

# MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eighty-Seventh Legislature

OF THE

STATE OF MAINE

1935

KENNEBEC JOURNAL COMPANY  
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**HOUSE**

Thursday, March 28, 1935.

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

Prayer by Chaplain Hershey of the Veterans Administration Facility.

Journal of the previous session read and approved.

Papers from the Senate disposed of in concurrence.

From the Senate: Remonstrance of Florence M. Owens and 12 others of Kennebec Chapter D. A. R. against the pari-mutuel bill, S. P. 695.

Comes from the Senate referred to the committee on Legal Affairs.

In the House, placed on file in non-concurrence.

From the Senate: Bill an act relating to assessors, H. P. 1335, L. D. 543, which was recalled to the Senate from the legislative files by Joint Order.

Comes from the Senate recommended to the committee on Legal Affairs.

In the House, recommended to the committee on Legal Affairs in concurrence.

From the Senate: Report of the committee on Claims reporting ought not to pass on resolve in favor of the General Contracting Co. Inc. of Bath, Maine, to reimburse same for damages on account of State highway project 116-A Woolwich, H. P. 766, which report was accepted in the House on March 21st.

Comes from the Senate recommended to the committee on Claims in non-concurrence.

In the House, on motion by Mr. Devereux of Penobscot that body voted to recede and concur with the Senate in the recommitment of this resolve to the committee on Claims

From the Senate: Bill an act to provide for annual audits in cities, towns, plantations and village corporations (S. P. No. 457) (L. D. No. 653) which was indefinitely postponed in the House on March 20th in non-concurrence.

Comes from the Senate that body voting to insist on its former action

whereby the bill was passed to be engrossed and asking for a Committee of Conference, and with the following Conferees appointed on its part: Messrs. Burkett of Cumberland, Blanchard of Franklin, Bodge of Kennebec.

In the House:

Mr. CROWELL of Weston: Mr. Speaker, I move that the House adhere to its former action.

A viva voce vote being doubted, A division of the House was had. Seventy voting in the affirmative and 37 in the negative the motion prevailed.

From the Senate: Bill an act relating to salary of Register of Deeds in Waldo County (S. P. No. 200) (L. D. No. 670) which was indefinitely postponed in the House on March 26th in non-concurrence.

Comes from the Senate that body voting to insist on its former action whereby the bill was passed to be engrossed and asking for a Committee of Conference, and with the following Conferees appointed on its part: Messrs. Cowan of Lincoln, Fernald of Waldo, Ashby of Aroostook.

In the House, on motion by Mr. Payson of Brooks that body voted to adhere to its former action whereby the bill was indefinitely postponed.

From the Senate: Report of the committee on Claims reporting ought not to pass on resolve in favor of John H. Simmonds of Portland H. P. 957, which report was accepted in the House on March 13th.

Comes from the Senate recommended to the committee on Claims in non-concurrence.

In the House, on motion by Mr. Devereux of Penobscot that body voted to recede and concur with the Senate in the recommitment of this resolve to the committee on Claims.

From the Senate: Bill an act relating to licenses for wholesalers in malt beverages, S. P. 347, L. D. 397, which was passed to be engrossed as amended by House Amendment A in the House on March 15th in non-concurrence.

Comes from the Senate with House Amendment A indefinitely postponed in non-concurrence.

In the House, on motion by Mr.

Gibbons of Portland, that body voted to insist on its former action and ask for a committee of Conference.

From the Senate: Bill an act relating to the counting and sealing of ballots, H. P. 1181, L. D. 387, which was passed to be engrossed as amended by House Amendment A in the House on March 12th in non-concurrence,

Comes from the Senate indefinitely postponed in non-concurrence.

In the House, on motion by Mr. Hill of South Portland, that body voted to recede and concur with the Senate in the indefinite postponement of the bill.

From the Senate: Bill an act to provide for the appointment of a Board of Commissioners of Police for the town of Sanford, H. P. 1458, L. D. 759, which was recommitted to the committee on Legal Affairs in the House on March 19th,

Comes from the Senate passed to be engrossed in non-concurrence.

In the House, on motion by Mr. Demers of Sanford, that body voted to recede and concur with the Senate.

Thereupon the bill was given its second reading, and under suspension of the rules the bill was given its third reading, and passed to be engrossed in concurrence.

### Orders

On motion by Mr. Oliver of Bath, it was

Ordered, that the Clerk of the House be authorized to send on behalf of the members of the House a bouquet of flowers to Patrick H. Fitzgerald, veteran Door - keeper, who is ill at his home.

Mr. Story of Washburn presented the following order and moved its passage:

Ordered, that the Commissioner of Education be directed to furnish forthwith to the House detailed information showing in full the administrative and departmental expenses of the Department of Education, including official salaries, from July 1, 1934 to date.

And be it further ordered, that the Commissioner of Education be directed to furnish forthwith to the House detailed information of all expenses thus far incurred since July 1, 1934 in furthering educational legislation before this Legis-

lature, including detailed information of the number of petitions prepared and mailed, together with the cost of same, copies of all printed and mimeographed matter, and detailed information covering all propaganda activities of his department, together with the cost of same.

