

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SIXTY-SEVENTH LEGISLATURE

OF THE

STATE OF MAINE

1895.

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AUGUSTA:
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1895.

COMMUNICATIONS.

AUGUSTA, January 2, 1895.

To the Honorable Senate and House of Representatives:

I have the honor to transmit herewith, for the consideration of the Legislature, Report of the Commissioners appointed under a resolve of the Legislature of 1893, to take into consideration the subject of private and special legislation, with accompanying drafts of bills.

HENRY B. CLEAVES.

AUGUSTA, January 30, 1895.

To the Honorable Senate and House of Representatives:

I have the honor to transmit herewith the Report of the Cattle Commissioners of the State of Maine. The law of 1893, authorizing the printing of certain State Reports, makes no provision for the printing of the Report of this Board, and I therefore submit the same for your action.

HENRY B. CLEAVES.

EXECUTIVE DEPARTMENT, }
AUGUSTA, February 8, 1895. }

To the Honorable Senate:

I have examined the bill, entitled "An Act to fix the compensation and expenses of the superintendent of the Insane Hospital in the performance of the duties required of him by Chapter 295 of the Laws of eighteen hundred and ninety-three.

It will be seen from an examination of the Public Laws that legislation, regulating the compensation of the resident officials of the Insane Hospital, has been had at every session of the Legislature since the last revision of the Revised Statutes, and in every instance in the direction of increased salaries.

In addition to the emoluments attached to the office of Superintendent, the Legislature in 1885, increased his salary from \$1,300 to \$1,600. In 1891, the salary was further increased from \$1,600 to \$2,000. An additional assistant superintendent was provided in 1889, making three assistant superintendents, instead of two, and the compensation of these assistants, in addition to the emoluments, was increased at that time from \$1,700 to \$2,400. Another assistant superintendent was provided in 1891, increasing the number of assistants to the superintendent to four, and the appropriation for the salaries of these assistants was increased at that time from \$2,400 to \$3,200. In 1893, the pay of the assistant superintendents was authorized to be further increased from \$3,200 to \$3,500.

It will be observed, that during the past six years the number of assistant superintendents has been doubled and the appropriation for the salaries of these officials has been increased from \$1,700 in 1888, to \$3,500 in 1893; and the salary of the superintendent has been increased from \$1,300 in 1885, to \$2,000 in 1891.

The Legislature of 1893, in establishing the insane department at Thomaston for the care of the criminal insane, directed that "the superintendent of the Insane Hospital shall visit the insane department of the state prison not less than once each month to advise with the prison physician and warden as to the proper care, treatment and disposition of the convicts in said department." This service was made a part of the superintendent's duties to the State under the salary he was then receiving. The last Legislature evidently considered, that while he was visiting the insane at Thomaston under the provisions of the chapter above referred to, he would necessarily be absent from duty at the Hospital at Augusta, and therefore did not deem it advisable to authorize any additional compensation, but did provide under that act for "all the expenses of said superintendent in connection with said

department" and directed such expenses to "be paid by the State by order of the Governor and Council." All expenses so incurred during the years 1893 and 1894, in the performance of this duty were paid by warrant drawn by the Governor and Council on the State Treasurer.

The present bill provides for an indirect increase of the existing salary of the superintendent, by giving him a per diem for services already due the State under the salary now established by law, and in addition thereto, mileage of ten cents a mile each way, instead of actual expenses as provided by the last Legislature.

The amount involved by this legislation may not be large, but it is establishing a new departure in the method of increasing the compensation of the officers and agents of the State now serving under fixed salaries. The superintendent is *required*, under existing statutes, to visit the insane department at Thomaston *not less* than once each month, and the number of additional visits to be made is left to his discretion. Under this bill, each visit carries with it mileage at the rate of ten cents a mile each way, and a per diem, leaving it uncertain as to the amount of expenditure to be incurred.

