

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SIXTY-THIRD LEGISLATURE

OF THE

STATE OF MAINE.

1887.

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Published by the Secretary of State, agreeably to Resolves of June 28, 1820,  
February 18, 1840, and March 16, 1842.

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AUGUSTA:  
SPRAGUE & SON, PRINTERS TO THE STATE.  
1887.

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AUGUSTA:  
BURLEIGH & FLYNT, PRINTERS TO THE STATE.  
1889.

## GOVERNOR BURLEIGH'S ADDRESS.

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*Gentlemen of the Senate and House of Representatives :*

Two years ago Joseph R. Bodwell stood in this place. He had been elected Governor of Maine not only by the large majority of votes which his own party commanded, but with the good will of his political opponents in an almost unprecedented degree. He was in the best sense of the word a self-made man, and against adverse circumstances in early life had acquired a remarkably strong position in his city, in his county, in his State. He was sagacious and successful in business. He was an honest man. He was an upright Chief Magistrate. He was a sincere philanthropist who loved his fellow-men and was loved by them. His death, which occurred on the fifteenth day of December, 1887, was universally lamented. He will be held in honored and lasting remembrance by the people of Maine.

But the State lives though men may die. Hon. Sebastian S. Marble, President of the Senate, immediately succeeded to the executive chair and faithfully and honorably administered the State government for the remainder of the gubernatorial term.

### FINANCES.

The financial condition of the State is one which will soon justify a further reduction of taxation. Its details will be presented to you in the report of the Commissioner of the Treasury which will soon be laid before you.

Under the act of 1887, which practically abolished the Sinking Fund, \$1,198,000 of our State bonds included in that fund were cancelled and destroyed. This has reduced the bonded debt to \$1,748,000, due June first and \$2,187,400 due October first of the current year. From this aggregate indebtedness of \$3,935,400 there is to be deducted the amount remaining in the Sinking Fund the present value of which is

\$1,198,107.43. This amount is invested in United States bonds and in the State bonds of Massachusetts and New Hampshire. In stating the total value I include the premium at which these securities are now selling in the financial market.

After this deduction is made there will remain not exceeding \$2,750,000 of the State debt to be refunded. The State has accepted the trust under the will of the late Governor Coburn to receive \$150,000 for our public institutions and to disburse the interest thereon at the rate of four per cent per annum. This sum of \$150,000 may be applied to the payment of the present bonded debt, thus reducing the sum total of the State's public obligation to some \$2,600,000. This amount is possibly subject to still further reduction by Congress refunding the direct tax amounting to \$357,702.00 levied by the National Government in August, 1861. But as the bill has not yet become a law the State cannot reckon with certainty upon any amount from that source.

An effort to exchange the proposed three per cent bonds for our outstanding sixes, allowing for difference of interest until maturity, was made in 1887 without success. But it is evident that in the present condition of the money market, the State can command all the money which it may desire at an interest of three per cent per annum. Indeed, we are justified by a recent sale of Massachusetts State bonds in believing that a three per cent Maine bond will command a considerable premium. Our long established credit warrants the presumption that a Maine bond will sell at as high a rate as the bond of any State in the Union, especially when it is remembered that after the present debt is paid, the State is forbidden by the Constitution to incur any debt in excess of three hundred thousand dollars "except to suppress insurrection, to repel invasion, or for purposes of war."

The loan act passed by the last legislature needs, I think, to be so far amended as to permit the treasurer, with the approval of the governor and council, to fix the date of the new bonds instead of being rigidly confined to the date on which one portion of the present debt shall fall due. This permission cannot possibly be disadvantageous to the State and it may prove highly beneficial in enabling the treasurer to sell the bonds at the highest possible price.

With the refunding of the debt completed, as we may now anticipate it will be, the amount of our annual interest cannot

exceed \$75,000 per annum and if the direct tax should be repaid by the national government, we may fairly hope to see it reduced as low as \$60,000 per annum. The extent of this relief to the treasury and to the tax-payer, as contrasted with our financial condition a few years since, is very great. We should remember that in 1871 the annual interest upon the public debt (all raised by direct taxation of the people,) was \$480,000 per annum. Nor does this statement convey a full impression of the difference between taxation now and what it has been at several periods since 1861. The year after the close of the war, the rate of taxation was fifteen mills, and the aggregate amount raised was nearly two and a half millions of dollars,—more than the entire State debt will amount to after the refunding to be completed during the current year.