Mr. STORY: Mr. Speaker, this being so near the time for the closing of this session, it is quite necessary that it be acted on at this time.

Mr. COOK of Pittsfield: Mr. Speaker, may I ask to have this order tabled until later in today's session?

A viva voce vote being taken, the motion did not prevail.

Thereupon, a viva voce vote being taken, the order received passage.

### Reports of Committees

Mr. Burgess from the Committee on Inland Fisheries and Game reported ought not to pass on bill an act relative to open season on raccoons (H. P. No. 1268) (L. D. No. 562)

Same gentleman from same Committee reported same on bill an act relative to open season on raccoons (H. P. No. 1267) (L. D. No. 561)

Mr. BUSHEY of Waterville: Mr. Speaker, I move that the above two bills be tabled pending acceptance of the report, and be specially assigned for Tuesday, April 2.

A viva voce vote being taken, taken, the motion did not prevail and the ought not to pass report of the committee was accepted and sent up for concurrence.

Mr. Ryder from the committee on Inland Fisheries and Game reported ought not to pass on bill an act relative to non-resident license for hunting raccoons. (H. P. No. 1264) (L. D. No. 558)

Mr. Sprague from same Committee reported same on bill an act relative to open season on raccoons. (H. P. 1263) (L. D. 557)

Mr. Hescocock from same Committee reported same on resolve for the purchase of salmon from the weir fishermen on Penobscot River. (H. P. No. 1285) (L. D. No. 492)

Mr. Chase of Baring from the Committee on Legal Affairs reported same on bill an act creating a Public Bequest Commission. (H. P. No. 104) (L. D. No. 32)

Mr. Chase of Sebec from same Committee reported same on bill

an act relating to elections in the city of Lewiston. (H. P. No. 1068) (L. D. No. 321)

Mr. Donahue from same Committee reported same on bill an act creating a Board of Police Commissioners in Rumford Falls. (H. P. No. 1070) (L. D. No. 407)

Mr. Sawyer from same Committee reported same on bill an act relating to terms and salaries of city of Lewiston officials (H. P. No. 594) (L. D. No. 173)

Mr. FORTIN of Lewiston: Mr. Speaker and members of the House: On bill an act relating to terms and salaries of city of Lewiston officials, H. P. 594, L. D. 173, I just rise to say that we wish to go on record as having stated our position and in stating my position I wish to state the position of my colleagues in the House.

This particular bill requested the House to permit the city of Lewiston to hold its election every two years instead of every year as at present thereby eliminating a lot of fuss and bother as well as saving a lot of money for the city. It established the mayor's salary at six hundred dollars by a State law. That law has been violated for the past eighteen years because every year the mayor in our city has drawn more than that amount. The bill itself in the new draft fluctuated the mayor's salary twenty per cent between two and three thousand dollars. The bill also reduces the number of the School Board from fourteen to seven members, which we all know is a great improvement.

We are not going to ask the House to accept the bill instead of the report. We are going to honor the report ought not to pass because in two years we hope to come back and have the cooperation of the House for a complete revision of the charter of the city of Lewiston. Thank you.

Mr. Haskell from the Committee on State Prison reported ought not to pass on bill an act relating to compensation for prisoners. (H. P. No. 1355) (L. D. No. 509).

Mr. Russ from the Committee on Towns on bill an act to establish a section of the boundary line between Windham and Raymond (H. P. No. 1163) (L. D. No. 336) reported that same be referred to the 88th Legislature as legal notice was not given before the entrance of the bill.

Mr. Scates from the Committee on Ways and Bridges on the following petitions in favor of L. D. 13, relating to snow removal on R. F. D. routes, H. P. 362, 363, 1192, 1193, 1393, 1438, reporting that the same be placed on file.

Reports read and accepted and sent up for concurrence.

Mr. Ryder from the Committee on Inland Fisheries and Game on resolve relating to extending fishing season on white perch (H. P. No. 782) reported same in a new draft (H. P. No. 1815) under title of resolve relating to extending the ice fishing season on white perch and that it ought to pass.

Same gentleman from same Committee on resolve relative to Game Preserve in York county, (H. P. No. 778) (L. D. No. 277) which resolve was recommitted to the committee, reported second new draft (H. P. No. 1816) under title of an act relative to Game Preserve in York county, and that it ought to pass.

Mr. Chase of Sebec from the Committee on Legal Affairs on bill an act relating to the South Portland Sewerage District (H. P. No. 1078) (L. D. No. 414) reported same in a new draft (H. P. No. 1817) under same title, and that it ought to pass.

Mr. Chase of Baring from same Committee on bill an act to designate New Year's Day as a legal holiday (H. P. No. 593) (L. D. No. 172), which was recommitted to the committee, reported second new draft (H. P. 1818) under same title, and that it ought to pass.