If mileage and per diem are to be established in this instance, in addition to the present salary of the superintendent, on the theory that additional duties are required of him in visiting the criminal insane at Thomaston, it may appropriately be applied to the insurance commissioner, who, under the general laws of the State, is required to perform additional duties in making an examination of newly organized insurance companies, whose charters have been granted since the establishment of his salary; also to the bank examiner, who is required to examine newly organized banks, trust companies, loan and building associations, and to various other State officers having established salaries.

All officials should be paid a just and fair compensation for the duties performed. The valuable services rendered to the State and the insane by the efficient superintendent of the Insane Hospital are fully recognized and appreciated, and it is not an agreeable duty to withhold my approval of this bill; but with the depression now existing in almost every branch of the business interests of our people, with many of our citizens now out of employment or working at reduced wages,

it does not seem an appropriate time to inaugurate an increase in the salaries of State officials, and especially in the manner contemplated in this bill.

I therefore most respectfully return the same to the House in which it originated, as provided in the Constitution, without my approval, and for further consideration.

HENRY B. CLEAVES.

EXECUTIVE DEPARTMENT, }
February 27, 1895. }

To the Honorable Senate and House of Representatives:

You will permit me to submit to you a communication received from the State Treasurer, with accompanying statement, prepared by him, of appropriations made by the Legislature and approved, a detailed statement of the appropriations pending before the Legislature, an estimate of the appropriations now before committees of the Legislature, and a statement from the Treasurer of the estimated receipts for the year 1895.

I also have the honor to submit to you some suggestions relating to the financial affairs and condition of the State. It appears that the appropriations already made for the year 1895, amount to the sum of \$1,298,657.59, and show an increase over the appropriations for the year 1893, *for the same objects*, of \$53,633.87. Extraordinary appropriations for 1895, relating to subjects for which no appropriation was made in the corresponding legislative year of 1893, have already been passed and approved, amounting to the sum of \$86,175.04. For the year 1896, extraordinary appropriations, not made in the corresponding year 1894, have also been passed and approved, amounting to the sum of \$85,500; showing a net amount of such appropriations for the years 1895 and 1896, of \$171,675.04, in addition to the \$53,633.87 above referred to. Further regular appropriations will be required for State purposes for 1895, as shown by the estimate of the Treasurer, amounting to \$223,715.04. When these shall be added to those already approved for the present year, the aggregate will be nearly equal to the entire appropriations for State purposes for the legislative year of 1893,

exclusive of the appropriation made that year to be applied on the temporary loan.

In addition, you have pending before you, favorably reported by committees, bills and resolves, some of which have been passed to be engrossed, calling for large appropriations and amounting in the aggregate to \$158,657.56, many of which are for ordinary and regular State purposes.

Applications for appropriations are also pending before committees, including the appropriation for the Reform School, and for the protection of fish and game, amounting to \$183,239.73. The aggregate of these various amounts, with the appropriations already approved and others for State purposes not yet presented, will nearly, if not equal, the entire estimated income of the State for the present year and the surplus in the treasury.

Our estimated net income for 1896, will be comparatively the same as that of 1895, \$1,471,218.00. If the large surplus now in the treasury should be exhausted by the appropriations for 1895, there will necessarily be a large deficit when the next Legislature shall convene in 1897. It has been the policy of the State to have in its treasury a reasonable amount of money at the commencement of the year. During the past five years the following balances have been in the treasury on the first day of January of each year :

1891	\$175,466	17
1892.....	199,603	60
1893.....	304,569	68
1894.....	335,716	64
1895.....	458,195	85

The receipts of the State treasury were largely increased during the year 1893, by the receipt of more than \$180,000, on account of *overdue State taxes*. Increased revenue from this particular source will not be available in 1895-6. During the present year, by reason of a reduction of the State tax, our receipts from that source will also be reduced \$78,471.51. We shall be compelled during the years 1895 and 1896, to rely upon our present surplus and our ordinary receipts to meet the expenditures authorized at this session of the Legislature.

