject?

The SPEAKER: I think the gentleman may proceed.

Mr. GOUDY: Mr. Speaker and members of the 85th Legislature: It is not my good fortune to be blest with the legislative experience of my good friend from Portland, Mr. Rounds. Neither am I endowed with the superior oratorical ability of that distinguished orator from Winterport, Mr. Fernald; but I will endeavor in my meager way to point out for your consideration some of the points of merit that I feel are contained in this particular bill. After the bill has been discussed, your decision will be my decision; but it has been said that although a person's decision is right, an injustice has been worked unless he has heard both sides of the case.

I am here as a representative from South Portland, and I may introduce bills here that perhaps I, myself, might not believe in; but I consider it my duty, and have considered it my duty, to introduce any bills that my constituents ask me to introduce, and I also consider it my duty to see that every advantage is given such bills as is allowable; and that is why I am on my feet today to see if I can in any way enlighten you on the purposes of this bill.

Now this is House paper 126, Legislative document 51, an act to regulate the practice of the system, method, or science of healing known as naturopathy, and to create a Board of Examination and Registration for those desiring to practice the same and providing penalties for violation of this act. Mr. Speaker and members of the House, this is not a bill to abolish naturopathy; that is not the question before the House. It is a bill to better the conditions surrounding those who practice naturopathy today. The first section provides for the appointment of three persons to constitute a "Board of Naturopathic Examination and Registration, hereinafter call the Board". That section is there to create a Board—just what it says—for the



examination of young men aspiring to be naturopaths in the State of Maine.

I call your attention to Section three, as follows: "Any person here engaging in the practice of naturopathy in this State, shall make application for a certificate to practice naturopathy to the Board of Naturopathic Examination and Registration on a form prescribed by said Board. Such application shall be filed with Secretary of said Board at least fourteen days before the date of examination, together with a deposit of twenty-five dollars (\$25.00)." That twenty-five dollars, as I understand it, is paid into the Treasurer of State's office, and he in turn pays these examiners their fees for their work for the actual time put in examining the applicant for naturopathy.

Section four, "All applicants shall take an examination, either written or oral, or both as the Board shall prescribe, on the following subjects," and here follows a list of the subjects upon which you will have better luck than I would in their pronunciation; so I am not going to try.

Over in section six it gives the rank that must be attained by all applicants of "at least seventy-five (75) per cent."

I call your attention especially to section eight: "Nothing in this act shall be construed to restrict or restrain any legally licensed physician, surgeon, dentist, osteopath or chiropractor in the practice of his or her profession." Naturopaths, as I understand, do not in any way want to interfere with the medical men. They have certain functions that they perform and I do not think that they conflict with the privileges of the physician and surgeon.

Then section ten: "Any person who shall practice or attempt to practice or to use the science or system of naturopathy in treating diseases of the human body, or who shall buy, sell or fraudulently obtain any diploma, license or registration to practice naturopathy, or who shall aid or abet in such selling or fraudulently obtaining", and then it goes on to tell about the penalties for so doing.

Section twelve: "The Board, its members or agents, shall investigate

all complaints and all cases of non-compliance with or violations of the provisions of this act, and shall bring all such cases to the notice of the proper prosecuting officer." So, you see, that this bill will properly superintend the practice of naturopathy.

As I understand, there are twenty-one other states, as well as the District of Columbia, that have such a law. The naturopaths feel, as I understand, that, due to that fact, that Maine should have a similar law, and I think the purpose of the bill is to bring the profession of naturopathy up to as high a standard as possible.

I want you to keep in mind, as I said before, that this is not a bill to abolish naturopathy. If it were, of course we would have to look at it a little differently. This is only a question of whether you want to separate the wheat from the chaff and make it as hard as possible for undesirables to get in. The osteopaths have a similar bill and the chiropractors have a similar bill. The medical men have a certain standard that they have to acquire and certain examinations which they have to take before they can practice their chosen profession. Likewise the lawyer has a certain examination he has to take and a certain rank he has to attain before he can practice his chosen profession. As I understand it, at this time the naturopaths are the only ones who do not have a law of this kind. I do not want to be argumentative. I am not advocating the cause of the naturopaths; but I am simply pointing out the merits of this bill so that you may be able to vote intelligently on the subject. It is not what I think about it. I may like it or may not like it. For fear that you are not familiar with the bill and have not looked into it, I am simply trying to point out the purpose of it and what it requires.