The total taxation may safely be reduced for the year 1890 to two and one quarter mills which would be a reduction of \$117,799.94 per annum. The lightness of a State tax of two and one-quarter mills can be appreciated only by remembering that one mill of it is for the school fund, levied according to property and divided according to population. Excluding the school tax (a wise and generous provision for the youth of the State in force now for seventeen years,) it will be seen that the rate of taxation for general purposes of government will in 1890 be the lowest tax laid for thirty years, and as low as any that has been levied for fifty years. The entire State tax for next year will be \$530,099.75 less than was levied on Cumberland county alone in the State tax of 1865. These facts show at one and the same time the uniform prudence which has been in force in the administration of the public money, and the lightness of the burden now resting upon the people for the support of their State government.

It must be further remembered, that since 1871 (the period at which our debt reached its maximum,) the State has progressed more rapidly in wealth, and has enjoyed a more widely diffused prosperity than at any other period of its history. It is not, therefore, a vain-glorious boast to regard an interest charge of \$60,000 per annum as a light burden to the people of Maine,—a burden which will grow less, annually, as the principal of the debt, if funded as now designed, shall disappear under small annual payments for a series of years.

It will be your duty to provide for the valuation of the property of the State which is required by our Constitution, "at least once in ten years." It doubtless gives greater satisfaction to have a board composed of one representative from each county, and I therefore recommend that the board of valuation be thus constituted. In some respects, however, evil results have followed from the zealous and yet proper care taken, that no section shall be taxed more than its fair share of the public burdens. Each county sedulously guarding its own interests and securing as low a valuation as possible, the result has been that the aggregate official valuation of the State has been far below its real value. In this respect the State of Maine has not been presented to the country in as strong a financial position as she is entitled to hold. We negotiated our war loans on a valuation of one hundred and sixty-two millions of dollars, and if it had been really believed that that sum represented the actual wealth of the State, we could not have so readily placed an aggregate loan that amounted to five per cent of our total property. The valuation taken by the United States census comes nearer doing us perfect justice than the valuation taken by the State, for in 1870 when the State Board of Valuation said Maine was worth \$225,000,000 the United States census fixed the valuation at \$348,000,000. In 1880 when the State government said Maine was worth \$236,000,000 the United States census fixed the valuation at \$511,000,000.

If the incredulous may think the last figures of the United States census were too high, those best acquainted with the extent of our resources and of our recent development in many directions will agree that it is very much nearer the actual amount of the property in Maine in 1880 than is given in our own valuation. Our own State valuation finds too large a proportion of our property in the farms of the State and makes the farmers pay an undue share of the general taxes. On the other hand, the valuation of the United States census takes cognizance of the less tangible but more profitable investments which escape their fair share of the common burdens. If there should be a closer inquiry into other forms of property than the real estate, taxation could be more equitably distributed and more exact justice could be done to all citizens alike—which is indeed the highest duty of a State government.

It is worth while also to observe in this connection that while our tax for the general purposes of the State government can next year be reduced to a mill and a quarter on our present State valuation, it would be little more than half a mill if levied on a valuation approximating the total wealth of the State. This shows that Maine is really, so far as the levy of the State government is concerned, one of the most lightly taxed States in the Union. The local taxation is of course beyond the control of the State government and, outside of certain absolute requirements, is just what the citizens of the several cities, towns and counties may themselves determine and authorize.

#### SAVINGS BANKS.

The report of the Bank Examiner, giving the condition of savings banks, trust companies and loan and building associations in the State, will soon be laid before you. It will prove both interesting and satisfactory. It will show that the aggregate deposits in the fifty-five savings banks amount to nearly forty-one millions of dollars. This large sum is divided between 124,562 depositors, of whom nearly 100,000 represent a deposit of less than five hundred dollars each. The savings banks have proved a source of largely increasing the wealth of the State. They have inspired a spirit of thrift and economy and have been the means of saving to worthy individuals and families many millions of dollars that might otherwise have been frittered away in needless indulgences or in hurtful dissipations.

