

# MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eighty-Ninth Legislature

OF THE

STATE OF MAINE

1939

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**HOUSE**

Friday, April 14, 1939.

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

Prayer by the Rev. Mr. Gesner of Augusta.

Journal of the previous session read and approved.

From the Senate: Bill "An Act relating to Licenses for Operation of Retail Stores" (H. P. 1758) (L. D. 933) on which the majority report of the Committee on Taxation reporting a new draft (H. P. 2217) (L. D. 1156) was accepted, and which was passed to be engrossed in the House on April 10th.

Comes from the Senate with the minority report "Ought not to pass" accepted in non-concurrence.

In the House:

Mr. TOWNSEND of Bangor: Mr. Speaker, I move that the House recede from its former action whereby it passed the bill to be engrossed, in order that I may offer an amendment.

The SPEAKER: The gentleman from Bangor, Mr. Townsend, moves that the House recede from its former action whereby it passed this bill to be engrossed. Is this the pleasure of the House?

Mr. GOOD of Monticello: Mr. Speaker, I just rise to say, in regard to this new draft, that there has been some compromise made, and the new draft has been printed which would strike out the three hundred dollars.

The SPEAKER: The Chair will call the gentleman's attention to the fact that there is no new draft as yet presented to that effect. No amendment has yet been offered to the House.

All those in favor of the motion of the gentleman from Bangor, Mr. Townsend, that the House recede from its former action whereby the bill was passed to be engrossed will say aye; those opposed no.

A vivo voce vote being doubted,

A division of the House was had.

Seventy-four having voted in the affirmative and 17 in the negative, the motion prevailed.

Mr. Townsend then offered House Amendment "A" and moved its adoption.

Mr. GOOD: Mr. Speaker, this amendment which the gentleman from Bangor, Mr. Townsend, has just offered, puts this back prac-

tically to where it was two years ago, making it fifty dollars on the chain stores, and on the independent stores it makes it three dollars instead of one.

Now we have always felt that this is a fair tax, an equalization tax. We are willing to compromise, and if the majority of people think that three hundred dollars is too much, we are willing to go back to fifty dollars on the chain stores, for chains having more than a hundred and twenty-five stores. We believe that it is fair, and we are willing to compromise. I hope that the amendment is accepted by this House.

House Amendment "A" to H. P. 2217, L. D. 1156, Bill, "An Act Relating to Licenses for Operation of Retail Stores."

Amend said Bill by striking from sub paragraph 8 of Section 5 the words "but not more than 125 stores."

Further amend said Bill by striking out sub paragraphs 9, 10, 11, 12, 13, 14, 15, 16, 17 and 18 of said Section 5.

Mr. BIRD of Rockland: Mr. Speaker and members of the House, I rise to object to the passage of this amendment. My personal viewpoint is that this bill was conceived in hatred. They had the bill, before the amendment, providing for three hundred dollars a store. There is no doubt in my mind that bill was discriminatory, and, in order to succeed in getting this bill passed last week, they talked of the fact that the revenue would go to the benefit of the aged. That was the principal argument here last week. Now this bill in its amended form will not provide any revenue. The nearest estimate that I am able to obtain is somewhere around \$35,000. Also, it will cost sixteen or twenty per cent to collect that sum of money. I still say that this bill is conceived in hatred and that the bill is discriminatory and I trust that the amendment will not pass.

The SPEAKER: The question before the House is on the motion of the gentleman from Bangor, Mr. Townsend, that House Amendment "A" be adopted. All those in favor of the adoption of House Amendment "A" will say aye; those opposed no.

Mr. TOWNSEND: Mr. Speaker, I ask for a division.

The SPEAKER: The gentleman from Bangor, Mr. Townsend, asks for a division. All those in favor of

the adoption of House Amendment "A" 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.

Seventy-eight having voted in the affirmative and 36 in the negative, the motion prevailed and House Amendment "A" was adopted.

The SPEAKER: The gentleman from Bangor, Mr. Townsend, now moves that Bill "An Act relating to Licenses for Operation of Retail Stores" be passed to be engrossed, as amended by House Amendment "A" in non-concurrence. Is this the pleasure of the House?

Mr. HINMAN of Skowhegan: Mr. Speaker, I beg permission to ask through the Chair whether or not this is definitely tied to old age assistance under the present amendment.

The SPEAKER: Will the gentleman repeat the last part of his question?

Mr. HINMAN: The original bill allocated money definitely for old age assistance and I would like to inquire whether or not that condition still exists.

The SPEAKER: The Chair understands that the amendment does not affect any section of the bill other than Section 5.

Mr. HINMAN: Mr. Speaker and members of the House: I move that the bill be laid on the table for the purpose of offering an amendment whereby that money is freed to the general funds, in order to do away with unnecessary duplication, or, rather, intricacies in the handling of the money. It is too small an amount to have that definitely tied to any specific activities.

The SPEAKER: The gentleman from Skowhegan, Mr. Hinman, moves that Bill "An Act relating to Licenses for Operation of Retail Stores" together with House Amendment "A," lie on the table pending passage to be engrossed. Is this the pleasure of the House?

Cries of "No, No."

The SPEAKER: All those in favor of the motion that the bill lie on the table pending passage to be engrossed will say aye; those opposed no.