The Congress of the United States passed a similar bill two years ago regulating the practice of naturopathy in the District of Columbia. The only opposition it had at the hearing was by the Secretary of the State Branch of the American Medical Association, and I understand that before the bill came up for hearing he had said

that there would be no opposition to it; and about all the opposition consisted of was the criticism of some naturopathic school in New Jersey somewhere, and I believe that at that time the only record he had of that school was back some years. Legislation is now being considered in seven states. These are all points for your consideration.

The science is not new in this country. Recently the Thirty-fourth National Convention was held in New York City, December 28-31. Where states have boards, the standards have been brought to a high level and the quacks have been driven out to find a refuge in such states as Maine which has no laws to prohibit incompetence.

Maine has had a legally incorporated institution for nearly five years. That institution, I believe, is located on Pleasant Avenue in Portland. At that institution they have, I believe, several trained nurses and on their staff several medical men. This is the oldest science of all non-medical sciences.

I have a letter here from the President of the Maine Naturopathic Association, written under date of February 20, as follows:

“Clinton T. Goudy, Esq.,  
South Portland, Maine.

Dear Sir:

The Maine Naturopathic Association, Incorporated, comprising the leading practitioners of naturopathy of this State, is supporting the act introduced by you to regulate the practice of naturopathy and create a board of examination. At the last meeting the bill was read and approved by the association. The members consider it a law for the benefit of the public at large, and its passage will mean that the only healing art that is not regulated by law in Maine, naturopathy, will be supervised as it should be.

Yours very truly,

(Signed) J. WARREN DAY.

President, Maine Naturopathic Association, Incorporated.”

I have not much more to say. As the law is now any clairvoyant, any fortune teller, can put a sign on the front of his house and there is no law under heaven to stop it. You can go home tonight and hang your sign out as a naturopath and

probably do as good a job as some of the undesirables who are coming into Maine at the present time. The naturopaths feel that the public should want the bill so as to bring the naturopath profession up to the standard where the public would trust their wives and children to go to them for treatment. As it stands in Maine today, there is absolutely no restriction on them and no barriers. Anybody is allowed to practice naturopathy and some of them mislead the public.

Perhaps there is somebody else in the hall who wants to speak on this same line. As I said before, I am not arguing the merits of the case but am simply trying to point out some of the different phases so that you may be able to vote intelligently on the matter.

The SPEAKER: The question before the House is on motion for reconsideration. Are you ready for the question?

Mr. BENNETT of Presque Isle: Mr. Speaker, I am playing a new role today in the House. I am a medical man, and as such it is hard for me to get up before a body of men and speak. I had hoped to come here and keep my seat through this session, being a Freshman; but I am forced upon my feet, perhaps somewhat through my own action. Someone asked me if I were asleep the other day when this matter was brought up. They say that I had been but I don't know. Day before yesterday we heard something about what dignity consists of. The old gentleman who came back here said that we lacked dignity in the House because we did not have whiskers. Now I am thankful that I wear a moustache because that certainly lends me a little dignity.

I rise to speak upon this bill, Legislative Document number 51, otherwise known as the Naturopath bill. I do not know what naturopathy is and I have not been able to find out, although I sat on the committee and heard the evidence that was presented on both sides. However, I am going to try to tell you what I think it is. I believe it is a coined word, as we say, a new word; “nature” and “pathy” put together. You all know what nature is, I do not have to explain that

word; but pathy means pain, disease and suffering; so it must be suffering nature. Whether any of you have had that or not, I don't know. (Laughter) Now where was this born? It seems this is the oldest child of the healing art, born down in New Jersey in the front room of a house where some family lived. They have there what they call an institution of learning or a college. I am not telling you what I believe, but that is the report of the American Medical Association. That Association looks into all these things and goes to the bottom of it, whether it is patent medicine or what not that pertains to the healing art. I think the father of this child is a chiropractor and the mother of unknown attainment. It seems that this child was born but five years ago. Twenty of them have come to the State of Maine and now they wish to say whether any more of their brethren or sisters should come in here and do as they wish to do.

