

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES
OF THE
SEVENTY-SECOND LEGISLATURE

OF THE
STATE OF MAINE

1905.

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GOVERNOR COBB'S ADDRESS.

Gentlemen of the Senate and the House of Representatives:

The law-makers chosen by the citizens of a Christian State, conscious of the responsibility and dignity of their office, can enter upon the discharge of their duties in no more fitting manner than by asking the help of God, that His blessings may descend and rest upon the State and Nation.

You are the legal representatives of the people of the State of Maine, and are assembled here to exercise the legislative authority entrusted to your care. There is no higher test and privilege of good citizenship than the making of wise laws, and the power to make such laws now rests with you. That you will use this power delegated to you with prudence and forethought is the confident expectation of your constituents, and I venture to express the belief that no better fortune can befall you than to merit at the close of your labors here their approbation and respect.

The constitution of Maine, in prescribing the powers and duties of the governor, declares that "he shall from time to time give the legislature information of the condition of the State, and recommend to their consideration such measures as he may judge expedient." Having received this office from the people, profoundly grateful for their confidence, and wishing to conform to the custom observed by my predecessors, it becomes my duty at this time and place to comply with this constitutional requirement.

While the framers of the constitution dug deep for the future, and laid foundations strong enough and broad enough to support with entire safety the fabric of self-government as we see and enjoy it to-day, yet it was not possible for them to provide for or foresee the numerous and complex affairs that in time should come to be the State's duties and the people's privileges. Nor does this detract from the magnitude and power of their achievement. It is all the more a tribute to their wisdom, for their work begun and finished among conditions of life and material development comparatively simple was done with such thoroughness and along such comprehensive lines that later generations have

neither desired not attempted fundamental changes, but have followed the spirit if not always the letter of their plans.

A few years more and Maine will have been a State a century. At the State's birth, and for many years thereafter, it was no difficult task for a governor, upon assuming office, to have a full and personal knowledge of every department of the State's government and affairs. The conditions of that day made such knowledge possible. The population was small, business limited and wealth infrequent. The State was rich only in the character and vigor of her citizens and in her natural but undeveloped resources. Public revenue was scanty and public expenditures consequently restricted. Public institutions were few in number and narrow in scope, and the State could render but slight aid in forwarding the great work of philanthropy and education. Capital and energy had been applied only in small degree to the development of transportation facilities and to the extension of commerce, and the State had not yet been called upon to exercise its right of control in these great fields of business and industrial activity. While the State never needed nor ever possessed men of more rugged honesty, keener vision or more commanding ability than those in whom the executive power was vested during those years of beginnings, it must be conceded that the machinery of State was simple, capable of being easily understood and readily explained.

But we face an entirely different situation today. During the last forty years the whole country has made a marvelous advance in material prosperity and in the elevation of humanity, and in this march of progress Maine has been no laggard. Railroads have reached her fertile valleys, her forests and waterways, have stimulated and encouraged both agriculture and manufactures, and have brought their products to a ready and profitable market. Electric railroads have brought suburban and even rural communities into closer touch with her cities and larger towns, and have contributed to increased property values and more comfortable means of travel. Her magnificent water powers no longer flow unharnessed, but science and skill have so controlled and managed them that commercial centers grow to-day where but a few years ago was wilderness and solitude. The scenic beauty of her shores, lakes and mountains, together with an invigorating climate, have attracted a steadily increasing number of health and pleasure seekers to her territory, and have been no inconsiderable factors in promoting and enlarging business activity. Her farms have increased in value, and almost all of her industries are flourishing and prosperous. Commerce has expanded, the currents of trade have quickened and grown stronger, banks and other financial institutions have multiplied

with profit and with safety, capital and labor have thrived together, and the wage-earner has not lacked opportunity to work or incentive to save.

The people of Maine have always been humane, public-spirited and generous. They early looked with pitying eye upon the helpless and unfortunate, and as early inaugurated methods for their support and relief. They saw that education was the foundation-stone of all progress and civilization, and began the upbuilding of a common school system whose natural sequence was the normal school, the library and the university. They knew that society required protection against the depredations of the criminal and evil minded, and they built prisons and jails. But these were not torture chambers, and better still, the wayward youth of both sexes were placed under a restraint—wholesome and implying no disgrace—that should incline their lives toward industry and sobriety. They realized that an inflamed public opinion might at some time threaten law and order, and they established a militia service that should make not only for the peace of the community, but that should aid the national government when the country was called to arms. They sought to protect and husband the natural resources of the State; to preserve its fish and game, to make public the most intelligent and efficient methods of forestry, to collect statistics relating to the progress of industrial development and labor, to check epidemics and to suggest ways of safeguarding the public health, to encourage and foster the pursuit of agriculture and kindred subjects, and to prevent contagion among cattle.