Mr. Fogg from the Committee on State Prison on bill an act providing for the manufacture of motor vehicle registration plates and other plates for the use of the State at the State Prison (H. P. No. 1210) (L. D. No. 458) reported same in a new draft (H. P. No. 1819) under title of an act providing for the manufacture of motor vehicle registration plates for the use of the State at the State Prison and that it ought to pass.

Mr. Oliver from the Committee on Temperance on bill an act to define the powers of the State Liquor Commission (H. P. No. 1363) (L. D. No. 592) reported same in a new draft (H. P. No. 1820) under same title and that it ought to pass.

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

Mr. Ryder from the Committee on Inland Fisheries and Game reported ought to pass on resolve relative to extending open season on white perch (H. P. No. 780)

Report read and accepted and the resolve ordered printed under the Joint Rules.

Mr. Davis from the Committee on Inland Fisheries and Game reported ought to pass on bill an act relative to closed time on deer in York County (H. P. No. 328) (L. D. No. 99)

Mr. Davis from same Committee reported same on bill an act relating to the trapping law in Waldo County (H. P. No. 140) (L. D. No. 42)

Mr. Donahue from the Committee on Legal Affairs reported same on bill an act to incorporate the Presque Isle Water District (H. P. No. 846) (L. D. No. 291)

Mr. Sawyer from same Committee reported same on bill an act relating to the charter of the city of South Portland (H. P. No. 849) (L. D. No. 293)

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 reporting ought not to pass on bill an act relating to horse racing for trotters and pacers and creating a State Racing Commission (H. P. No. 1256) (L. D. No. 500)

Report was signed by the following members:

Mr. PINANSKY of Cumberland  
Miss MARTIN of Penobscot  
—of the Senate.

Messrs. DAVIS of Fairfield  
HIGGINS of Ellsworth  
CHASE of Sebec  
BURNHAM of Kittery  
—of the House.

Minority report of same Committee reporting ought to pass on same bill.

Report was signed by the following members:

Messrs. BLAISDELL of Hancock  
—of the Senate.  
CHASE of Baring  
DONAHUE of Biddeford  
SAWYER of Brunswick  
—of the House.

Mr. WILLEY of Falmouth: Mr. Speaker, I move the acceptance of the minority report and in view of the fact that we are late in our ses-

sion, I hope that this measure can be disposed of this morning. I would ask for a division when the vote is taken.

The SPEAKER: The gentleman from Falmouth, Mr. Willey, moves the acceptance of the minority report. Are you ready for the question? The gentleman from Falmouth (Mr. Willey) has asked for a division of the House. All those in favor of accepting the minority report will rise and stand in their places until counted and the monitors will make and return the count.

A division of the House was had, Eighty-five voting in the affirmative and 43 in the negative, the motion to accept the minority report, ought to pass, prevailed.

Thereupon the rules were suspended and the bill was given its two several readings. On motion by Mr. Willey, the rules were suspended and the bill given its third reading and passed to be engrossed, and sent up for concurrence.

#### First Reading of a Printed Bill

H. P. 1814, L. D. 856: An act relating to the challenging of voters in towns.

#### Passed to be Engrossed

((S. P. No. 162) (L. D. No. 93) An act relating to optometry

(S. P. No. 221) (L. D. No. 194) An act relating to hawkers and peddlers

(S. P. No. 659) (L. D. No. 837) An act relating to State aid to academies

(S. P. No. 660) (L. D. No. 835) An act relating to registration of nurses

(H. P. No. 1797) (L. D. No. 840) An act relating to minimum wages for laborers

Mr. Thompson of Belfast offered House Amendment A and moved its adoption, as follows:

House Amendment to bill an act relating to minimum wages for laborers, H. P. 1797, L. D. 840.

Amend said bill by striking out the next to the last sentence thereof which reads as follows: "The wages for a day's work paid to laborers employed in the construction of highways and public works as aforesaid shall be not less than those payable under the provisions of the code for the construction industry."

House Amendment A was adopted by a viva voce vote.

H. P. 1811, L. D. 852: An act providing for assessment of premium notes and insurance contracts.

(On motion by Mr. Richardson of

South Portland, tabled pending third reading and specially assigned for tomorrow morning)

H. P. 1793, L. D. 820: Resolve providing for a State pension for Charles W. Shorey of Waldo.

Amended bills:

(S. P. No. 661) (L. D. No. 836) An act relating to payment of wages

(H. P. No. 1243) (L. D. No. 556) An act relating to insurance of motor vehicles carrying passengers for hire

**Passed to be Enacted**

(Emergency Measure)

H. P. 1767: An act to incorporate the town of Leeds School District.

The SPEAKER: This being an emergency measure, it is necessary that it have the affirmative vote of two-thirds the entire membership of this body. All those in favor of the passage of this bill to be enacted will rise and stand in their places until counted, and the monitors will make and return the count.

