

MAINE STATE LEGISLATURE

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Seventieth Legislature.

SENATE.

No. 115

STATE OF MAINE.

The committee on agriculture to which was referred the following order: "Ordered, the House concurring that the committee on agriculture be and hereby is authorized to make a complete investigation into the management of the office of the board of agriculture as conducted by the secretary; examine all accounts pertaining to the office; summons witnesses to appear and present evidence, employ such counsel as may be necessary, also a stenographer; ascertain the amount of all outstanding bills of whatever kind or nature, and present to this legislature a complete and itemized account of the result of said investigation," have attended to the work so ordered, and make the following report:

We have made as complete an investigation under this order into the management of the office of the board of agriculture as conducted by the secretary as the time and circumstances would permit. Although the time to be devoted to this investigation was not limited by the legislature, your committee did not feel that long delays for the purpose of inquiry should be taken unless such delays were warranted by the belief that new and important testimony could be found for or against this department. And although the secretary of the board of agriculture has very courteously furnished all facts and data of his department and of his official work when called for, still the

committee has felt that outside of his public examination (where Mr. McKean in the presence of his counsel and acting under his advice answered questions) the rights accorded to every person not to be obliged to give testimony against himself should not be infringed upon by private or personal inquiry from Secretary McKean and that they should depend entirely upon the State's books, papers and records pertaining to this office, and the testimony of witnesses other than Mr. McKean. To make a complete and exhaustive inquiry into the workings of this department by such a course of procedure would have taken much time and as we believe would not have produced material changes in the result.

Acting under the legislative order we procured the services of George W. Heselton of Gardiner, as attorney, to procure the evidence for this investigation and conduct the examination of witnesses at the hearing. We also employed J. S. Estes, the official reporter of the House, as a stenographer to take the testimony and employed John O. Rice of Portland, an expert accountant, to examine the books and accounts of this department. We caused various witnesses to be summoned to give evidence at the hearing whose evidence we thought would aid us in our investigation.

During the afternoons of February 26th and 27th we listened to all the witnesses who were called to testify for or against Secretary McKean, and examined such documentary evidence as was then presented, and herewith append a detailed report of same.

By the admitted testimony of B. Walker McKean, secretary of the board of agriculture, we find that

1st. From January, 1892, to the first day of October, 1897, no sufficient books of account were kept by Mr. McKean as secretary that would in themselves or by reference give a history in detail for what purposes the State's appropriation to this department were disbursed.

2nd. From January, 1892, to the first day of February, 1896, Secretary McKean deposited in his own name in the Trader's National Bank of Portland the moneys received from the State through the several appropriations for this department and mingled them with his private funds, and drew these moneys from this bank on personal checks.

3rd. Since the first day of February, 1896, Secretary McKeen has deposited in the Augusta Safe Deposit and Trust Company, of Augusta, Maine, on the account of "B. Walker McKeen, secretary," his private funds with the funds received from the State through the various appropriations for this department and drawn the same out of this Trust Company on checks signed by himself as secretary for both public and private purposes.

4th. At no time since he became secretary of the board of agriculture has Mr. McKeen kept any books of account or personal account whereby he could know or distinguish what balances, if any, in the banks belonged to him personally and what belonged to the State.

5th. Secretary McKeen has received a salary of \$1,500 and an appropriation of \$300 for the expenses of his department. For institute work he has been allowed to take from the institute appropriation the expenses incurred in this specific work which were allowed in addition to the \$300 allowed for department expenses. The stamps and express charges for this department were furnished by the State.

6th. Secretary McKeen has not regularly filed personal vouchers of creditors of his department when money has been paid, but has filed in a large number of instances, as vouchers, receipts signed by the name of the payee, "per B. Walker McKeen, secretary," and on such vouchers drawn on the appropriation for this department and in some instances anticipated the payments of the warrants by advances on appropriations.

7th. Secretary McKeen has deferred for months the payments to some of the creditors of his department for debts and premiums although the money has been advanced to him by the State.

8th. On January 29th, 1896, he received \$7,100 for the stipend due to the various agricultural societies of the State and deposited the same in the Augusta Trust Company. No society was paid before May of that year its stipend, and some did not receive their stipend for many months.

9th. On May 7th, 1896, Secretary McKeen drew the State stipend for the State Pomological Society of \$1,000 and deposited the same in the Augusta Trust Company, and made

payments to the societies as follows: \$100, May 15th, 1896; \$400, August 13th, 1896, and \$500, September 3rd, 1896. These payments were made after repeated duns by the officers of the society and after Mr. McKeen had given insufficient reasons to them for the non-payment.