One of the most important duties devolving upon the government of the State is the careful guardianship of these large sums of money. The savings banks deposits must be rigidly protected against all forms of risk or speculation. If individuals choose to speculate with their own money they take the risks themselves and if misfortune overtakes them, they must abide the consequences. But the State has no right to permit the guardians of trust funds to take any risk whatever in their investment. I commend, therefore, with heartiest approval the cautions contained in the Bank Examiner's report against permitting the funds in our savings banks to be invested in western farm mortgages. I make no reflection whatever upon the security of such investments further than to say that cash so placed cannot be promptly realized,



and that fact alone destroys, in large degree, the usefulness of such investments to the savings banks.

#### INSURANCE.

I recommend that the legislature make close examination into the existing system of insurance in this State in all its departments. There is a vast sum of money invested in fire, life and other insurance and no vigilance which the legislature can enforce should be spared to the end that the companies shall conform to every requirement of wise and judicious law. The great volume of underwriting in the State is done by foreign companies, but we have a considerable insurance interest growing up in the State, and close supervision should be given to each class. The fees paid by the insurance companies relieve the State from all cost of maintaining the insurance department, and lay upon the State the duty of maintaining adequate supervision as due alike to insurer and insured. The supervision should guarantee to our people the best and most reliable insurance companies.

In this connection valuable information could be derived by providing that the insurance commissioner shall collect and classify all statistics relating to fires in the State: viz, their causes, the losses of property, separately and in the aggregate, the amount of insurance written thereon, and the amount of insurance paid and the names of the insurance companies. A provision of this kind, accurately and rigidly enforced, would expose the extent of three evils—over-insurance, incendiarism and insurance by unauthorized and unreliable companies. These statistics would suggest various remedial aids and the exposure of illegal practices would in a large degree tend to correct them.

#### PROHIBITION.

The great evils of the liquor traffic, the pernicious influence of the saloon upon the public morals and the disorder and crime resulting from intemperance have rendered restrictive and prohibitory legislation imperatively necessary in the opinion of a large majority of the people of the State. Both by constitutional provision and by statutory enactments, Maine has permanently prohibited the manufacture and sale of alcoholic liquors, except for medicinal and mechanical

purposes. Long experience has demonstrated the wisdom and advantages of this policy.

Yet like all other laws against public evils, that against the liquor traffic has its violators, those who wantonly disregard the interests of the community and the authority of the State. This renders it necessary that those intrusted by the people with the enforcement of the laws should be prompt and faithful in the discharge of their sworn obligations. So long as it shall be incumbent upon me to discharge the duties of the Executive of the State it will be my endeavor to enforce the laws with vigor and with impartiality. To successfully discharge my official duty in this connection it is necessary that the Governor should have the earnest and hearty aid of all other executive officers and the active co-operation of the people.

#### AGRICULTURE.

The report of the President of the State College of Agriculture and the Mechanic Arts will be laid before you, and I commend to your favorable consideration its various recommendations. The college will be largely aided by the benevolent legacy of the late Governor Coburn, soon to be realized. Its sphere of usefulness will be enlarged just in proportion to the increase of its resources. It is a gratification to note that the agencies for the advancement of agricultural information and the improvement of agricultural practice in Maine are second to those of no other State in the Union. They embrace, besides the college just alluded to, two State agricultural societies, one State pomological society, a State branch of the national agricultural experiment station, a State board of agriculture, a State grange, having 15,000 members, forty incorporated county agricultural societies receiving bounty from the State and many other local organizations of a similar character not directly aided by the State.

These agencies and organizations enlisting the interest of county, State and National governments show how actively and energetically the science and art of agriculture are promoted. Agriculture always has been, is now, and perhaps always will be the leading financial interest of the United States, and must always engage the most earnest attention of the legislative power of the people. I commend to you the various recommendations contained in the reports and documents that will be laid before you.