I now come to the bill and I am going to begin at the back end. Some times it is better to go in the back door and come out the front door feeling all right than to go in the front door and come out of the back door rubbing your rear; and so I am going to begin with section fifteen. It says in section fifteen: "For the purpose of this act, the practice of naturopathy shall be held to mean the practice of,"—now I want you to note these words,—“the practice of hydrotherapy, electrotherapy, physiotherapy, heliotherapy, pneumotherapy, somatherapy, bio-chemistry, neurotherapy, iris-analysis, mechanotherapy, articular manipulations, massage, phototherapy, corrective and orthopedic gymnastics, chromotherapy, phagotherapy, histolotherapy, dietetics and external applications.” (Laughter) This, gentlemen, is what the practice of naturopathy is, so they say. Further on in the next line it says: “Naturopathy is hereby declared not to be the practice of medicine.” Then what in the name of common sense it is after they have learned all this that I have read? Therapy means of course the treatment of disease, and they have added everything they could pick out of the diction-

ary and made it very comprehensive. Then it goes on and says this is not the practice of “major surgery, osteopathy, or chiropractic, Christian Science or other religious healing sciences or faiths.” Well, they tell us what it is by telling us what it is not. So much for that section!

Now they say they are not practicing medicine, therefore they are not physicians. I refer you to Section ten which says: “nothing in this act shall be construed to prohibit any legally qualified Naturopathic physician in any other State meeting a registered Naturopathic physician in this State for consultation.” Now, gentlemen, they call themselves physicians there; so they must be. If they practice the healing art in any form they are physicians. A physician is a man versed in the healing art, and in my profession you can use anything in any way that you choose to treat disease—appliances, straps, braces, medicine, advice, anything which you think will help the patient; but here they pick out certain things and want legislation to give them the right to use them. But they have picked them out of the wrong profession.

Section fourteen: “All laws, rules and regulations now in force in this State or which shall hereafter be enacted for the purpose of regulating the report of contagious diseases and deaths to the proper authorities, and to which the registered practitioners of medicine are subject, shall apply equally to the practitioners of naturopathy.” Now they want to report contagious diseases. Sometimes it is very hard for the best men in medicine and surgery to tell the difference between scarlet fever and German measles. It is pretty hard with these infectious diseases to always make early diagnosis; and if these men do not study these subjects how are they going to report them? If they do not make a diagnosis, how are they going to report a death? I do not believe they could.

I want to go back for a few minutes, working backwards, to another section of this bill, to section four. We will say that the board has been created and will give oral or written examinations, or both, as they shall prescribe on the follow-

ing subjects, and they are pretty broad subjects. They are anatomy, physiology, histology, psychology, chemistry, hygiene, public health, dietetics, pathology, bacteriology, toxicology, bio-chemistry, iris-analysis. That is one that gets my goat a little bit. (Laughter) I do not know what "iris-analysis" is. The iris is a color matter in the eye be it red, green or yellow. Now they claim that they should look into the eyes of a person to make a diagnosis. I do not believe it. There are very few diseases that the iris tells you very much about,—I mean general diseases. It has some local diseases of itself. Then they go on with "sanitation, mechanotherapy, electrotherapy, physiotherapy, hydrotherapy, principles and practice of Naturopathy." God knows what that is, I don't. (Laughter) I studied last night a long time to find out what that is.

You see there are two parts to this bill. My good friend across the hall from South Portland (Mr. Goudy), his part is to talk about the Board. He tells you what they want; I am trying to tell you what they are. (Laughter) Now they want to use the title of doctor or the letters "Dr." in front of their names or the letters "N. D." at the end of their names. They use the word Naturopathy which they may be able to explain to this House. "M. D." comes pretty near "N. D." and some people might mistake it and get into the wrong doctor's office.

They say in section eight—and I think the gentleman across the hall said something about section eight, but I just want to call your attention to it. They say that all of the rest of us have a perfect right to practice medicine and they will not interfere with us. Interfere with the old regular practitioner of medicine with his traditions and science that dates back to where the memory of man cannot even run. Yet they are five years old and do not wish to interfere with the great and noble profession and art of healing known as the medical profession. Neither do they want to interfere with osteopathy nor Christian Science nor men who are in the army or navy, nor those who treat by prayer or spiritual means, provided masseurs, dieticians, hydrotherapists, and others do not violate any of the preceding section that they hold to be

theirs or use the word "Naturopath." In Section ten they again speak of the "science or system of naturopathy in treating diseases of the human body," and yet they say they are not physicians. Who else treats diseases of the human body if it is not physicians? I have no doubt, gentleman, that most of you came into this world under the hands of a regular practitioner of medicine, and it may be that you will go out under the hands of a regular practitioner. (Laughter)

I will let this conclude what I want to say, and I move the indefinite postponement of the bill.