A division being had,

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

**Passed to be Enacted**

(S. P. No. 647) (L. D. No. 809) An act to appropriate moneys for the expenditures of State government and for other purposes for the fiscal years ending June 30, 1936 and June 30, 1937

(H. P. No. 604) (L. D. No. 177) An act relating to advertisement of Maine agricultural products

(H. P. No. 853) (L. D. No. 246) An act relating to education of war orphans

(H. P. No. 1296) (L. D. No. 609) An act relating to Bang's Disease

(H. P. No. 1775) (L. D. No. 810) An act relating to the recordings of county reports

(H. P. No. 1788) (L. D. No. 823) An act to provide a Manager form of Government for the town of Rumford

(H. P. No. 1789) (L. D. No. 821) An act relating to the charter of the city of Auburn

**Finally Passed**

(Emergency Measure)

H. P. 1808, L. D. 848: Resolve for the laying of the county taxes for the year 1935.

The SPEAKER: This being an emergency measure, it is necessary that it have the affirmative vote of

two thirds the entire membership of this body. All those in favor of the final passage of this resolve will rise and stand in their places until counted, and the monitors will make and return the count.

A division being had,

One hundred and thirty-five voting in the affirmative and none in the negative, the resolve was finally passed.

**Finally Passed**

H. P. 1809, L. D. 847: Resolve for the laying of the county taxes for the year 1936.

**Orders of the Day**

The Chair lays before the House the first matter tabled and today assigned, bill an act to extend the charter of the Bluehill Water Company, H. P. 1757, L. D. 798, tabled March 21 by Mr. Higgins of Ellsworth, pending assignment for third reading; and the Chair recognizes that gentleman.

Mr. HIGGINS: Mr. Speaker, this is purely a local matter and has no general interest to the members of this Legislature. There is no controversy connected with it and I should like to have it retabled and specially assigned for Tuesday next.

A viva voce vote being taken, the motion failed of passage, and tomorrow was assigned for its third reading.

The Chair lays before the House the second matter tabled and today assigned, bill an act relating to secret ballot at town meetings, S. P. 414, L. D. 535, tabled March 21 by Mr. Lebel of Brunswick, pending passage to be engrossed in concurrence; and the Chair recognizes that gentleman.

Mr. LEBEL: Mr. Speaker, this is a bill that effects some towns in the State. I understand it does not effect cities and does not effect certain towns. I have not been able to find any good reason why this bill should be passed, and unless somebody here can show a reason why it should be passed, I move that it be indefinitely postponed.

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

The Chair lays before the House the third matter tabled and today assigned, majority report ought to

pass in new draft, S. P. 637, L. D. 793 and minority report ought not to pass of the committee on Judiciary on bill an act creating the Portland Public Improvement Commission. This came from the Senate the majority report read and accepted and the bill passed to be engrossed and was tabled March 22 by Mr. Bramson of Portland, pending acceptance of either report; and the Chair recognizes that gentleman.

On motion by Mr. Bramson the majority report ought to pass was accepted in concurrence, the bill had its two several readings and tomorrow assigned.

The Chair lays before the House the fourth matter tabled and today assigned, bill an act exempting pedestrians from paying toll on Waldo-Hancock bridge, H. P. 16, L. D. 4, tabled March 23 by Mr. Desmond of Portland, pending passage to be engrossed; and the Chair recognizes that gentleman.

On motion by Mr. Desmond the bill was passed to be engrossed.

The Chair lays before the House the fifth matter tabled and today assigned, bill an act relating to games of sport on Armistice Day, S. P. 357, L. D. 338, which was passed to be engrossed in the Senate March 22 and which in the House was tabled on March 25 by Mr. Wright of Madison, pending third reading; and the Chair recognizes that gentleman.

Mr. WRIGHT: Mr. Speaker, the sponsors of this bill now realizing fully the effect this bill would have upon school athletics feel that it is inexpedient at this time to pass it. Therefore, I move its indefinite postponement.

Mr. HILL of South Portland: Mr. Speaker, I am somewhat in doubt as to the accuracy of the statement of the gentleman from Madison (Mr. Wright) as to the attitude of the sponsors of the bill. I presume he has received some such information from some source, but from persons with whom I have recently talked who were in favor of this bill, I feel sure that their attitude has not been changed. Therefore, I would move that the bill lie on the table and be specially assigned for tomorrow morning in order that some further investigation on that point may be made.

A viva voce vote being taken, the

bill was retabled pending the motion of Mr. Wright of Madison to indefinitely postpone and specially assigned for tomorrow morning.

The Chair lays before the House the sixth matter tabled and today assigned, House Amendment A to bill an act to provide for old age pensions, H. P. 1794, L. D. 816, tabled March 25 by Mr. Shaw of Milbridge, pending adoption; and the Chair recognizes that gentleman.

Mr. SHAW: Mr. Speaker, at the present time there are no funds available to take care of this bill, and in view of the pending tax measures that are now before the Taxation committee, I move that this bill be retabled and specially assigned for Friday, April 5th.

A viva voce vote being taken, the motion to retable prevailed and the matter was specially assigned for Friday, April 5th, pending the adoption of House Amendment A.