A viva voce vote being taken, the motion to table did not prevail, and the bill, as amended by House Amendment "A" was passed to be engrossed in non-concurrence and sent up for concurrence.

Mr. GOOD of Monticello: Mr. Speaker, I ask unanimous consent to address the House.

The SPEAKER: The gentleman from Monticello, Mr. Good, asks unanimous consent to address the House. Is there objection? The Chair hears none and the gentleman may proceed.

Mr. GOOD: Mr. Speaker, the other morning I asked for permission to present a resolve in this House, and I was denied that privilege.

Maybe not having covered the subject as fully as I should have, the offer was refused. I will say that since I have been here I have never asked for permission to bring in a resolve out of order or taken any privilege that did not belong to me. Several bills came in to me from my constituents, which they asked me to present. I told them the reason I did not want to do it, and they were satisfied.

Now the other day a bill came up here in regard to creating a State Land Agent to investigate into the school lands that belong to the State of Maine. I say there are 161,000 acres, and my brother Paul says there are 163,000—one thousand acres to a lot. And the other day I asked permission to introduce a resolve to create a Recess Commission to report to the Ninetieth Legislature of their findings. The gentleman from Rockland, Mr. Bird, being absent on account of sickness at that time, after he returned, when I attempted to present this resolve, he objected to it the other day.

Since then I have talked with him and I have had the resolve changed a little so that it will provide for an actual expense of not exceeding \$200. I would ask now the permission of this House, and I hope they will grant it, to present the resolve at this time.

The SPEAKER: The Clerk will read the title of the resolve.

Resolve Creating a Recess Committee to Investigate State-owned or Reserved Land.

The SPEAKER: The gentleman from Monticello, asks unanimous consent to introduce a Resolve, notwithstanding the Joint Closing Order. Is there objection?

The Chair hears objection and unanimous consent is refused.

The SPEAKER: The Chair at this time will invite the gentleman

from Biddeford, Mr. Donahue, to come to the Speaker's desk, and will designate him as Speaker pro tempore.

Thereupon, the Sergeant at Arms conducted Mr. Donahue to the Speaker's desk, amid the applause of the House, the members rising, Speaker Philbrick retiring.

### Reports of Committees Divided Report

Majority Report of the Committee on Judiciary reporting "Ought to pass" on Bill "An Act Assenting to the Provisions of an Act of Congress entitled 'An Act to Provide that the United States shall aid the States in Wildlife-restoration Projects and for Other Purposes' (H. P. 1590) (L. D. 909)

Report was signed by the following members:

Messrs. Burns of Aroostook  
—of the Senate.  
McGlauffin of Portland  
Thorne of Madison  
Weatherbee of Lincoln  
Bird of Rockland  
Hinckley of So. Portland  
Varney of Berwick  
—of the House.

Minority Report of same Committee reporting "Ought not to pass" on same Bill.

Report was signed by the following members:

Mr. Hill of Cumberland  
Miss Laughlin of Cumberland  
—of the Senate.  
Mr. Fellows of Augusta  
—of the House.

On motion by Mr. Bird of Rockland, the majority report "Ought to pass" was accepted, and the bill, having already been printed, was given its two several readings under suspension of the rules and assigned for third reading on the next legislative day.

### Divided Report

Majority Report of the Committee on Public Health reporting "Ought not to pass" on Bill "An Act to regulate the Distribution of Public Funds to Hospitals" (H. P. 1706) (L. D. 873)

Report was signed by the following members:

Messrs. Owen of Kennebec  
Eliot of Knox  
Friend of Somerset  
—of the Senate.

Townsend of Bangor  
Palmeter of Charlotte  
Bowers of Sherman  
Colby of So. Paris

—of the House.

Minority Report of same Committee on same Bill reporting same in a new draft (H. P. 2238) under same title and that it "Ought to pass".

Report was signed by the following members:

Messrs. Everett of Norridgewock  
Downs of Rome  
Ramsdell of Dayton  
—of the House.

Mr. WEATHERBEE of Lincoln:  
Mr. Speaker, I move the acceptance of the majority report of the Committee.

I would like to say a few words to the House in explanation of this bill. This is a very innocent looking bill on the face of it. It is a bill which lends itself very amiably to the persuasive argument of fair play. However, there are certain conditions that would reflect from the passage of the bill which I feel it my duty to bring to the attention of the members of this House.

In the first place this bill started with document No. 873, which required hospitals receiving public funds to admit osteopathic physicians to practice, to treat and care for their patients in that hospital and to furnish laboratory service for those osteopathic physicians.

The next thing we heard about this bill, the bill had been limited to allowing osteopathic physicians the right to use the laboratory facilities of the hospital. Now as I understand it, the new draft, under which this bill was reported out, makes no mention of osteopathic physicians, but provides that any hospital receiving public funds or being tax exempt shall admit all physicians, which of course would include the regular physicians as well as the osteopathic physicians, to the use of the laboratory of the hospital.

Now I am not in the least concerned with the argument between the osteopaths and the medical doctors, and I do not see why this House should be. I do not see why it necessarily enters into this discussion at all. But I am seriously concerned with the results of this bill because I live in a section which has a large hospital, the Eastern Maine General Hospital at Bangor, and a great many of the poor peo-

ple in my section are taking advantage necessarily of the free work at the Eastern Maine General Hospital. I know that many of your people have poor people in your community who could not get along without the free work of the Eastern Maine General Hospital or some other hospitals. I want to tell you just how the rights of those people would be affected if this Legislature should pass the bill which is before the House at this time.