10th. In one instance, that of H. M. Plaisted & Son, money was drawn on warrants by Secretary McKeen twice to cover the same account. This error, while apparently an oversight and due to the imperfect book-keeping in the office of Secretary McKeen, has never been rectified.

11th. In one instance, that of L. W. Dyer, \$15 more was charged up as paid to Mr. Dyer than was actually received by him. The evidence bearing upon this incident is such that there may be an honest difference of opinion as to the merits or demerits of the transaction, and your committee cannot form a united opinion and respectfully refer to the legislature to the testimony upon the same.

12th. The testimony generally sustained Secretary McKeen as to his efficiency in doing institute work and as to his zealous efforts in behalf of the agricultural interests of the State. The exception, as given by Mr. R. W. Ellis, of Embden, can be weighed by the legislature in the light of Mr. McKeen's explanation and your committee would refer to the same without comment.

13th. The evidence discloses that the board of agriculture has been of little value in the management of this department. The members have not discovered the lack of business methods in the financial management of the department or have not corrected this mis-management if it was known to them. They have had little if anything to do with the institute work of the department outside of the counties from which they were elected.

14th. The outstanding bills of the department your committee cannot furnish excepting so far as Secretary McKeen has given them, and this list of outstanding bills furnished by Secretary McKeen is imperfect, as is apparent from his admission, that there may be other unpaid bills of which he has no recollection and no data; and the committee would be hampered in any efforts to procure a perfect list of unpaid bills on account

of the practise of Mr. McKeen in giving receipts in the name of the payee signed by himself, which payments could not be verified excepting by great delay.

This investigation compels your committee to say that in their belief the agricultural department of the State, as at present established, is not for the best interests of agriculture in the State. And they believe it should be supplanted by an agricultural department whose executive officer shall be elected by the legislature with a fixed salary, a fixed allowance for expenses and a fixed appropriation for its work; and to this end unanimously recommend the accompanying bill and that the same should pass.

RUTILLUS ALDEN,
J. W. DUDLEY,
J. F. STEARNS,
W. J. THOMPSON,
THOS. H. BOOTHBY,
ISAAC CUSHMAN,
CHAS. H. HOXIE,
H. B. LEATHERS,
HENRY D. HAMMOND,
GEORGE W. HARVEY.

Seventieth Legislature.

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND ONE.

AN ACT to create a State Department of Agriculture.

*Be it enacted by the Senate and House of Representatives in
Legislature assembled, as follows:*

Section 1. A state department of agriculture for the
2 improvement of agriculture and the advancement of the
3 interests of husbandry is hereby established. A com-
4 missioner of agriculture shall be elected biennially by the
5 legislature by joint ballot of the senators and representatives
6 in convention and he shall take and subscribe the oath pro-
7 vided by the constitution of this state and shall hold his
8 office as follows:

The term of office of said commissioner shall be two years
10 and until his successor is elected and qualified except that
11 the commissioner first elected under this act shall enter
12 upon his duties as such commissioner, January first, 1902,
13 and shall serve until his successor shall be elected by the
14 next legislature and qualified.

He shall give bond in the sum of ten thousand dollars to
16 the state of Maine, with ample sureties, to be approved by

17 the state treasurer, for the faithful accounting for all moneys
18 received and disbursed by him as said commissioner.

Sect. 2. The salary of said commissioner shall be fifteen
2 hundred dollars, and expenses incurred by him for actual
3 moneys paid out as such commissioner in the performance
4 of his duties, but not exceeding the sum of five hundred
5 dollars, and he shall account to and turn over to the state all
6 fees received. He may employ such clerical labor as may be
7 required but not exceeding in the aggregate the sum of one
8 thousand dollars, to be paid out of the state treasury on
9 approval of the governor and council.

Sect. 3. Said commissioner shall hold or cause to be held
2 two farmers' institutes in each county annually and as many
3 more as the appropriation therefor will allow. The work
4 of said institutes shall be devoted to the presentation and
5 discussion of questions bearing upon agriculture and the
6 agricultural interests of the state; and for this purpose said
7 commissioner is authorized to employ speakers who are
8 qualified and versed in the subjects assigned them; and he
9 shall semi-annually publish in the leading agricultural paper
10 of this state a list of available speakers and their subjects,
11 from which lists selection may be made for said institute
12 purposes. He may also appoint and employ assistants,
13 experts, lecturers, a stenographer and other aids needed in
14 conducting such institute work, and shall fix the com-
15 pensation of such employees. He may hold such institutes
16 independently or in connection with other organizations
17 devoted to agricultural interests and as far as possible and
18 for the best agricultural interests of the state, aid and
19 encourage agricultural societies and associations in the
20 state, and shall collect and preserve in his office for public
21 inspection all valuable data relating to the practical work
22 of such societies and associations.

