

# MAINE STATE LEGISLATURE

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**Legislative Record**

of the

**Seventy-Third Legislature**

of the

**State of Maine.**

1907.

all those opposed will say no. The Clerk will call the roll.

YEA:—Allan of Dennyssville, Allen of Mt. Vernon, Baldwin, Brawn, Brown, Charles, Copeland, Cyr, Davidson, Davis, Decker, Dondero, Donigan, Duncan, Dunton, Edwards, Emery, Farnham, Folsom, Flaherty, Fulton, Gallagher, Grinnell, Hall of Dover, Harriman, Harthorn of Milford, Hathorn of Detroit, Havey, Hibbard, Higgins, Horgan, Jacobs, Johnson of Waterville, Jordan, Kelley, LaBree, Lane, Leighton, Lowe, Lynch, Martin of Bangor, McClutchy, McKinney, Merri-man, Merry, Montgomery, Morneau, Mul-len, Murphy, Newbert, Newcomb, Noyes, Perry of Randolph, Pike, Pooler, Preston, Reynolds, Safford, Scates, Skidmore, Skillin, Smith of Lisbon, Snow, Spear, Stevens of Jonesport, Stover, Strickland, Tarbox, Thomas of Harpswell, Tolman of Glenburn, Tolman of Portland, True, Tucker, Waldron of Portland, Walker, Weeks, Weld, Witham, Young.

NAY:—Allen of Columbia Falls, Allen of Richmond, Barrows, Chase, Clark, Cobb, Colcord, Crosby, Danforth, Davies, Dow, Dyer, Emerson, Gleason, Gordon, Hadlock, Hall of Caribou, Harris, Has-kell, Hawkes, Herrick, Hill of Monticello, Irving, Joy, Kendall, Langley, Libby, Lord, Loring, Lovejoy, Martin of Rum-ford, Mayo, Milliken, Newton, Peacock, Perkins of Alfred, Perkins of Kennebunk-port, Perry of Fort Fairfield, Powers, Smith of Patten, Sprague, Stearns, Ste-vens of Portage Lake, Stubbs, Theriault, Thomas of Howland, Waldron of Dexter, Whitehouse, Wight, Wood.

ABSENT:—Barker, Blanchard, Brack-ett, Farrar, Frost, Giddings, Goodwin, Hill of Machias, Johnson of Calais, Knowlton, Leader, Merrill, Minnhane, Moore, Oram, Pinkham, Stuart, Titcomb, Wardwell.

Yeas, 78; nays, 50; absent, 19.

So the minority report was substituted for the majority report.

On motion of Mr. Newbert of Augusta the rules were suspended and the bill was given its three several readings and passed to be engrossed.

Special Assignment: Majority and minority reports of committee on temperance reporting on bill to amend the Stur-gis law, "ought to pass" and "ought not to pass."

Mr. Folsom of Norridgewock moved that the bill be indefinitely postponed.

The motion was agreed to.

Special Assignment: Majority and minority reports of committee on temperance, reporting on bill for repeal of State liquor agency law "ought to pass" and "ought not to pass."

The pending question being on the substitution of the minority for the majority report,

Mr. Dow of Brooks moved that the motion to substitute the minority for the majority report lie on the table for the purpose of considering the Heselton bill, so called, which is the first on today's assignment.

On motion of Mr. Dunton of Belfast, Majority and minority reports of committee on temperance, reporting on bill to regulate sale of liquors by State liquor commissioner and town agents, "ought to pass in new draft" and "ought not to pass," was taken from the table.

On motion of Mr. Johnson of Waterville the bill was tabled for printing, and assigned for tomorrow morning.

On motion of Mr. Waldron of Dexter, majority and minority reports of committee on temperance, reporting on bill for repeal of State liquor agency law "ought to pass" and "ought not to pass," was reassigned for tomorrow morning.

Special Assignment: Bill, relating to advertising patent medicines.

The SPEAKER: The pending question is the adoption of Senate amendment "A" in concurrence.