This is the stand that the hospitals take: A hospital, the Eastern Maine General Hospital in Bangor for example, is a private corporation, organized not for profit but for service. It has a Board of Trustees which directs the affairs of the hospital. Those Trustees are not doctors. They are not men connected in any way with the medical profession, but they are outstanding men in the public life of the community. Those men feel and the hospital feels that the Board of Trustees should have the power that the Board of Trustees has in any other corporation, the power to control and manage that corporation. It seems an intolerable situation and an impossible situation for a hospital to find itself in a position where it could not control the management of its organization. I think this is especially true of a corporation which deals with the health and sickness of the people coming under its care. This bill would take away from the Trustees of that hospital and these other hospitals the right to determine what doctors should have the use of the laboratory facilities. It would take away a very important element in the control and management of those institutions.

It would do more than that, however, because the American College of Surgeons and the American Hospital Association insists that before they will give an approved rating, before they will qualify a hospital in this State, they must be assured by the Board of Directors of that hospital that they have full control over the management of the hospital. If this bill passes, if that hospital and others should lose that control of the management of their own institutions, the American College of Surgeons and the American Hospital Association would refuse to approve the hospitals of the State.

Another result would be that the

nurses' training school at the Eastern Maine General Hospital at Bangor, as well as in your other hospitals, would be disqualified. How is a hospital going to carry on its work without its student nurses? They would be entirely without the ability to run a training school and train nurses and get the necessary service which they provide.

Furthermore, it would be impossible at the Eastern Maine General Hospital, and your hospital, to get internes, and you know without interne service it is almost impossible for the hospital to survive. It could not get internes because the service of these internes would never be approved, and the internes would be wasting their time in the work they are doing, which would naturally leave the hospital without interne service.

Further than that, there is at the present time, as you know, a group of people known as the Bingham Associates, and they are planning to spend \$100,000 in the coming year for laboratory and X-ray work in the State of Maine, and they have definitely notified these hospitals that if this bill passes, if the hospitals lose control of the laboratory, they will refuse to turn over and spend in this State that \$100,000. That is but one example, because it is apparent that there are other charities which would discontinue spending money in the State of Maine if this is passed and if the hospital loses control of its management. In other words, it is providing an impossible situation for a hospital to place itself in and a situation which a hospital could not accept and continue to do its work.

Besides that, it is a matter I feel which is obviously unfair on the face of it. It seems unfair and very unsound judgment to take away from the Board of Trustees the management of that institution. Besides that, it is taking away private property and turning it over to public use in an unwarranted manner. At the Eastern Maine General Hospital at Bangor, the laboratory is built and supported entirely from private funds. There has not been one cent of public money spent in it; not one cent of tax money has been used in its development or operation. The same is true of the large hospital in Lewiston and a large hospital in Portland. It seems unwarranted to take these hospitals

and turn over this private property and relinquish their control over it.

Then, too, in the Stoddard Laboratory at the Eastern Maine General Hospital, which is a small laboratory, and which I am told was built and is operated by private funds; they did in the year 1938, 33,650 tests. Those tests cramped the ability of the laboratory, and in that small laboratory it would be almost impossible for the laboratory to do any additional work. They are handling all that they are able to handle and it would not be able to handle more tests.

Furthermore, there are in the State of Maine two State laboratories, and any physician or any citizen can have the use of it to have tests made. One is in Augusta and one is in Caribou. I also understand that physicians have in their own office the apparatus with which to make the less complicated tests, such as blood tests, urine analyses, and so forth. Any physician, if he has this apparatus, can make these tests, or if he should have to have a test made which is beyond his power to make, he can send it to the State laboratory at Augusta or Caribou and have such tests made. Therefore it is not necessary to insist that these private laboratories open their doors to the public and perform tests which are purely a function of the State laboratories and which are being performed by the State laboratories today.

What do you think would be the result if this bill passed? It seems quite clear that the hospitals would find themselves in an impossible situation. These hospitals cannot lose their standing with the American College of Surgeons and the American Hospital Association, because to do so would mean that they would have to close their doors. The only alternative would be to refuse to accept public funds, and this they would have to do. The Eastern Maine General Hospital would be very reluctant to refuse to do this and to refuse the work it is now doing in furnishing care and treatment to the poor people of my section. If this bill passed, however, reluctant as they would be, they would have no other recourse. This position is not to be taken in any way as a threat but it is an action that they would be forced to

take as a position if this should pass.

If this bill should pass, it would leave many, many needy people lacking hospitalization and it would throw a tremendous burden on the State and towns because those people would have to be taken care of, and the State and towns would have to pay for taking care of them.

At the present time the Eastern Maine General Hospital at Bangor is expending \$4.23 a day for the care of these pauper cases, these needy people who are unable to pay it themselves. They receive from the State \$1.36 a day. The difference between \$4.23 and \$1.36 represents the contribution by the Eastern Maine General Hospital at Bangor toward the care of these needy people. Should this bill pass, the Eastern Maine General Hospital would be forced to refuse to accept the \$1.36 a day from the State, and they would be forced obviously to discontinue furnishing this free service at the expense of \$4.23 a day to these needy people. The hospital therefore would have to discontinue giving this care to the sick that cannot afford to pay. If this bill is passed, rather than lose their standing and close their doors they will have to discontinue giving this service.