I recognize that it is for you to consider where necessary appropriations end, and where excessive appropriations be-

gin. The line may be narrow, but it nevertheless exists. I assure you it is not my purpose to trench a single hair's breadth upon the authority conferred by the Constitution and laws on the Legislature. I appreciate that it is for you to investigate the actual needs of the State, and of her beneficent, educational, charitable and other institutions. Appropriations cannot always be made to meet every call. With the varied demands made upon you for aid, you cannot always appropriate the sum that *is claimed can be profitably expended*, but are at times, as the representatives of the people and acting in the interests of the State, required to consider what sum will reasonably meet immediate requirements; and in some instances you may feel it your duty to consider, whether the demand is so urgent that it cannot be postponed for future legislative action.

I had the honor to recommend to you at the beginning of this session, a reduction of the State tax for 1896. The retiring State Treasurer, who has been identified with the management of the financial affairs of our State for a period of more than six years, in his final report to the Governor and Council, says: "The tax rate of two and one-half mills will, I am sure, be amply sufficient for the year 1895, and, if no unusual appropriations are made by this Legislature, the tax for 1896 can be assessed on a still lower basis;" and the present efficient State Treasurer entirely concurs in this opinion. That there may be no misunderstanding as to my views upon this point, you will permit me to renew my recommendation for a reduction of the State tax for the year 1896. With \$458,195.85 in the treasury on the first day of January last, a larger amount than we have had, with one exception, for very many years, I believe you will be able to deal fairly and justly with every institution and every interest of the State, and still reach this desired result. If excessive calls shall be resisted, and *reasonable needs made the measure of every appropriation*, it can yet be accomplished.

It is conceded that many demands are now being made upon the public treasury. Never in the history of the state have the calls been more numerous and extraordinary than at the present session. If all of these measures, or even a major part of them, calling for money, are to be granted to

the full extent claimed, the large surplus now in the treasury will speedily disappear, taxation must be increased to meet future expenditures, and, in the meantime, we must avail ourselves of another temporary loan, or embarrassment in the management of the financial affairs of the State, by your Treasurer, will inevitably follow. If this grave contingency is to be avoided, retrenchment in appropriations and authorized expenditures should commence at once, and admits of no delay.

Fully appreciating the responsibility resting upon us, and without alluding to any particular measure or any special appropriation now before you, but speaking in the interests of the whole State, I re-affirm the suggestion contained in a former communication addressed to your Honorable bodies, that "this is not a time for excessive appropriations, or for the enactment of experimental laws. * * * *

It will be your duty, before the session closes, to fix the rate of taxation upon the farms and other real and personal property of the State, to meet in part the expenditures authorized by you. The entire matter is within your control, and the tax for State purposes must depend upon the appropriations here made." As has been frequently demonstrated in the history of the legislation of our country, the Executive is powerless without the co-operation of the legislative branch of the Government. I trust this will be accorded.

HENRY B. CLEAVES.

TREASURER'S OFFICE, }
 AUGUSTA, February 26, 1895. }

To His Excellency, the Governor of Maine:

In compliance with your communication, I have the honor to transmit herewith a statement showing appropriations approved to and including February 25, 1895, for the year 1895, also an estimate of a portion of the further necessary regular appropriations for 1895, also the appropriations acted on and reported by the committees, and now pending before the Legislature. Through the courtesy of the secretaries of the committees of the Legislature, I am able to give herewith an estimate of the amount of the appropriations for the year 1895, asked for and now pending before committees, but not yet reported to the Legislature. There is a net increase of

\$53,633.87 in the appropriations already made for the year 1895, as compared with those of 1893 for the same purposes and the extraordinary appropriations for 1895, already made and not appropriated in 1893, amount to \$86,175.04. The appropriations already passed for the year 1896 exceed the appropriations made in 1894 for similar State purposes by \$20,250. The extraordinary appropriations for 1896 not made in 1894 amount to \$85,500.