Mr. WELD of Old Town: Mr. Speaker, I understand by the amendment that Section 2 is stricken out, that is, there is no protection under this bill as amended in the Senate against the indiscriminate leaving of medicines at the doors of residences. Now, in my own town of 7000 inhabitants to my personal knowledge the lives of a large number of children have been imperilled by the leaving of samples of medicines at the doors of houses, and I suppose it is a matter of common occurrence in the smaller communities that the lives of children are endangered by the indiscriminate practice of leaving samples of medicines at the doors of residences. I say it is a needed thing that the children should receive the protection. In my own experience I have known of five cases, four of which were fatal, that have arisen from the taking of medicines that were left at doors.

Mr. DOW of Brooks: Mr. Speaker, I do not know what the reasons are for the striking out of that section, but I know that we considered the matter very carefully in our committee. This

is a matter of protection against an evil that has become widespread in its influence, one of the most dangerous customs that exist today, one which threatens the health and lives of thousands of innocent children throughout our State. You may go where you will in any of the villages or cities of our State, even back in the country towns, and you will find package after package left at the doors of houses, distributed where the children will get them, medicines that have been prepared for the purpose of gain and not for any beneficial effects. The gentleman from Old Town, the gentleman from Blaine and the gentleman from Monticello, all practical physicians, will tell you what any of the practical physicians in this House or in this State will tell you, that this is one of the greatest menaces to the health of the children of this State today, and I believe this is a measure which we should take hold of in order to protect the children, and I object to the striking out of this section.

Mr. FULTON of Blaine: Mr. Speaker, I hope this House will not adopt the amendment offered to this bill. I do not wish to be understood as saying that all patent or proprietary medicines are without merit. There may be some merit in some of them. Every practising physician has had experience in the matter of the nostrums that are thrown around at the doors of people's houses. It is something that has occurred in the experience of every physician, and only a short time ago I knew of an instance where a sample of medicine had been left at a house and given to a child, and as a result of that several physicians were obliged to work for a considerable time on that child to counteract the effects of that medicine. It seems to me that we need not take any time in discussing this matter, and I say to you that if you take out that section you take out all the teeth that are in that law. I hope the amendment will not be adopted.

Mr. MURPHY of Portland: Mr. Speaker, I have been asked to say something in relation to this bill. There are two ways of looking at the bill. If the doctors will tell of the

nature of the trouble that the patients had, what the nature of the poison was that was contained in the medicine I have no doubt that the matter can be made plain to us. There are a great many harmless compounds that are given out as samples that are used externally. Now, the question is, how much are you going to damage the business, and especially the toilet articles and such things as that. As far as I am concerned I am perfectly willing to vote either for or against the bill. It is almost six of one and half a dozen of the other.

The SPEAKER: The question is on the adoption of Senate amendment 'A,' which is to strike out Section 2 of the bill.

A viva voce vote being had,

The amendment was rejected.

Mr. JOHNSON of Waterville: Mr. Speaker, would a House amendment be in order at this time?

The SPEAKER: It would be in order.

Mr. JOHNSON: I will call the attention of the members of the House to Section 2, and it seems to me that it is very broad in its terms; and it seems to me that it is drawn so broadly that it might include a sale, a proper and legitimate sale at a drug store. My amendment is to strike out the words "or otherwise" in the 11th line of Section 2.

The amendment was adopted.

The bill as amended was sent to the Senate.

Special Assignment: Majority and minority reports of committee on judiciary, reporting on resolve to amend constitution relating to the powers of the Governor "ought to pass in new draft" and "ought not to pass."

Mr. MONTGOMERY of Camden: Mr. Speaker, I move that the minority report be accepted in place of the majority, and on the subject I wish to speak very briefly. In substance, the resolve is to change the constitution of the State so that a sheriff not fulfilling his duty in regard to the enforcement of the prohibitory law may be removed on application to the Governor. Heretofore it has been left to the Legislature to do that work of impeaching sheriffs or other officers,