The people of my community would be seriously affected if such a thing should come to pass, and I know that the people of your community would be affected as well.

As I said, this is not on the face of it an osteopath bill. I have no quarrel with osteopaths and the hospitals have no quarrel with osteopaths. There are certain physicians who are not osteopaths that the hospitals do not wish to admit, and they would be as reluctant to admit those medical men as they would be to admit osteopaths. The bill is apparently a bill to give the osteopaths a further foothold in the State of Maine. With the exception of one, there is no other state in the Union that gives osteopaths the right to practice which they have in the State of Maine.

As a result, Maine is a favorite place for graduates to come to practice. It seems to me, and I may be wrong, that there are motives behind this bill which do not appear on the surface, and there seems to be some justification for that statement. I feel that the motive be-

hind this bill is not wholly at least, or possibly not mainly, to give the people of the State who wish to have osteopaths the right of laboratory service. I think the purpose is to strengthen the position of osteopaths in this State and make their practice and make their colleges more attractive to young men going into the profession. I feel that the reason is to further strengthen the position of osteopaths in the State of Maine.

In support of that position, I would like to point out one fact. The laws of 1933 provide that all hospitals which receive public funds shall, subject to the approval of the boards of trustees of the respective hospitals, admit osteopathic physicians who are in good standing, and so forth, to treat therein their own paying patients, and so on, provided, however, that any such hospital may, at its option, set aside certain rooms therein for the use of such physicians as an osteopathic unit.

From 1933 until January 17, 1939, when this bill which we have before us was being prepared for introduction, the Eastern Maine General Hospital in Bangor had not received one single request under this act from an osteopathic physician who wanted to treat a patient in that hospital. Since this bill was prepared for introduction on January 16, 1939, by a strange coincidence, there appeared simultaneously fourteen letters from fourteen different osteopaths in the section around the city of Bangor, the section which is served by the Eastern Maine General Hospital, letters of identical phraseology, and they were all addressed to the Chairman of the Board of Trustees of the Eastern Maine General Hospital, asking the right to enter the hospital and treat a patient. Fourteen identical letters, demanding the right to treat a patient under the law of 1933. It was obviously an attempt to make it appear that the osteopaths are being discriminated against, so that this bill which we are now considering might be received by the members of this Legislature in the light of fair play and in the light of doing something for the osteopaths who were being discriminated against.

As a matter of fact, I think you will find no discrimination because any of them who could properly qualify, if they wanted to use that hospital, would have been granted the right to do so under the law of

1933, and not one request came in until January 16, 1939.

Now I do not care to go any farther into the argument of osteopaths and medical doctors. Some of my good friends are osteopaths and I have every respect for them and for the work they are doing. I hope that this House of Representatives, under a feeling of sympathy for men in a profession which might feel they are being discriminated against, I hope that with that feeling of sympathy, you will not be led to pass such a measure as this. The passage of this measure would have very disastrous and far reaching results not only on the section served by the Eastern Maine General Hospital but on other needy people all over the State of Maine who are unable to pay for their hospitalization and who would necessarily find themselves without the ability to receive this unless the State and towns paid in full for such service. This is as serious and far-reaching a measure as has come before this House this year.

In closing, I want to leave this thought in your mind: It is not a question of discrimination against any group. It is not a question of fair play to any individual. It is a practical question, the question of whether or not we are going to force the hospitals of the State of Maine either to go off the approved list or to refuse to take public money and carry on the best they can.

Mr. DOWNS of Rome: Mr. Speaker, probably never in my life did I feel so insignificant as I do at the present moment. It is a regrettable thing that a measure contained in five lines, yet as important as this, could not have a more able advocate to defend it from the floor of the House.

After listening to the clear, clean-cut, concise arguments from one of the most astute attorneys that sits in this body, my esteemed friend, the gentleman who has just addressed you, you cannot wonder at my feelings at the present time. But, as is usually the case, my friend forgot a few things, and I will try, if you will bear with me, in my feeble, faltering way, to bring them to your attention.

While my friend has tried to convince you that this bill was particularly vicious, if I followed his argument correctly, yet there are only two hospitals in the State that would be visibly affected. I heard



him speak only of the hospital in Bangor and the one in Lewiston.

Now this bill simply provides that hospitals which are tax exempt and receive public funds shall extend to physicians the use of their laboratories, not to enter into them, but that they may be able to send specimens there for the purpose of analysis and receive analyses and reports of the analysis of those specimens. Certainly I cannot see where that would tear down the morale of any institution.

My good friend has been prone to speak of this as an osteopathic bill. Probably it started as such, but he has told you in the same breath that there were many other physicians who would not be admitted to practice in these hospitals. It is not necessary for me to remind you members of the House that there are no physicians practicing in Maine who are not legally entitled to practice. That would not be allowed for a minute, and the gentleman knows it.

Now then, for the purpose of maintaining a Grade A hospital, certain requirements have to be met, and it seems that the powers who determine what shall be a Grade A hospital way up here in the State of Maine function out in Chicago, Illinois.