The Chair lays before the House the seventh matter tabled and today assigned, Senate report ought to pass in new draft of the committee on Judiciary on bill an act to provide for licenses and permits for outdoor advertising, S. P. 625, L. D. 752, which came from the Senate the report read and accepted and the bill passed to be engrossed as amended by Senate Amendment A, as amended by Senate Amendments A and B thereto. This was tabled March 27th by Mr. Vaughan of Berwick, pending acceptance in concurrence.

(Senate Amendment A read; also Senate Amendment A to Senate Amendment A read; also Senate Amendment B to Senate Amendment A read)

Mr. WORTHEN of Corinth: Mr. Speaker, I move the indefinite postponement of the bill as amended and ask for a division vote.

The SPEAKER: The Chair will inform the gentleman from Corinth that his motion as phrased is out of order. The question before the House is the adoption of Senate Amendment B to Senate Amendment A.

Thereupon the House voted to adopt Senate Amendment B to Senate Amendment A, and also voted to adopt Senate Amendment A to Senate Amendment A.

Thereupon the House voted to



adopt Senate Amendment A as amended.

The SPEAKER: The Chair now recognizes the gentleman from Corinth, Mr. Worthen.

Mr. WORTHEN: Mr. Speaker, I now move the indefinite postponement of the bill as amended, and ask for a division vote.

The SPEAKER: The gentleman from Corinth, Mr. Worthen, now moves the indefinite postponement of the bill as amended and asks for a division of the House when the vote is finally taken. The Chair recognizes the gentleman from South Berwick, Mr. Vaughan.

Mr. VAUGHAN: Mr. Speaker, these amendments have been made in an endeavor to bring together conflicting interests and in an attempt to make it fair to the interests involved under this bill. We have been perfectly willing to make these amendments. I understand now that certain interests think that they are penalized under this bill with these amendments. After all the work we have put into this matter, trying to make this a fair bill, in consonance with the majority of the country in regulating billboards to some extent, I would like to move to retable the bill and report in the hope of bringing together the people who are now objecting to it.

The SPEAKER: The gentleman from South Berwick, Mr. Vaughan, moves that the bill be retabled. Will you assign a day certain for it?

Mr. VAUGHAN: I thought, Mr. Speaker, if it were unassigned it would come off next Wednesday automatically.

The SPEAKER: The gentleman now moves that the bill be retabled, pending the motion of the gentleman from Corinth Mr. Worthen to indefinitely postpone. All those in favor of the motion of the gentleman from South Berwick (Mr. Vaughan) to retable will say aye, those opposed no.

A viva voce vote being taken, the motion to retable prevailed.

(At this point the Honorable William Tudor Gardiner, ex-Governor of Maine, was escorted to a seat at the right of the Speaker, amid the applause of the House, the members rising.)

The Chair lays before the House the eighth matter tabled and today assigned, bill an act relating to

lights on trucks, H. P. 335, L. D. 105, which was passed to be engrossed as amended by House Amendment A in the House on March 19th, and which came from the Senate passed to be engrossed as amended by House Amendment A as amended by Senate Amendment A thereto in non-concurrence. This was tabled March 27 by Mr. Webber of Auburn, pending further consideration; and the Chair recognizes that gentleman.

On motion by Mr. Webber, the House voted to insist on its former action and ask for a committee of Conference.

The Chair appointed on the committee on the part of the House, Messrs. Webber of Auburn, Hathorn of Bangor and Thompson of Belfast.

The Chair lays before the House the ninth matter tabled and today assigned, bill an act relating to apothecaries and the sale of poison, H. P. 1773, L. D. 797, tabled on March 27 by the gentleman from Gorham, Mr. Carswell, pending passage to be engrossed; and the Chair recognizes that gentleman.

Mr. CARSWELL: Mr. Speaker, in view of the present ambiguous condition of this bill, and in order that it may be clarified in the manner which we feel it should, and be satisfactory to everybody, I offer House Amendment B to House Paper 1773, Legislative Document 797, bill an act relating to apothecaries and the sale of poison, and move its adoption.

House Amendment B to H. P. 1773, L. D. 797, bill an act relating to apothecaries and the sale of poison.

Amend said bill by striking out in the 7th and 8th lines of section 5 of said bill the following underlined words "official in the United States Pharmacopeia and National Formulary" and inserting in place thereof the following underlined words "which the United States Pharmacopeia and National Formulary do not list except boric acid, alum, camphor, milk of magnesia, epsom salts, cod liver oil, castor oil, Seidlitz powders, spirits of camphor, spirits of peppermint, and mineral oil."

Mr. MARTIN of Oakland: Mr. Speaker, I would like to speak on this bill. I did not expect I would have to come here to defend my

action of Tuesday of this week in asking for an amendment by striking out the word "not".

If you will refer to this measure, you will find that it is divided into two parts. The first part has to do with druggists in their profession only, which we would recognize as fair and just, if they wish to have it. When you have a sign upon the street that says: "Druggists' Supplies and Druggists' Sundries," or anything pertaining to drugs, and the public goes in there, expecting it to be a drug store, the proponents of this bill say that those signs ought to be taken down, so you would not unsuspectingly go in there, thinking it to be a drug store. I agree with that perfectly, if they wish it. But when you ask this Legislature to adopt a measure that restricts the druggists in their business of merchandising only, and attach that as a rider to the other, simply to protect them in their business, I think that is unfair, and leads to class legislation.