I call attention with special pleasure, as directly and strongly interesting to the farmers of Maine, the rapid reduction of State taxation of which they have always paid so large a proportion. The burdens have been growing lighter for some years past, and for the future, according to present prospects, the taxation levied for the State government will be lighter than the average of the other States in the Union. With the extinction of the war debt the burden will grow still lighter.

#### EDUCATION.

The Constitution of Maine declares that a general diffusion of the advantages of education is essential to the preservation of the rights and liberties of the people. The system of public schools long established in our State is the answer of the legislature to this constitutional requirement. This system requires your constant supervision and attention. The schools should be adapted to the changes in social conditions and the varying needs of the people, and should at all times be kept in a state of the highest efficiency. I direct your attention to the report of the State Superintendent of Schools and to the recommendations which, in his opinion, are necessary to the highest efficiency of education. He recommends the abolition of the school district system which has, in his judgment, come to be inequitable in its operation from the changes in the distribution of population and wealth which have taken place since the system was established.

The superintendent also urges the furnishing of text books at public expense to all pupils attending schools, as leading to perfect equality in the condition of those under instruction. These subjects are of engrossing interest and should receive your earnest consideration.

#### MILITIA.

There is a feeling on the part of the uniformed militia, largely shared by the people of the State, that our appropriations for military purposes are very small. There is a well-founded belief that great advantage comes to the State in various ways from the existence of these organized regi-

ments, and I think that we should do everything to encourage them and to promote their drill and efficiency. I recommend that the moderate addition to their present appropriation, which the military desire, may be granted.

#### PENSIONS.

It is the desire and judgment of the Grand Army Posts in Maine that the amount allowed to deserving pensioners of the State should be increased. I have been notified of the fact by the proper officials of that patriotic organization. I cordially recommend that their request be granted. Detailed reasons for an increase of the pension appropriation will in due time be laid before you. The State of Maine will never be able to do too much for her patriotic sons who were disabled in the war for the Union. Liberality towards them is a duty. Withholding from them what they need would be a crime.

#### GETTYSBURG MONUMENTS.

I have been advised that an additional appropriation will be needed to complete the monuments on the field of Gettysburg in honor of the sons of Maine who fell there. I am sure that it will be a pleasure as well as a duty on the part of the Legislature to do all in their power to perpetuate the heroic valor of the State as exhibited by her soldiers on the bloodiest battle-field of the war. Unwilling to offend the pride of any section there has been no attempt to place monuments on the battle-fields of the South, where so many of the flower of the land laid down their lives that the nation might live. But on the field of the only great battle fought in the loyal States, where patriotic traditions will always be loyally cherished, it is fit that monuments be erected to teach future generations that in the last half of the nineteenth century, men were ready to do and dare and die for the American Union of States.

#### PUBLIC INSTITUTIONS.

Our public institutions are all answering in full measure the objects for which they were established and I recommend them to the close examination and earnest care of the legislature. The administration of the trusts reposed in the officers who conduct these institutions can now be examined

by the supreme law-making power of the State but once in two years, in lieu of the former annual examination, and for this reason a closer inspection and more thorough investigation into their affairs should be accepted as the duty of the legislature. The several reports of these institutions will be laid before you. Rigid scrutiny implies no distrust or censure but leads to that form of well-grounded approval which every servant of the State desires as his honorable justification.

#### INSANE HOSPITAL.

I call your especial attention to the report of the superintendent and trustees of the hospital for the insane, and, in this connection I renew a recommendation made by Governor Bodwell in favor of some provision for separating the class known as the criminal insane from daily association with the ordinary patients. The practice is improper, demoralizing and in many respects dangerous. A homicide who is acquitted of the moral guilt of his act because of his insanity, should certainly not be allowed the opportunity of finding a victim for a second offense among the innocent patients who deserve our commiseration and our protection. The superintendent of the hospital who has hundreds of patients in charge, and whose duties are not only irksome and wearisome, but require a large degree of professional skill, is paid but \$1600 per annum. In many similar institutions, with even less labor, the salary of the superintendent is double or treble this amount. The civil government of Maine has never favored high salaries, but I submit, that, with full regard to both justice and economy, four hundred dollars per annum, may be added to the salary of the superintendent.