My esteemed friend has repeatedly referred to the American College of Surgeons and Physicians. Now I am saying to you at this time that these hospitals, while I believe they would like to do it, are prevented from doing certain things because this organization has told them they could not. My esteemed friend has also lead you to believe that there was practically no discrimination because the hospital in Bangor, ever since the date he named, has been open to osteopathic physicians and surgeons.

I have a letter which I would read to you. It is brief. This is from the American College of Surgeons, 40 East Erie Street, Chicago, Illinois, and it is dated on the 14th day of November, 1938 and addressed to Dr. Willard H. Bunker, President, Maine Medical Association, 22 Arsenal Street, Portland, Maine. Bear in mind there is a long distance between Portland, Maine and Chicago, Illinois. The letter reads as follows:

"Acknowledgment is made of your communication of November 10th and contents noted.

"Laboratory, X-ray or other technicians working in hospitals should restrict their services to doctors who are full graduates of medicine with an M. D. degree. Likewise, professional dealings to ethical, full graduates of medicine with M. D. degrees. It should be regarded as unethical for technicians to do technical work for others than those who are doctors of medicine.

"Any hospital rendering technical service to other than regular doctors as mentioned above, will not knowingly be continued on the Approved List of the American College of Surgeons.

"We would like to know what hospitals in Maine are violating this principle. Any information you may give us will be kept confidential.

Very sincerely yours,

(Signed)

Malcolm T. MacEachern, M. D.  
Associate Director."

That somehow savors of discrimination to me.

I have just one more letter, and this is also proof. This is from the offices of Dr. E. E. Puffer, Wilton, Maine. It is addressed to a local attorney. This was dated February 13, so I assume it goes along the lines my friend has spoken of. It reads as follows:

"\* \* \* On November 18, 1938, Mrs. Daniel Murray came to me presenting a possibly cancerous lesion. I advised her to go to the Central Maine General Hospital Cancer Clinic for verification. Mrs. Murray did go the following Tuesday and was advised to go to the local M. D. to whom they would forward the report, as they refused to send me the report.

Sincerely yours,

(Signed) E. E. Puffer, D. O."

Now I am not going to tire the patience of this House by going into a matter which it seems to me is of vital importance. It is of vital importance to the citizens of Maine. They are granting tax exemptions to these hospitals, and well they might, because the hospitals are doing a valuable and wonderful service. Is it quite fair and right.

I want to say to you that there are 43 hospitals in the State of Maine that get State assistance. There are over 30 osteopathic physicians practicing in the rural sections of Maine. Now the gentleman from Lincoln, Mr. Weatherbee, has told you that they can send their

cultures or their smears or their specimens or tissues to two laboratories, one situated in Augusta and the other in Caribou, if I am right. Now there might be some who would like to send a culture when it was necessary to some laboratory much nearer than these two, and if they happened to have attached to their name "Doctor of Osteopathy", they might send it and that is all the good it would do.

Now I just want to cite you one illustration and then I am going to leave this all in your hands. Your child, your little girl or boy, dearer to you than anything else in the world, may be affected with a septic throat. The physician would like to determine whether or not that might be a diphtheric condition or a simple sore throat. He takes a smear and he sends it to the nearest hospital. He waits days and days and he gets no report. In the meantime, if it happens to be a case of diphtheria, perhaps the child's playmates may have been in to visit him during that time. It is not only this child's life that is in danger but it is unknown how many children might be in danger. Perhaps this child, before a positive diagnosis was made, might die. I say to you in all fairness, it is better that the Bingham Associates' \$100,000 never be received than that any citizen of the State of Maine lose one of their children because some hospital refuses to give to the doctor sending in the culture or the smear the benefit of their laboratory, which I say to you they are entitled to. Thank you.

Mrs. LATNO of Old Town: Mr. Speaker and members of the House: This bill presents a definite overriding and interference with the rights of the board of trustees or board of directors of hospitals to control the various departments of their institution. It is, therefore, decidedly objectionable and dangerous.

The hospitals which are affected by this bill are private corporations incorporated under the laws of the State as non-profit institutions. Their control is centered in a board of trustees or directors who have the authority of management and conduct of the institutions in all their departments. Interference with this authority by legislative action is deplorable and unsound.

The boards of trustees of hos-

pitals are in almost all instances laymen of high standing whose business ability qualifies them for such positions. They are not members of the medical profession or medical staff of these hospitals. They are, therefore, not biased or affected by professional jealousies but are interested solely in the public welfare.

The laboratories of the hospitals are a definite part of the institution. The outstanding purpose for which they are conducted is to carry on such laboratory work as is necessary for the proper care of the patients in these hospitals. These laboratories are the private property of the hospitals, privately owned and privately financed. They are not supported in any way by taxation either for the buildings and equipment or for the carrying on of their work. They are entirely provided and financed as a part of the hospital by private funds.

The laboratories of the hospitals are over-worked at the present time and cannot take on an added burden which would be enforced upon them if they are required to do the work for all physicians outside the hospital.

The State already provides two State laboratories, one at Augusta and one at Caribou, access to which is available to any physician in the State.

It has been stated here on the floor of the House that the Bingham funds would be taken away if this legislative document should go through. This Bingham fund also is given for the extension of the work in rural districts.

It also has been mentioned in the House that if diptheria should occur in a community that it might be spread in that community. Well, any doctor can make a diagnosis of diptheria by using his microscope.