Sect. 4. Said commissioner shall, in connection with, and
2 with the aid of the State Dairymen's Association, annually
3 hold a State Dairymen's Conference for the exhibit of dairy
4 products and appliances, wherein prizes for high merit and
5 quality in butter and cheese may be offered, and may
6 employ experts and lecturers to enhance dairy interests, but

7 the expenses of the same shall not exceed the sum of five
8 hundred dollars annually.

Sect. 5. An appropriation of three thousand dollars
2 annually shall be made for said institute work and for all
3 other purposes set out in sections three and four.

Sect. 6. It shall be the duty of the said commissioner to
2 aid and assist societies and associations organized and estab-
3 lished for the advancement of pomology, horticulture and
4 dairy work, also societies devoted to the interests of the pure
5 breeding of stock of all kinds.

Sect. 7. It shall be the duty of said commissioner to
2 apportion annually the stipend due from the state to the
3 said agricultural societies, including the State Pomological
4 Society, in accordance with the laws as now provided;
5 and he shall issue blanks to the proper officers of said
6 societies for such returns as may be deemed necessary for a
7 full and complete knowledge of the work of said societies
8 for each year, and shall certify to the governor and council
9 the amount of bounty due such society, and shall designate
10 to the state treasurer to whom such moneys shall be paid,
11 but said societies shall not be entitled to such bounty unless
12 they shall make said returns.

Sect. 8. It shall be the duty of said commissioner annually
2 to make report to the governor and council, on or before
3 the first day of January of each year, of the work of the
4 department of agriculture in detail, combining in the same
5 a report of the State Pomological Society, State Dairymen's
6 Association, and the State of Maine Cattle Commission, and
7 all other matters relating to the promotion of agriculture;
8 and for the purpose of making his said report said society,
9 association and commission shall furnish said commissioner
10 with all necessary data therefor on or before the first day of
11 December of each year.

He shall further report all farmers' institutes held and the
13 work therein done, and all public lectures carried on under
14 his authority, and such part of said reports as is of public
15 interest shall be printed for free distribution. Six thousand
16 copies shall be printed and bound in cloth to be distributed

17 among the agriculturists of the state, after supplying the
18 necessary number for libraries and exchanges; and for the
19 purpose of making up his report as herein provided, it shall
20 be the duty of said commissioner to attend the various agri-
21 cultural exhibitions in the state and report upon the quality
22 and character of the work of the same.

Sect. 9. Said commissioner shall be required to render on
2 the first day of January of each year a detailed and itemized
3 account of all expenses of his office, of all institutes held and
4 of all moneys paid out for employees under the provisions of
5 this bill, also all sums of money paid for prizes on exhibits
6 and for all other purposes; and for this purpose he is hereby
7 required to keep necessary books of account in which all
8 entries of money expended and moneys received shall be
9 entered, which books shall be open to public inspection.

Sect. 10. It shall be the duty of said commissioner to act
2 for the state in the enforcement of the laws relating to the
3 sale or manufacture of any impure or adulterated food or
4 seed products; and for said purpose he is empowered to
5 employ chemists, agents and counsel, as may be necessary
6 for the proper enforcement of such laws; and for such
7 expenses there shall be appropriated a sum not exceeding
8 five hundred dollars, to be allowed upon the approval of the
9 governor and council upon the presentation of proper item-
10 ized vouchers; and said commissioner shall perform all
11 other duties now required of the secretary of the board of
12 agriculture not inconsistent with this act.

Sect. 11. That part of chapter fifty-eight of the Revised
2 Statutes relating to the Maine board of agriculture, and all
3 acts amendatory thereof and additional thereto, inconsistent
4 with this act, are hereby repealed, and all offices created
5 thereby abolished on and after January first, 1902.

Sect. 12. This act shall take effect January first, 1902,
2 except as to that part relating to the election of said com-
3 missioner of agriculture, which shall take effect on approval
4 of this act, and said commissioner of agriculture shall forth-
5 with be elected as herein provided.

STATE OF MAINE.

IN SENATE, March 8, 1901.

Reported by Mr. ALDEN from Committee on Agriculture, and laid on table to be printed under joint rules

KENDALL M. DUNBAR, *Secretary.*