With the increase of wealth and the profitable expansion of business came the agitation and discussion of new questions affecting the economic welfare of the State. A commercial development was taking place that required far more capital than could be furnished by individual resources, and one that to successfully accomplish its purpose must ask and receive certain privileges that only the State can give. Corporations multiplied, and special and practically exclusive rights were granted by the legislature. To encourage this development along lines of safety, to protect the investor and not infringe upon the rights of the citizen, to aid the corporation and at the same time guard the physical and financial interests of the public, and all the while to secure for the State in taxes a fair and equitable compensation—all these were vexatious problems requiring for their satisfactory solution the utmost care and ability and the keenest sense of justice. Such corporations in particular as railroads, savings banks, trust and insurance companies deal with the public generally, and in order that their proper relation to the State might be defined and fully understood, a comprehensive system of laws

was adopted that should specify accurately the terms and conditions upon which they might enjoy certain rights and privileges.

While the State gradually assumed and exercised the functions here enumerated and many more, and did this in conformity to law, yet the passage of laws alone could not insure the transaction of this public business in a prompt and satisfactory manner. Executives and responsible heads were necessary, and so, contemporaneous in many instances with the laws themselves, and receiving authority under them, there came into existence the various official boards and commissions, whose duties, clearly defined and mandatory, consisted in managing these subordinate departments of the State's business and concerns. Inasmuch as every citizen has the right to know the business of the State, and it is assumed that he desires such knowledge, one of the most important essentials in conducting the affairs of these several departments is the element of publicity. It is the duty, therefore, of each official or official body charged with administration to make and submit to a higher legislative or executive authority, at stated and frequent periods, a full and complete report of all the business transacted during the interval of such periods. And with this there has grown, properly enough, the custom of embodying in these reports such recommendations bearing upon the future conduct and management of the business as in the judgment of those familiar with it may appear to be for the best interests of the State and for all concerned.

I believe that the officials to whom reference is here made have administered the affairs of their several departments with wisdom, economy and honesty, and that they possess a due sense of their responsibility to you and the public they serve.

Without pretending to have acquired a full and comprehensive knowledge of the State's many and diverse interests, I have examined and studied the reports in question, and with the heads of nearly all the departments have discussed in conference or correspondence the purposes and leading features of their work. As a rule they have displayed great care and conservatism in following the law, and tact and discretion in those instances where the law permitted the use of their own judgment.

The public acts of an official are properly subject to the most rigid scrutiny, and the official himself cannot hope or expect to escape criticism. My power as an executive will be used to aid and protect every official in his efforts to promote the interests of the State along the lines of his plain duty, and will be used as freely and firmly to check unwarrantable assumption or abuse of authority.

These reports are now before you or are at your command. Their contents supply information of value to every citizen.

They not only disclose the logical and practical results of past legislation, but they furnish figures and facts showing substantially all that is being accomplished in the sphere of the State's endeavor. While, for reasons already indicated, I do not purpose at this time to present their details or even summaries for your consideration, I earnestly urge you to read and study them, that you may gain the knowledge to act intelligently upon their conclusions, suggestions and recommendations.

I do not mean to advocate the appropriation of any money in excess of the amounts absolutely necessary for the reasonable maintenance and operation of the institutions now supported or aided by the State. The State has been generous always in its concern for them, and there is no likelihood of a different course being pursued now. Every sentiment of humanity, justice and well-being demands that those institutions be furnished with means sufficient to enable them to fulfil their legitimate purposes in a creditable and progressive manner. Due consideration also should be given to the constantly enlarging field of the State's charities, aids, and general public expenditures, and to the natural and proper desire of her citizens that work of this character should be commensurate to the public means.

Nor do I advocate at this time the appropriation of money for new institutions. It is a fact that many public-spirited men and women are considering the advisability of asking the State to provide institutions for the shelter, treatment, support and education of certain unfortunate ones, who, if afforded the opportunity to live even for a time under different conditions and surrounded by different influences, might be restored to health or might become useful members of society. There is much to be said in favor of these propositions, for they appeal alike to our sympathies and to our ideals of civic duty. But the time may not be altogether propitious for the inauguration and development of these plans. Their consummation must depend upon the ability of the State to provide the necessary financial support, and I am not prepared to say that the exigency is so urgent that the State should immediately respond.