The basic principle for hospital standardization to receive any aid is that the trustees of the hospital shall have control of the institution. Therefore, Mr. Speaker, I hope that the "Ought not to pass" report will be accepted.

Mr. GOOD of Monticello: Mr. Speaker and members of the House: I hesitate to rise today, because I feel I am in a minority. It takes a lot more courage to rise when you are in a minority than when you are in the majority.

I had not thought much about this

matter when I came here, not knowing it was on the calendar until I got here this morning. I have received some telegrams during this session of the Legislature in regard to this bill. I feel that it is a discriminatory measure. I do not consider that we have ever had a bill in here that has more discrimination in it than this bill right here.

I live within twelve miles of a village where the hospital is. Our doctor, becoming aged, passed away last year, and we do not have any physician there now. The people are not rich—they are in Aroostook County, and I suppose that is the reason why—but if we send to Houlton for a physician we pay \$25 for him. It costs us \$25 to get a physician. I did not get this out of a letter, I did not get it out of a magazine or a book that was on my desk. This is something I know of.

Eight miles above me is another town. They do not have any physician but they have an osteopathic doctor. I had just as soon give this man's name. Harry MacIlroy, the Town Clerk of the Town of Bridgewater, told me this with his own mouth. He said: "My child was sick and I called an osteopathic doctor. I knew if I sent to Mars Hill or Presque Isle or Houlton it would cost me probably \$25. The osteopathic doctor came in and said, 'This child has got pneumonia, and you get a nurse just as quick as you can.'" He said: "I jumped into my car and I drove to Houlton. I went to the hospital there and told them I wanted a nurse. They said you can have one. She came out already to get into the car, and then she said, 'Who is your doctor?'" He said: "It is an osteopathic doctor." She says, 'I can't go.' Then she said, 'You get in touch with one of the M. D.'s.'" These girls could not go, because if they did the doctors would not recognize them any more. He said: "Well, what will I do? I have got to have a nurse." There was one of two things for him to do. One was to discharge the osteopathic doctor and hire an M. D., which would cost him twenty-five or thirty-five dollars, to go from Houlton to Bridgewater, and then the nurse would go; or else take the nurse that this doctor referred him to. So he had to discharge that doctor. The other day he told me that the M. D. did exactly the same thing as the osteopathic doctor would do.

Last spring I had a brother-in-law who was very sick. We had no doctor there in our town, and we call an osteopathic doctor in. I said, "You had better go to the hospital." We took the car and started for the hospital, three or four of us. He was a man well able to pay his bills. That osteopathic doctor went to the hospital, but he did not hardly dare to go into the hospital, and the nurses would not do anything until they found out who he was going to have for a doctor. They would not take him into the hospital until they found that out.

I say it is discrimination. The rich man can hire a doctor, but the poor man cannot afford to.

I am not criticising the physicians, but the price today for physicians is practically the same as it was in war times when prices went up.

Now the gentleman from Lincoln, Mr. Weatherbee, with all due respect to him, said that hospitals will go out of business. I do not have any idea they will go out of business, and I do not think he does. I don't think these doctors have any idea that the hospitals are going out of business, because you have just heard it stated on the floor of this House that they are overcrowded.

It makes a difference whether you live in the shadow of a hospital or whether you have twelve or fifteen thousand dollars, or whether you live eight or ten or fifteen miles from a hospital and all you have is an osteopathic doctor and you do not have very much means. Why, then, should we deprive that man of the privilege? And if an osteopathic doctor wants to send his patient to the hospital or have some analysis made, that hospital has been built by the taxpayers' money, and I say to the members of this House that I do not think it is fair to discriminate and not give the poor man the privileges that other people have a right to have. While I have no quarrel with the physicians, I will say that two years ago I happened to have a nervous breakdown, at least they said it was a nervous breakdown, although I did not believe it at the time. But I know something ailed me, so I went to Houlton and I consulted every doctor I could find, all over the town, and they said I had some trouble but they could not tell me what the trouble was. At last I

said I would consult an osteopathic doctor, so I went down to Bangor and consulted an osteopathic doctor down there, and he went further than any of the rest of them went. He said: "You are getting poison from some place or other, but I don't just know for sure." Then I went to Boston, and I went to a lot of doctors there. One of them said it was my heart. And, when the thing wound up, a throat specialist said: "You have got to have your tonsils removed. That is where you are getting your poison." And the osteopathic doctor was the only doctor who told me that I was getting poisoning. Of course he did not know exactly where, but he said maybe it was my throat.

Now, gentlemen and members of the House: While this bill may not pass, I believe that if the State-licensed doctors are given the privilege to go out and practice in the State of Maine, we should do one of two things—either we should give them the privilege to go into the hospitals or we should take their license away from them. We should do either one thing or the other.

Miss CLOUGH of Bangor: Mr. Speaker and members of the House: I want to go on record as vigorously opposed to L. D. 1189, and, in opposing the bill, may I state a few reasons for my stand. I ask that you examine this bill critically and without spleen.

This bill proposed to convert the laboratories of our hospitals, which are private, into public laboratories, thereby increasing the amount of work necessary to be done in these laboratories without providing any financial means for carrying on this extra work. As you have heard, the laboratories are already overworked rendering service to the patients of the hospital, and to put this extra burden upon them would be grossly unfair.