The druggists, in this matter, are open to a terrible chance, because other businesses might ask them to give up some of their various supplies they are now carrying in competition with other businesses—and where are we going to end? I do not think that the druggists are fair in their position as to merchandising. Their profession is one thing; their merchandising is absolutely another matter. I contend that this is simply a method to control or throw out of business a large number of people who are selling goods of this nature in the country, and would be a hardship to the people of the country if these goods were not allowed to circulate in the country sections.

I am in favor of protecting the druggists, if they wish to have their profession protected, as dentists or doctors, or lawyers, or any other profession is protected, but not in the merchandising end. This section twelve, as stated in the bill, is only protection to their business. Consequently, if my amendment that I offered yesterday were accepted, or if that section is entirely omitted, you would still retain the professional end of the act. I would prefer to see that whole section eliminated, otherwise you are throwing your whole scheme of merchandising open to debate in the House, and I think that is entirely wrong.

I do not wish to take business away from the druggists, neither do I wish to protect them from some other men who are attempting to gain a living by selling things that are perfectly all right, and where the public is perfectly protected in buying them; consequently, I would prefer to see this part of the bill absolutely killed. It does not meet with the approval of the public. The public is not demanding it. The only ones demanding this bill have been the druggists, and the opposition has been from the public as a whole, consequently, I think this part of it is vicious, and leads to class legislation. I move that the bill be indefinitely postponed.

Mr. CARSWELL or Gorham: Mr. Speaker and members of the House: Over fifty years ago the Legislature of Maine enacted the pharmacy law. That pharmacy law was enacted for the protection of the people. It was to stop the sale of drugs by people who knew nothing about them, their actions or their dangers.

This bill does not hurt the country store; it allows every country store to sell any patent medicine that is on the market. It does not hurt the towns where there are no drug stores, and does not prevent selling patent medicines or anything that is not of a dangerous nature.

But, my friends, there are drugs which should not be promiscuously sold, acetanilid, cincophen, pheno-barbital, and other drugs which are habit-forming. If the pharmacy laws of the State amount to anything, the public should be protected from the promiscuous sale of these habit-forming drugs.

There appeared before the committee on Public Health gentlemen representing industries or firms in the State of Maine who wished to sell from house to house various preparations. This amendment which was offered this morning includes every item that was under discussion. It does not injure them in the least. It does protect the people. If the pharmacy laws of the State of Maine amount to anything, if you wish to protect the people, not the druggists, this bill should be passed; and I wish to assure you members from the country towns, small hamlets, that you will not be injured, and your dealers will not be injured in the least by

the passage of this bill as amended.

Mr. MARTIN: Mr. Speaker, there has been propaganda circulated through the House quite widely that the country places are not to be injured, therefore appealing to the country vote in the Legislature to put over the bill.

I will show you members of the House that I am not speaking for any group. I am not a druggist; I am not speaking for my own benefit, but I am speaking for the people of the State of Maine. I have no selfish motive in appearing before you this morning. I have not taken up your time during the session so far, and I hope you will pardon me for doing it this morning. I do this only in the interests of the people of the State of Maine as a whole. What is good for the country people to sell in their stores should be sold also by similar stores in cities, where there are drug stores. I can see no reason why something should be sold in the country and not in the cities, in similar stores, where there are drug stores. I cannot see the logic of that conclusion. I think that is wrong, absolutely wrong.

Can you imagine, for instance, here in the city of Augusta, that some stores would be excluded from selling things which in the country places they would be allowed to sell. I cannot think of anything more ridiculous. That seems to me out of the question, and beside the question entirely. I think it is an unfair position for the Legislature to take. I cannot see the force of it, and if that would be enacted, where would you draw the line?

I think an enactment of this kind would put not only the Legislature in a bad position, but would make the enforcement of this act so difficult that it would be impossible to enforce it. I think that the druggists are asking too much. I would protect them in their profession, but in their merchandising, not at all. They should protect their own business, and not be dependent upon legislative enactment.

Mr. DEMERS of Sanford: Mr. Speaker, I can see no real reason why certain stores in the outside districts should not be allowed to sell certain drugs that are allowed to be sold in drug stores. Remedies are available, and people should avail themselves of the education

and knowledge the druggists possess. I think in small towns, where there are no drug stores, where there is no particular store than can give a person the drug which is needed, some method should be provided in order that these small grocery stores can handle drugs in the original packages, to supply the demand of that particular district. I can see nothing wrong there.

So far as divorcing the question of pharmacy from commercialism, that is quite impossible; because there would not be any drug store, there would not be any druggist, unless they can sell their merchandise.

The bill is very fair. I would like to say a few words about the amendment because, after all, that is what counts.