I also include, as requested, an estimate of the receipts for the year 1895 made on the basis of the present State tax of two and one-half mills, showing a total of \$1,506,218. There is included in these estimated receipts \$35,000, the amount received for dog licenses, which can not be considered an available asset, as it is all refunded to the towns. The receipts for 1896 as estimated will be substantially the same.

I much regret not being able to furnish this statement sooner but sickness in the office has caused an unavoidable delay.

Yours very truly,

F. M. SIMPSON,

State Treasurer.

Appropriations made by bill approved Feb. 5, 1895, entitled "An Act to provide in part for expenditures of Government,"	\$1,109,511 33
Other bills appropriating money, approved to and including Feb. 25, 1895.....	188,546 26
	<hr/>
Total amount of appropriations approved to this date, for year 1895	\$1,298,057 59
Estimate of a portion of the further necessary regular appropriations for 1895 :	
Fireman and mail carrier.....	\$1,800 00
Night watch.....	2,400 00
Porters and laborers.....	5,000 00
Furniture and repairs.....	7,000 00
Fuel and lights.....	8,000 00

Water for State House.....	1,500 00
Insane State beneficiaries.....	65,000 00
Passamaquoddy Indians.....	8,040 00
Adv. land sale and tax act.....	900 00
Transportation of documents...	2,300 00
Stationery	7,000 00
Postage.....	5,000 00
Printing and binding.....	42,000 00
Stitching and binding, deficiency.	2,365 04
Freight and trucking	500 00
Pay roll of Senate.....	9,500 00
Pay roll of House of Representa-	
tives	32,100 00
Transportation of mail	50 00
Legislative books, stationery and	
postage	2,850 00
Maine Industrial School for Girls.	7,000 00
Bath Military and Naval Orphan	
Asylum.....	8,500 00
Contingent expenses of Legisla-	
ture.....	4,650 00
Care of trust deposits.....	200 00
Foxcroft Academy	60 00

223,715 04

Bills appropriating money for
year 1895 reported by com-
mittees and now pending :

Indian township.....	\$ 600 00
Town of Chesterville.....	241 88
Maine State cattle commissioners	5,000 00
Bangor General Hospital.....	5,000 00
York deeds.....	2,250 00
Madawaska Training School....	2,000 00
Maine State Prison	19,000 00
St. Elizabeth Catholic Orphan	
Asylum.....	400 00
Maine State College	25,000 00
Normal and training schools,	
addition.....	4,400 00
Maine State Library.....	4,000 00
Children's Aid Society.....	3,000 00

Lexington Plantation	441 66	
Town of Newport	406 87	
Portland School for Deaf	18,000 00	
Destruction of cattle, deficiency,	2,766 86	
No. 7, R. 11 tax	188 56	
Howland and Enfield bridge,		
\$6,000 a year for four years..	6,000 00	
Frenchville bridge	200 00	
Farmington Normal School	15,000 00	
Maine Insane Hospital	19,500 00	
Freeman's supplement to R. S.	7,500 00	
Addison draw bridge	800 00	
Clerk to Sec. of Board of Agri-		
culture, addition	500 00	
Savage's index digest	4,800 00	
Calais Academy	500 00	
Monmouth Academy	500 00	
Wilton Academy	500 00	
Cherryfield Academy	500 00	
Parsonfield Seminary	500 00	
Free public libraries	1,100 00	
Wm. H. Holmes	100 00	
Oakfield Plantation	620 19	
Maine State Pomological Society	1,000 00	
Old Town city hospital	600 00	
Friendship—pauper	800 00	
School of instruction for teachers	1,000 00	
Indexing records in land office..	600 00	
William K. Lancey	216 54	
John Montgomery	125 00	
Children's Aid Society, Belfast .	3,000 00	
		\$158,657 56
Estimate of appropriations pend-		
ing before committees but not		
yet reported to legislature, in-		
cluding appropriations for Re-		
form School, fish and game		
and others		183,239 73
		\$1,863,669 92

ESTIMATE OF RECEIPTS FOR YEAR 1895 ON THE BASIS OF THE
PRESENT STATE TAX OF TWO AND ONE-HALF MILLS.