Mr. THOMAS of Harpswell: Mr. Speaker, I have listened to the remarks of the gentleman who has preceded me, and I assure the House of Representatives that they cut very little ice with me. The fact of the matter is, Mr. Speaker,—I know it to be a fact—that this bill was introduced into this House with the purest motives,—equal rights to all and special privileges to none; and the mere fact that the gentleman who has preceded me gets up with exhaustive arguments and tries to prove to the House of Representatives the superiority of medical science cuts but very little ice with me.

This committee reported, Mr. Speaker and members of the House, that legislation was inexpedient. If they were so vehement in wanting this bill defeated, why did they not report that the bill ought not to pass. I want to say, Mr. Speaker, that I came to this Legislature with the firm conviction that we should stand for equal rights to all and special privileges to none. Now, Mr. Speaker and members of the House of Representatives, what do we care what form of medical science we employ to cure us of our ills so long as we are cured? What in God's name do I care about the remarks of the gentleman who has preceded me. If any member of my family is sick and I can employ a physician what do I care about the form of science employed so long as there is a cure. I say to you, Mr. Speaker and members of the House of Representatives, that it is the duty of this House to see to it that every man is looked after and every form of medical science is looked after and protected. I say to you, Mr. Speaker, as we journey down the corridors of time and come

down to the banks of the great river and hail the ferryman to haul us over, I want to be able to look back and say that we people of the Eighty-fifth Legislature of Maine did our duty as we understood it; and, Mr. Speaker, I sincerely hope that the bill will be substituted for the report.

Mr. JACK of Lisbon: Mr. Speaker, being a member of the legal profession certainly is not my fault. I was in hopes, however, that the gentleman from South Portland (Mr. Goudy) would be called upon to read the section known as fifteen. I have been somewhat interested in the remarks of the gentleman from Harpswell (Mr. Thomas). In part, perhaps, he might be considered correct. I am not the son of a doctor but I am the son-in-law of a doctor and so have a handshaking acquaintance with something under discussion at this time; but I think the point that should be considered by the gentlemen present is that sooner or later this matter must be approached from the right angle, and the way to approach it is to have one medical examining board in the State of Maine and let the applicant who wished to practice medicine in any form take that examination and then practice any kind of medicine under any scheme which they may have to treat the ailments of the human body.

Mr. GRAY of South Portland: Mr. Speaker, gentlemen and ladies of the Eighty-fifth Legislature: It was suggested to me by a good friend of mine when I came down as a new member that it would probably be wise to be very quiet and not say much, but listen and observe. I have followed that instruction from my good friend, but at this time I wish to break away from that admonition and speak upon the passage of this Naturopathy bill. I confess that I am most deeply interested in naturopathy. I cannot explain it, that is not my business. I appeared before the Health committee, a most excellent committee, in favor of this bill. The osteopathy bill was before the sessions of the Legislature in 1913, 1915, 1917 and 1919 and who were its opponents? It was the medical profession who was against the osteopaths. Are there

any ladies and gentlemen in this Eighty-fifth Legislature who do not doctor with the osteopaths? Again the chiropractic bill came before the Legislature in 1919, 1921 and 1923 and who were its opponents? It was the medical profession that was against it, but in 1923 it passed both houses. I have expended a few thousand dollars with the medical profession. God bless them! They have their place. They are probably a necessary evil. (Laughter) But in justice to the osteopaths and the chiropractics, yes, and to the Christian Scientists, I say that there is room enough in the State of Maine for the naturopaths to also practice the science of healing, and as fair-minded men and women we cannot bar them justly from so practicing. Quacks! Are there not quacks in the medical profession as well as in all professions? Yes, you know there are. In the city of Portland there is a man practicing, with his shingle out to the public telling them that he is a naturopath. Previous to 1923, when the chiropractic bill passed, he had his shingle out on Middle street in Portland as a chiropractic; but on the passage of that bill he withdrew that shingle and came out with a new shingle as a naturopath. That man today is practicing although he has been convicted in the courts of the State of Maine as an abortionist and has served a sentence in jail. Yet his shingle is out proclaiming to the citizens of Portland that he is a naturopath. Will you allow that to continue or will you stop it and give justice where justice belongs? Five years ago, I think it was, there came to Frye Hall in the city of Portland a quack of the first water claiming to be a naturopath, and as a result of instructions given in a few days shingles appeared on many buildings in the city of Portland as naturopaths. And what protection was there against those quacks?