#### THE STATE PRISON.

The report of the warden of the State Prison will be laid before you. The administration of the prison for several years past has been as successful in every respect as could reasonably be hoped for. The institution has, in an encouraging number of cases, proved reformatory as well as penal. All forms of imprisonment that lack the reformatory feature fall short of one of the great purposes for which punishment is designed. The convict should at the end of his term be a

better man morally than he was when he entered the prison, or else his imprisonment has not been of lasting advantage to society.

#### THE STATE REFORM SCHOOL.

This institution, as is shown by the report of its superintendent, is in excellent condition. Here the lightest form of restraint is imposed consistent with the ends for which the institution is designed. The school has now been in existence for more than a generation and on every hand we have the most abundant evidence that it has been the instrumentality of turning a large number of wayward youths from criminal paths and restoring them to society as useful and upright men.

#### INDUSTRIAL SCHOOL FOR GIRLS.

Though limited in its scope, this institution has been extraordinarily useful, and has proved itself in all respects worthy to receive the continued patronage of the State. It is founded in a spirit of true benevolence and philanthropy, and there are many persons in the State who desire the legislature to extend its beneficent provisions to a larger class. The founding of a new institution is a matter which should always receive the most careful consideration. I can only recommend the subject to your earnest attention and investigation. Whether the prospective benefit justifies the imposition of an additional burden upon the tax-payer, is for the law-making power to carefully consider.

#### LABOR BUREAU.

The labor bureau, which was established by the last legislature, has done a valuable work for the State as the report of the Commissioner will demonstrate. I suggest that the State may, with great profit, give a wider scope to the operations of the bureau. I commend the subject to your thoughtful consideration.

#### STATE BOARD OF HEALTH.

The State Board of Health is doing a valuable work and should be liberally sustained. Maine bears the just reputation of being one of the most healthful States of the Union, and a summer resort of singularly attractive features, both of climate and scenery. Wherever there is the slightest danger

of infection of any kind, the Board of Health is present to advise and to aid in its eradication, thus zealously guarding the health of our people, and at the same time giving assurance of complete safety and immunity from disease to the increasing thousands, who annually seek a summer home within our borders.

#### WASTE OF FOREST GROWTH BY FIRE.

The waste of forest growth from preventable fires is very great. By the United States census of 1880 it was estimated to exceed for the whole country ten million acres annually. Our own State has suffered very largely from this source. I recommend that you carefully consider the subject with a view of adding to the efficiency of existing statutes to prevent the careless setting of fires, and to add such new provisions as experience may prove advantageous and practical.

#### FISHERIES AND GAME.

The interesting reports of the Commissioners of Fisheries and Game and of the Commissioner of Sea and Shore Fisheries are commended to your consideration. Everything which tends to increase our fish supply in sea and river, brook and lake, should have the earnest support of the State. Every measure which may tend to preserve and increase the wild game of our forests should be heartily encouraged. The great object to be attained is a rigidly careful observance of the fishing and shooting seasons as prescribed by law. In connection with the game of the State, I commend to you the suggestions of the commissioners in regard to the moiety of the penalties for violation of the law being allowed to the game wardens. The enforcement of the game laws almost wholly depends upon the vigilance of the wardens and that vigilance should be stimulated in every lawful and practicable way. Simply to pay them one dollar and a half per day, whether they succeed in arresting an offender or not, is a poor way to increase their activity and watchfulness. I suggest to you whether the former law on this subject may not be restored with advantage to the State.

## FISHERIES.

Since the adjournment of the last legislature, a treaty was negotiated between commissioners appointed by the President of the United States and commissioners appointed by the Queen of England on the subject of the fisheries. Its provisions were regarded as so hostile to the interests of American fishermen, that the Senate of the United States rejected it by a majority vote, when one vote more than a third would have been sufficient to prevent its confirmation. It has seldom occurred in our history that a treaty approved by the Executive branches of the two governments has met with such stern disapprobation at the hands of the confirming power in the Senate of the United States.