The amendment presented by the gentleman from Oakland (Mr. Martin) struck out one word. In striking out that word, it made that particular section read as though the household remedies listed in the Pharmacopeia and National Formulary could be available in any store. That is perfectly satisfactory to me, but I would like to know who is going to be the judge as to just what preparation is a "household remedy."

In presenting the amendment that the gentleman from Gorham, Mr. Carswell, presented, we simply clarified the matter. We picked out remedies that are common household remedies, and specified them by name, so that the grocer who sells patent medicines or common household remedies will know them without buying the Pharmacopeia or the National Formulary, to find out what he can sell. The drugs enumerated can be sold by anyone, regardless.

There has been considerable confusion about this bill because the layman does not know very much about drugs, as a rule. A certain group of men have tried to give the impression that we were trying to legislate certain groups out of business. That is not so. A grocery store can sell any preparation that is a patent medicine or a proprietary remedy. A grocery store can sell any flavoring extract; a grocery store can sell any household remedy. Those that are not official, and those that are official, are outlined in our amendment that we have presented. The grocery store can sell every remedy listed

in the Pharmacopeia and not intended for general medicinal use.

One preparation they seem to make very much about is cream tartar. They would lead you to believe that we are trying to corner the market on cream tartar. That is not so. Anyone can sell cream tartar anyone can sell olive oil; anyone can sell bicarbonate of soda, because those preparations are not harmful and are sold in grocery stores, not for medicinal use.

We would like to protect the people, and that is the only way we can do it. If we cannot have certain limits on dangerous drugs, I do not see how we are going to protect people against buying those drugs, because they do not know the real potency of many of these preparations on the market that are advertised as perfectly harmless.

Mr. EVELETH of Portland: Mr. Speaker, this does seem like sort of class legislation to me. I have noticed in recent years, in going into a drug store, it looks more like a department store. They have gone into the restaurant business, and sell sandwiches, razors, pipes, kiddie cars and golf clubs and such things as those. It seems to me a person will have to be a registered pharmacist before long, to run a store of any kind. I certainly hope the motion of the gentleman to indefinitely postpone will prevail.

Mr. GRAY of Brooksville: Mr. Speaker and members of the House: I was told that this bill did not affect the small community dealers, but I notice now that the amendment presented to it specifies a lot of items that are handled by the small country dealer, and it leads me to wonder as to whether there are more items that would affect the country store that have not been included in this amendment. As this bill so drastically affects the welfare of the State, I would move that the bill be retabled until next Tuesday, so that it may receive further consideration.

The SPEAKER: The gentleman from Brooksville, Mr. Gray, now moves that this bill be retabled and specially assigned for next Tuesday. Is the House ready for the question? All those in favor

of the motion will say aye; all those opposed no.

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

Mr. DEMERS: Mr. Speaker, for the benefit of the gentleman who just spoke, I would say that Section 17 of Chapter 23 of the present law is not affected at all by this bill that we have now. There are thirty-five sections in the pharmacy law, and this bill would affect about three or four, so that any preparation that can be sold in towns where there are no drug stores now would be perfectly legal to be sold if this bill received a passage.

In the same way, it does not affect Section 16, which allows the sale of certain poisons to be used as insecticides and sprays, such as Paris green, arsenate of lead and other poisons. Those two sections remain as is, and have not been changed at all by any article in this particular bill.

Mr. BUBAR of Blaine: Mr. Speaker, I am sorry I did not hear this discussion. I was unexpectedly called out. I do not know whether it has been stated, but I know I was a member of the committee that signed this report, and there were certain terms and phrases that I discovered later on that I did not understand, and I did not have the right interpretation of those terms and phrases. As has already been stated here, there is a great deal of confusion about this matter. I am against the bill, although I signed the report. We tried to get the bill back again, to give it further consideration, but we were unable to. I know that it is going to injure many of the stores in my district, and for that reason I must register my protest against the bill.

Mr. CARSWELL: Mr. Speaker, there are in the State of Maine over four hundred drug stores, and I ask the members to consider the character of the men who conduct those drug stores. Do you realize, first, that a druggist must be a man of good character; second, he must be a graduate of a recognized high school; lastly, he must be a graduate of a recognized college of pharmacy; a man who has spent years of intensive study, learning about the drugs which he dispenses. The druggist works with the physician; it is his duty to dispense the physician's prescription and sell to the public drugs which are nec-

essary at various times for medicinal purposes. He realizes the action of every drug. They are kept correctly. Some must be kept where it is light; others must be kept from light; some must be kept in a dry atmosphere; others must be kept where there is moisture available. And I might enumerate the various conditions as to the way drugs must be kept, and as the druggist keeps them and dispenses them for the protection of the public.

There is a misunderstanding about how this bill affects country stores. In any country town where there is no drug store, drugs, even of a poisonous nature, may be sold, provided they have been prepared by a registered druggist and are sold in the original packages. You gentlemen in the rural sections, if your cow is sick, can buy tincture of acornite in the original package. This bill primarily injures one class of people, and one class of people only, and that is the drugless drug stores. There are stores springing up all over the State, stores conducted by persons who do not know or realize the danger and the character of the merchandise they are dispensing.