The medical gentleman who preceded me might say "Can any good come out of this?" Did they not say to the Nazarene "Can anything good come out of Nazareth?" But he became the Redeemer of mankind. One might say the same about the great emancipator, Abra-

ham Lincoln, as he came forth from the cabin. Indignant! Yes, I am indignant when I see a fellow citizen ignored and belittled by the medical profession. What care we from what source healing comes so long as it comes. What care we what name is placed upon it. The gentleman who preceded me (Mr. Bennett) says "I will tell you what it is." Let me tell you what it does. In the city of Portland, on Pleasant Avenue, there is a Naturopathic institution, a hospital, and, as I was interested, I went through this hospital and looked at the equipment, mostly electrical equipment. I was also shown through the Maine General Hospital by Dr. Morrill, a friend of mine, and he showed me similar apparatus which they use upon the human anatomy. This Naturopathy hospital is conducted by Dr. Stilphen, a man whose city I represent, and who has practiced naturopathy there for several years, is well known and made many cures. In that hospital are three trained nurses, one a graduate of the Maine General Hospital. Cures! The Rev. Mr. Bearse, my pastor, a good Methodist in South Portland, and my statement can be verified by telephone.—Mrs. Bearse had a remarkable cure after three weeks' treatment there. She informed me to that effect without my asking for it. Another friend of mine, Mr. John Tucker. His wife had treated with three doctors in the city of South Portland and six or seven in the city of Portland. She had been operated on in the Maine General Hospital and in the St. Barnabas hospital with no beneficial results. As a last resort she went to this hospital and under natural pathic treatment that woman is a well woman today and enjoying good health. In closing let me give you the concrete case of a young lady, a friend of my family, who was afflicted with that terrible disease, infantile paralysis, was carried by her parents from the bed to the chair and had to use crutches. In the city of Augusta as a last resort she went to a naturopath for treatment, and after the third treatment, by her own confession, she felt greatly improved, she felt life coming back into the body. Last fall she laid aside her cane and today, within the walls of this capitol,

she is performing her work, a healthy woman.

Gentleman and ladies of the Eighty-fifth Legislature, as an act of justice, as an act of protection to the citizens of the State of Maine, pass this bill, clean out these quacks, and give to us the science of healing, Naturopathy. If it is good enough for twenty-two states of the Union, including the District of Columbia, why is it not good enough for the State of Maine? Why not protect these practitioners as well as the citizens of the State of Maine? If you had a son and you sent him away to a Naturopath College and he had served four years, nine months in each year, and he came home, how would you feel if the law of the State of Maine would not protect him? I bring it home to your hearts and your intelligence. I thank you.

Mr. CLEMENT of Durham: Mr. Speaker, owing to the lateness of the hour, I move that this be laid on the table.

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

Mr. BENNETT: Mr. Speaker, I just want to answer one question. I want to state first that I may have gone into this matter a little sarcastically, but I did not mean to. I just want to refer to the infantile paralysis. Infantile paralysis is an infectious, contagious disease. This virus is a virus so small that it will filter through porcelain nearly an inch thick and it is this infection which gets into the nose and throat through the mucous membrane and gets into the anterior horn of the spinal cord where the nerves come off to go to the limbs and there creates inflammation and so paralysis comes on in the muscles that these nerves supply. As a matter of fact some cases of infantile paralysis get over that paralysis in a few months to a year. Others have it in more or less severe form, some die and some are left partially paralyzed. The fact that this woman of whom he speaks walked about afterwards has nothing to do with her treatment or anybody's treatment. Seventy-five per cent get well, but a few, twenty-five per cent, need the attention of regular practitioners of medicine. The other seventy-five per cent when they are sick need to be looked after because you never know what may happen and they need a doctor's care early in their

trouble. This one swallow, or one case, does not mean a single thing. We must have hundreds and thousands of cases before we can know what it means. That is all I have to say.