The question is therefore open for further consideration and I refer to it here because it is one of profound interest to the people of Maine. A glance at the map of the United States will show that Maine, perhaps, more than any other State of the Union, has cause for desiring the most cordial relations of trade and intercourse with the Dominion of Canada. Of the five sides, which the irregular configuration of Maine shows, three border directly upon the Dominion, one fronts upon the Atlantic ocean and one touches upon our sister State of New Hampshire. It needs no further demonstration to prove that the interests of our State and of our neighbors are and must always be closely bound together, and that we should never be hostile but always friendly rivals.

It is, therefore, a very significant condemnation of the rejected treaty that an overwhelming majority of the people of Maine were irreconcilably opposed to it at every stage of its consideration. We desire above all things a harmonious adjustment of that and all other questions between the United States and the Dominion, and we trust to the National Government to effect a settlement that shall neither sacrifice nor injure a great interest in which so many of our fellow citizens are deeply interested.

## ELECTIONS.

There has been for some years a desire on the part of a portion of our population to change the day of our biennial election to the Tuesday after the first Monday of November, in order to be in harmony with other States in the election of Representatives in Congress, and in order to save



the trouble and expense of two elections in the quadrennial year in which a President is chosen. The objection to this, in the minds of perhaps a large majority of our people, is that the inclemency of the weather in these northern latitudes would practically make out-door meetings uncomfortable and to many of the people impossible during the three weeks preceding election. Few of our towns, compared with the whole number, have halls large enough to accommodate a mass meeting of the people. A change to November for our ordinary elections would therefore in Maine deprive the people, to a large extent, of one of the most precious safeguards and muniments of liberty and of law by rendering public meetings for the discussion of public measures and policies practically impossible.

I have been advised, from different sources, that the objection which I have stated, is felt very sensibly in many if not all the States along our northern border where the Congressional elections are held in November. It is felt very keenly in those States which until recently had for a long period held their Congressional elections on the second Tuesday of October. A change to the second Tuesday of October, would, I think, be altogether convenient and advantageous for Maine, as I believe it would be for every other State in the Union. Harvests of all kinds are over and the weather both for the popular canvass and for the day of election would on the average be as genial as at any other time of the year. I recommend therefore, that the legislature of Maine memorialize Congress, asking that representatives in Congress and Presidential electors shall be chosen on the second Tuesday of October, beginning with the year 1892. The four intervening years, if Congress should make this change would give ample time to each State for needful adjustments in its Constitution and laws.

UNITED STATES SENATOR.

It will be your duty to elect a Senator of the United States to succeed the Honorable William P. Frye whose term ends on the fourth day of March next.

## CONCLUSION.

And now, Gentlemen of the Senate and House of Representatives, I commend to your wisdom, prudence and deliberation the enactment of such laws as may be needful for the welfare of the State. It is only by doing all that in our power lies to spread morality and intelligence among our citizens, to promote right and to repress wrong, that we may look forward to a continuance of that Gracious favor steadily shown to us in the past, and which I pray God may ever be shown to the people and the government of the State of Maine.

EDWIN C. BURLEIGH.

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EXECUTIVE DEPARTMENT, }  
AUGUSTA, January 11, 1889. }

*To the President of the Senate*

*and Speaker of the House of Representatives:*

I have the honor to transmit herewith "Report of commissioners appointed under resolve approved March 10, 1887, to investigate the condition of settlers in Madawaska Territory."

EDWIN C. BURLEIGH.

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EXECUTIVE DEPARTMENT, }  
AUGUSTA, February 13, 1889. }

*To the President of the Senate*

*and Speaker of the House of Representatives:*

I have the honor to transmit herewith for the consideration of the Legislature, a communication from the Commissioners of Maine, appointed to attend the centennial celebration of the inauguration of George Washington as the first President of the United States, to be held in the City of New York, April 30th, 1889.

EDWIN C. BURLEIGH.

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EXECUTIVE DEPARTMENT, }  
AUGUSTA, March 13, 1889. }

*To the Senate and House of Representatives:*

I transmit herewith, a list of the titles of Acts and Resolves passed during the present session of the Legislature and approved by me, numbering 434 Acts and 126 Resolves.

I have no further communication to make.

EDWIN C. BURLEIGH.