The physicians have not requested laboratory service from our hospitals by force of legislation, and our hospitals would feel deeply humiliated if it were necessary to attempt to force them to provide a humanitarian service which they have been carrying on as a part of their duty for many years.

And here is something which I believe is not generally understood. State-aid funds which are provided by the State for assistance of patients in the State of Maine who

are financially embarrassed and in need of hospitalization do not provide anything for laboratory service in our hospitals. These State-aid funds can only be used for the board and room of the patient in the hospital and not for extras such as laboratory and X-ray service.

Let me say, in conclusion, that the underlying, concealed purpose of this bill is to create an opening wedge which would break the authority of hospital trustees to say who shall or shall not be admitted to care for the sick and injured in our hospitals. For these few reasons then, I strongly urge that the motion to accept the majority report of the Committee on Public Health will prevail. I thank you.

Mr. WEED of Manchester: Mr. Speaker and members of the House: For once during this session, I find myself on the same side as the gentleman from Monticello, Mr. Good. He told you that he felt this bill was extremely discriminatory. I have the same feeling.

For thirty years or more, in my home, we have employed no one but osteopathic physicians. Our last two children who were born were attended by an osteopathic physician. That was twelve or thirteen years ago. At the time these children were born it was necessary to have a medical physician by the bedside to say that the children were born. Up to within a few years ago, if I had passed out of the picture, it would have been necessary to have had a medical man say that I was dead.

Little by little this has been overcome. I believe at the present time an osteopath can issue a birth certificate and also a death certificate. I believe that the osteopath is coming into his own.

Some eight years ago one of these little fellows had the misfortune to meet with an accident. We did not know at the time how serious the accident was. It was a coasting accident. There were several feet of snow upon the ground, and it was almost impossible to get a patient to the hospital. I called up the physician, an osteopath in the city of Augusta, and, after a great deal of labor, he did reach the house. He said it was a very serious fracture and that the boy must have hospitalization. He said, "I can't get the boy into the hospital." I says, "Why not?" He says, "I am an osteopath, and they will not admit my patients." After considerable

dickering, he was able to locate a medical man, and, by turning the boy over to him, the boy was admitted to the hospital, otherwise he could have suffered, bled and died.

I feel that this bill is discriminatory and should not pass.

Mr. MAHON of Ellsworth: Mr. Speaker, I move the previous question.

The SPEAKER pro tem: The gentleman from Ellsworth, Mr. Mahon, moves the previous question. In order for the Chair to entertain this motion it requires the consent of one-third of the members present. 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 pro tem: Obviously more than one-third of the members present having arisen, the motion is entertained. The question now is, shall the main question be put now? All those in favor will say aye; those opposed no.

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

The SPEAKER pro tem: The question before the House is on the motion of the gentleman from Lincoln, Mr. Weatherbee, that the House accept the majority report of the Committee on Public Health reporting "Ought not to pass" on Bill "An Act to Regulate the Distribution of Public Funds to Hospitals."

Mr. WELCH of Chapman: Mr. Speaker, I ask for a division.

The SPEAKER pro tem: The gentleman from Chapman, Mr. Welch, asks for a division. All those in favor of the motion of the gentleman from Lincoln, Mr. Weatherbee, that the House accept the majority "Ought not to pass" report of the Committee on Public Health, 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.

Seventy-two having voted in the affirmative, and 26 in the negative, the motion prevailed, the "Ought not to pass report" was accepted, and sent up for concurrence.

#### Ought to Pass in New Draft

Mr. Cushing from the Committee on Claims on Resolve in favor of Robert E. Wright of Rock City, Delmar, New York (H. P. 64) reported same in a new draft (H. P. 2236)

under same title and that it "Ought to pass"

Mr. Maxim from the Committee on Taxation on Bill "An Act to provide for Tax Equalization" (H. P. 1771) (L. D. 939) reported same in a new draft (H. P. 2237) under same title and that it "Ought to pass"

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

Additional paper from the Senate, out of order and under suspension of the rules.

From the Senate:

ORDERED, the House concurring, that when the Senate and House adjourn, they adjourn to meet on Monday, April 17, 1939, at 4:00 o'clock in the afternoon (S. P. 678)

Comes from the Senate, read and passed.

In the House, read and passed in concurrence.

#### Passed to be Engrossed

Bill "An Act relating to State Aid for Academies" (S. P. 130) (L. D. 780)

Bill "An Act Permitting Blood Grouping Tests in Bastardy Proceedings" (S. P. 378) (L. D. 811)

Bill "An Act relating to Incurable Insanity as a Cause for which a Divorce may be Granted" (S. P. 666) (L. D. 1172)

Sent up for concurrence.

Bill "An Act to Amend the Workmen's Compensation Act" (S. P. 660) (L. D. 1160)

Mr. COWAN of Portland: Mr. Speaker, in connection with Item 4, "An Act to Amend the Workmen's Compensation Act," I had prepared an amendment to submit at this time, but I find that the bill needs further amendment, and I am going to ask the permission of the House to lay it on the table until that amendment is prepared. If that amendment is not adopted, I shall move for the indefinite postponement of the bill.

The SPEAKER pro tem: The gentleman from Portland, Mr. Cowan, moves that this bill be laid on the table. Is this the pleasure of the House?