Mr. CARLETON of Portland: Mr. Speaker, I move the previous question.

The SPEAKER: The gentleman from Portland, Mr. Carleton, moves the previous question.

A viva voce vote being had, the motion prevailed.

The SPEAKER: Is it the pleasure of the House that the main question be put now?

A viva voce vote being taken, the motion that the main question be now put prevailed.

The SPEAKER: The main question is on the motion of the gentleman for reconsideration. All those in favor of reconsidering the question will rise—

Mr. BENNETT: Excuse me, Mr. Speaker, but I do not think that was the correct motion. I think the motion was the indefinite postponement of the bill.

The SPEAKER: That motion was not in order because we are considering the motion of reconsideration. The motion before the House is on the question of reconsideration and you have authorized the previous question, which is on that motion. The question now is: Shall the main question be put now?

Mr. SMITH of Bangor: Mr. Speaker, is not the question pending first reading? I move that we reconsider the vote whereby we gave it its first reading.

The SPEAKER: The motion pending is on a reconsideration of the action whereby the House voted to give it its first reading. The question before the House at the present time is whether the House wishes to vote to reconsider its action whereby it voted that this bill have its first reading. All those in favor of reconsideration will rise and stand in their places until counted, and the monitors have returned the count.

Mr. JACK of Lisbon: Mr. Speaker, I do not know how to vote here. (Laughter)

The SPEAKER: The simple question is this: Those who are in favor of the bill itself would vote no on this question of reconsider-

ation; and those who are against the bill will vote yes.

Mr. BOODY of Windham: Mr. Speaker, it is very plain that the members of the House are in deep water at this moment. Therefore, in order to get it well settled and know where we are, I move you that we adjourn.

Cries of "No, no."

The SPEAKER: The gentleman from Windham, Mr. Boody, moves that we adjourn until two o'clock. Those in favor will say aye; those opposed no.

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

Mr. BOODY: Mr. Speaker, I made no adjournment to any special time; simply to adjourn.

The SPEAKER: The Chair then is in error, not being able to hear what the gentleman did say. The Chair will simply put the motion to adjourn.

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

The SPEAKER: And the question before the House, as stated before, is on the reconsideration. All those in favor of reconsideration will rise and stand in their places until counted and the monitors have returned the count.

A division was had,

Thirty-eight having voted in the affirmative and 40 in the negative, the motion for reconsideration failed of passage.

Thereupon the bill had its first reading.

Mr. BENNETT: Mr. Speaker, I move the indefinite postponement of the bill.

A viva voce vote being doubted, A division was had,

Forty-six voting in the affirmative and fifty in the negative, the motion to indefinitely postpone failed of passage. (Applause)

Thereupon the bill had its second reading.

Mr. BENNETT: I move that the bill lie on the table.

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

The SPEAKER: What time will the House assign for the third reading of this bill?

Mr. GOUDY: Mr. Speaker, I move that the rules be suspended, and that the bill be given its third reading at this time.

The SPEAKER: The motion is that the rules be suspended and that the bill have its third reading. This requires a two-thirds vote. All those in favor of the bill having its third reading will rise and stand in their places until counted and the monitors have returned the count.

A division was had,

Mr. RICHARDSON of South Portland: Mr. Speaker, I ask for a roll call.

The SPEAKER: All those in favor of a motion for a roll call will rise and stand in their places until counted and the monitors have returned the count.

An insufficient number arising, the motion for a roll call failed of passage.

The SPEAKER: The result of the vote on suspension of the rules that the bill have its third reading at this time was 24 in the affirmative and 49 in the negative, and the motion is lost.

What time will the House assign for the third reading of this bill?

Thereupon the House assigned the next legislative day at the hour of convening.

The SPEAKER: I would like the attention of the members for just a moment to read an important notice. Yesterday the postmaster at the State House, Mr. Brown, was very critically injured and I understand that the Senate has taken similar action this morning to that now contemplated here. It would be a very gracious thing for the members of this House to give what they feel they can, each one, for the purpose of relieving somewhat the conditions under which he and his family are suffering; and the Chair requests that each and every member, so far as he feels able, will leave in the Clerk's office, with the Clerk of the House whatever he thinks he may be able to give for this purpose.

On motion by Mr. Cobb of Gardiner,  
Adjourned until Tuesday, March 3, at 4:30 o'clock in the afternoon.