If you are riding along in your automobile, and you become ill, perhaps nauseated; and you see a sign, brightly illuminated: "Druggists' Sundries, Drugs, etc.," and you step into that store for an emergency treatment, something temporary, not wishing to go to a physician at that time, you want the man there to give you some remedy which will not be injurious, which may aid you. That is the class of people this bill will hurt. It will prohibit the sale of drugs by individuals who know nothing about them.

The people who appeared before our committee asked for certain exemptions. We gladly gave them. As I say, the country stores can sell as they have always sold. In towns where there are drug stores, potent drugs, drugs that are poison and should not be used promiscuously, must be sold only by registered pharmacists.

When you consider the character of your druggists in the State of Maine; when you consider the good they have done; when you consider their generosity in allowing these various stores to sell articles, as they are allowing them to sell them, I am sure no fair minded person can take exception to this bill, and, by

passing it, you may be protecting your wife or boy or girl from some serious injury, by receiving drugs or treatment from a person who does not know what he is furnishing them.

Mr. MARTIN of Dexter: Mr. Speaker, white arsenic is often used as a spray for potatoes, to kill potato bugs. I have used hundreds of pounds—I do not know but thousands of pounds. I buy it in quantities, but there have been times when I have had to go to the drug store and pay thirty cents. It seems to me that the druggists like to sell the stuff that ought to be sold in the grocery stores, but they do not want the grocery stores to sell the stuff that belongs in their line. I am opposed to this bill.

Mr. WORTHEN of Corinth: Mr. Speaker, I move the previous question.

The SPEAKER: The gentleman from Corinth, Mr. Worthen, now moves the previous question. Before the Chair can entertain this motion the consent of one-third the members present is required. All those in favor of the Chair entertaining the previous question will rise and stand in their places until counted and the monitors will make and return the count.

A division of the House was had.

The SPEAKER: Obviously more than one-third of the members having arisen, the previous question is ordered.

Mr. MARTIN of Oakland: Mr. Speaker, when the question is put I would like to have a division of the House.

The SPEAKER: The Chair hears the request. The question now before the House is shall the main question be put now? As many as are in favor of the Chair putting the main question now will say aye, contrary-minded, no.

A viva voce vote being taken, the main question was ordered.

The SPEAKER: The motion now pending before the House is the motion of the gentleman from Oakland, Mr. Martin, to indefinitely postpone bill an act relating to apothecaries and the sale of poison, as amended by House Amendment A and House Amendment B, and the same gentleman has requested that a division be had. All those in favor of the motion will rise and stand until counted and monitors will make and return the count.

A division of the House was had,

Sixty-eight voting in the affirmative and 56 in the negative, the motion to indefinitely postpone prevailed.

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**(Order out of Order)**

Mr. Sleeper of Rockland, presented the following order out of order and moved its passage:

Ordered, the Senate concurring, that the Attorney General be empowered to investigate the steps necessary to protect the closed fishing grounds of this State from out-of-State fishing craft which at this time are operating in these waters. (H. P. 1821)

Mr. SLEEPER: Mr. Speaker, I bring this up in this rather hurried fashion, because it is necessary. A few minutes ago I was called outside the door by a group of fishermen, representing the better element who appeared here on the fishing bills that have been before this Legislature this session.

As you know, there are now several closed fishing grounds along this coast, and, if two pending bills are passed, it will add considerably more of our shore mileage that will be closed to draggers and gill netters. Draggers and gill netters are fishermen of the type who have to invest considerable capital, and they employ considerable labor.

These men, although they have opposed closing the grounds that have been closed, have graciously conceded several points, and have allowed these grounds to be closed, and have kept off these grounds. They now find, however, that these grounds, where they respect the law and keep off, are trespassed on by boats from Massachusetts. They reported this matter to the Commis-

sioner of Sea and Shore Fisheries and he has told them to bring it before the Legislature, that his wardens are not empowered to go aboard a boat that is not registered in the State of Maine.

As perhaps most of you know, the majesty of the ocean belongs to the Federal Government, and until a boat is registered in Maine and that fisherman is duly registered in this State, the Maine State Fish Wardens have no authority to board any craft unless it is under their direct jurisdiction. It seems unfair that if we exclude our own fishermen from several of the best portions of the coast, that we do not protect those sections from out-of-State craft.

I have it from their word, and I know it from my own point of view, because I have seen the boats operating, that Massachusetts boats do operate on these closed grounds, and do receive considerable money for the fish they catch there, and it does not seem fair. Therefore, I would like to have this order given passage so that the Attorney General may determine what steps would be necessary, what steps would be possible to protect these grounds from out-of-State draggers and gill netters, and if these grounds cannot be protected from out-of-State fishermen, then our own fishermen ought to be allowed to fish there themselves.

Thereupon, the order received passage and was sent up for concurrence.

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On motion by Mr. Gleason of Bridgton,

Adjourned until ten o'clock tomorrow morning.