Cries of "No, No".

The SPEAKER pro tem: All those in favor of the motion of the gentleman from Portland, Mr. Cowan, that the bill lie on the table will say aye; those opposed no.

A viva voce vote being taken, the

motion prevailed, and the bill was tabled pending passage to be engrossed.

**Passed to be Engrossed  
(Continued)**

Resolve providing for a State Pension for Grace E. Dunn of Portland (H. P. 1095) (L. D. 1183)  
Sent up for concurrence.

**Amended Bill**

Bill "An Act relating to the Payment of Alimony" (S. P. 365) (L. D. 803)

Was reported by the Committee on Bills in the Third Reading, read the third time, and passed to be engrossed as amended in concurrence.

Mr. COWAN of Portland: Mr. Speaker, I move to take from the table Item 4, just tabled by me.

The SPEAKER pro tem: The gentleman from Portland, Mr. Cowan, moves to take from the table bill "An Act to Amend the Workmen's Compensation Act," tabled by that gentleman earlier in this morning's session. Is this the pleasure of the House?

The motion prevailed.

Mr. Cowan thereupon offered House Amendment "A" and moved its adoption.

House Amendment "A" to S. P. No. 381, L. D. No. 1160 Bill, "An Act to Amend the Workmen's Compensation Act."

Amend said Bill by striking out the words "and deputy sheriffs" in the eleventh line of Section 1, and by inserting the word 'and' between the words "Policemen, firemen" in the eleventh line of said section.

Thereupon, House Amendment "A" was adopted and the bill as amended by House Amendment "A" was passed to be engrossed in non-concurrence and sent up for concurrence.

At this point the Sergeant at Arms conducted the gentleman from Biddeford, Mr. Donahue, to his seat on the floor, amid the applause of the House, the members rising, and Speaker Philbrick resumed the Chair.

**Passed to be Enacted**

An Act relating to Beauty Culture (S. P. 144) (L. D. 129)

An Act relative to Court Proceed-

ings in Relation to the Enforcement of the Inland Fish and Game Laws (S. P. 215) (L. D. 287)

An Act to Incorporate the Lincoln Water District" (H. P. 1182) (L. D. 498)

An Act relating to Children of Women Committed to Reformatory for Women (H. P. 1603) (L. D. 697)

An Act relating to Children (H. P. 1933) (L. D. 1032)

An Act relating to the Western Hancock Municipal Court (H. P. 2148) (L. D. 1127)

An Act relating to Closed Time on Deer in Islesboro and Rabbits in Vinalhaven (H. P. 2154) (L. D. 1131)

An Act relating to Advertising Liquor, Malt Liquor, Wines and Spirits (H. P. 2166) (L. D. 1135)

An Act relating to Malt Liquors (H. P. 2167) (L. D. 1136)

An Act relating to Absent Voting (H. P. 912) (L. D. 316)

An Act Amending the Law relative to Registration of Motor Vehicles (H. P. 1188) (L. D. 470)

Resolve Appropriating Money for Drilling Artesian Wells in the town of Perry (S. P. 426) (L. D. 970)

Resolve for Screening Outlet of Bog Lake in the town of Northfield (H. P. 239) (L. D. 1140)

Resolve Regulating Fishing in Scraggly Lake (H. P. 277) (L. D. 1141)

Resolve Regulating Fishing in the Various Waters of the State (H. P. 2163) (L. D. 1133)

An Act to Permit Sunday Moving Pictures (H. P. 1665) (L. D. 736)

**Orders of the Day**

Mr. MILLS of Farmington: Mr. Speaker, I would like to move that the House reconsider its action whereby it passed to be enacted An Act relating to Advertising Liquor, Malt Liquor, Wines and Spirits (H. P. 2166) (L. D. 1135). My purpose in asking for this, Mr. Speaker, is that it has been called to my attention that there is a discrepancy in the bill and that a correction should be made.

The SPEAKER: The gentleman from Farmington, Mr. Mills, moves that the House reconsider its action taken a few moments ago whereby it passed to be enacted Bill "An Act relating to Advertising Liquor, Malt Liquor, Wines and Spirits" which is Item 8 on the Enactor list this morning. Is this the pleasure of the House?

The motion prevailed.

On further motion by Mr. Mills, the House voted to reconsider its action whereby the bill was passed to be engrossed.

On further motion by Mr. Mills, a viva voce vote being taken, the bill was tabled pending passage to be engrossed.

The SPEAKER: Is there any further business to come before the House under Orders of the Day?

The Chair does not need to call to the attention of the members of the House to the fact that there are no matters on the table.

Mr. HINMAN of Skowhegan: Mr. Speaker, I ask unanimous consent to address the House.

The SPEAKER: The gentleman from Skowhegan, Mr. Hinman, asks unanimous consent to address the

House. Is there objection? The Chair hears none and the gentleman may proceed.

Mr. HINMAN: Mr. Speaker, because of a question that has been asked by one of my colleagues, I think perhaps it would be in order for me to tell you that the budget bill has been presented to the Legislature and will be printed and before us when we return the first of the week. (Applause)

The SPEAKER: Is there any further business to come before the House? If not, the Clerk will read the notices.

On motion by Mr. Donahue of Biddeford,

Adjourned until Monday, April 17, at 4:00 P. M.