State taxes prior to 1894.....	\$ 10,000 00
State taxes of 1894	710,000 00
State taxes of 1895	50,000 00
County taxes on wild lands	25,000 00
Tax on savings banks	400,000 00
Tax on loan and building associations.....	1,000 00
Tax on railroad companies	160,000 00
Tax on insurance companies.....	30,000 00
Tax on telegraph companies.....	8,000 00
Tax on telephone companies.....	3,500 00
Tax on express companies.....	3,000 00
Tax on collateral inheritances.....	10,000 00
License fees from hawkers and peddlers....	5,000 00
Dog licenses	35,000 00
New corporations.....	20,000 00
Increase of capital stock of corporations....	1,000 00
Interest	2,000 00
Duty on commissions.....	2,500 00
Lands reserved for public uses.....	2,000 00
Secretary of State (fees of office)	2,400 00
Insurance Commissioner (fees of office)....	9,000 00
Penobscot Indians—shore rents.....	2,618 00
Railroads for salary and expenses of Railroad Commissioners.....	10,000 00
Receipts of Liquor Commissioner	4,000 00
Care of trust deposits	200 00
	<hr/>
	\$1,506,218 00
Dog licenses not available.....	35,000 00
	<hr/>
	\$1,471,218 00

AUGUSTA, March 20, 1895.

To the Honorable Senate and House of Representatives:

Permit me to transmit herewith itemized statement of damage by fire to the military property of the State in 1894; also statement of amount expended by the military department at Bath and Norway in aiding the civil authorities in the protection of property and the preservation of the public peace.

HENRY B. CLEAVES.

AUGUSTA, March 20, 1895.

To the Honorable Senate and House of Representatives :

In compliance with the Constitution of the State, I herewith communicate to the Legislature each case of reprieve, remission of penalty, commutation of pardon granted in 1893 and 1894, giving the name of the convict, the crime of which he was convicted, the sentence, the date of reprieve, remission, commutation of pardon, and the conditions, if any, upon which the same was granted.

HENRY B. CLEAVES.

AUGUSTA, March 20, 1895.

To the Honorable Senate and House of Representatives :

I have the honor to transmit herewith communication from Hon. Daniel S. Lamont, Secretary of War, relating to the dedication of the Chickamauga and Chattanooga National Military Park, which will take place at Chickamauga, Georgia, and Chattanooga, Tennessee, on the 19th and 20th of September next. I also submit herewith a copy of the act of Congress relating to such dedication, and a circular setting forth the progress made in establishing the Park.

HENRY B. CLEAVES.

*To the Honorable Henry B. Cleaves, Governor
and the Honorable Members of the Executive Council.*

SIRS :—In answer to the question propounded to the Justices of the Supreme Judicial Court, viz :

“Have the Governor and the Council the power to consider an application for, or to grant a pardon to a person convicted of murder in the first degree and sentenced to imprisonment at hard labor for life, without application being first made to the Justices of the Supreme Judicial Court as described in Chap. 114, Public Laws A. D., 1876.”

We have the honor to answer in the affirmative : The Act referred to must be considered a permissive and not exclusive

method of application for pardon in such cases: otherwise the act must be held to be unconstitutional.

JOHN A. PETERS, Chief Justice.

C. W. WALTON,	} Associate Justices.
ARTEMAS LIBBY,	
LUCILLIUS A. EMERY,	
ENOCH FOSTER,	
THOMAS H. HASKELL,	
W. M. P. WHITEHOUSE,	
ANDREW P. WISWELL,	}

EXECUTIVE DEPARTMENT, }
AUGUSTA, March 27, 1895. }

To the President of the Senate and Speaker of the House of Representatives:

I have the honor to transmit herewith a list of the Acts and Resolves passed by the Sixty-seventh Legislature and approved by me, numbering 493 Acts and 132 Resolves.

I have no further communication to make.

HENRY B. CLEAVES.