While, therefore, it is to be assumed that you will examine the reports of the departments and institutions, and consistently provide for their needs and efficiency, yet so far as any unusual expenditure is concerned, either for those now in existence or for those in contemplation, I have preferred to refrain from making specific recommendations, but urge instead that this whole question be left for your consideration, and that your decision be made after you have heard each case discussed upon its merits, in accordance with the usual routine of legislation. There is no

end to the demands made upon the State treasury, but there is an end to the ability of the treasury to meet those demands without imposing excessive burdens upon the tax-payers. I am fully aware that in many cases involving public expenditure the State cannot afford to be unduly economical. There are too many pressing needs for that, and such a course would be too narrow and contrary to the spirit of progress and humanity. But there is a middle ground of true economy, not readily found nor easy to stand upon, but one which after all should be the goal and abiding place of financial legislation. I believe that the people of the State will not tolerate a lavish expenditure of public funds, and believe as fully that even our present splendid financial showing furnishes no sound reason to justify an expenditure of such character.

* If appropriations are excessive new sources of revenue must be found or a debt incurred. If the energies of a legislature or of tax assessors are to be directed constantly toward seeking new sources of revenue for the purpose of keeping pace with extravagant appropriations, a grave injustice may be done to property owners. The equalization of values for taxation is second in importance only to the revenue itself, and under the circumstances just named, the tendency will be to lose sight of the principle of equalization and to increase the taxes upon classes of property peculiarly open to attack. It is true that the present State tax of two and three-quarters mills is neither large nor burdensome. But it is equally true that if it can be reduced consistently such reduction should be effected. One argument against a reduction of the State tax seems to be that at some future time it might be necessary to restore the old rate or even increase it, and that the attempt to do this would prove to be embarrassing to a political party or to an administration. But this is more an excuse than a reason. It is to be assumed that if a reduction is made, it is because it is right and necessary to make it, and the same as to an increase. In either case the legislature would give the matter most careful consideration, and the people of the State would surely have full knowledge of the facts and motives governing legislative action, and would render their judgment accordingly. The question of changing the tax rate is purely a business one, dependent for its solution upon existing conditions, and if we are agreed upon this proposition it is simply a truism to say that the authority to effect the change is in your hands and yours alone. I am of the opinion that the revenues of the State have grown to that point where if prudence is observed, and yet not parsimony, you can safely reduce the present tax rate and at the same time cause no unjust or unreasonable lessening of public efficiency. I believe, too, that such

action on your part would meet with the prompt, cordial and very general approbation of the people of the State.

I recommend, therefore, that the State tax be reduced from two and three-quarters mills to two and one-quarter mills. The following figures are furnished by the treasurer of the State. They are presented in this brief and concise form to show the essential features of the financial condition of the State,—a most gratifying result of the financial policy pursued by the last administration,—and to indicate as well, the economic reasons upon which is based the recommendation for a reduced tax rate.

Cash balance on hand January 1, 1905, \$244,839.91; bonded debt, January 1, 1905, \$1,403,000.00; and in this place it should be stated that during the last two years, the bonded indebtedness has been reduced \$580,000.00. While since 1889 and prior to 1902, \$50,000 of the State bonds have matured each year, yet, under the provisions of act of 1903, authority was given to the treasurer, with the advice and consent of the Governor and Council, to purchase additional bonds, if such a course was deemed advisable, and all bond purchases during the past two years in excess of the \$70,000 maturing annually for the past three years have been made under this act.

The last State valuation upon which the tax rate of $2\frac{3}{4}$ mills was assessed was \$352,228,897.00, and yielded for two years a revenue of \$1,940,951.54. The present or new State valuation is \$366,514,014.00, showing a gain in valuation of \$14,285,117.00.

A tax rate of $2\frac{1}{4}$ mills on this new valuation will yield for two years a revenue of \$1,653,091.36.

The total receipts for the years 1903 and 1904, including \$228,186.94, the amount received from the United States government, were \$4,858,359.30.

The total expenditures for the years 1903 and 1904 were \$5,052,412.07.

The estimated regular receipts for 1905 are \$2,249,707.00; the estimated regular receipts for 1906 are \$2,116,000.00.

The estimated regular expenditures for 1905 are \$1,997,000.00; the estimated regular expenditures for 1906 are \$1,907,000.00.

Among the convictions held by our people which seem to be in entire accord with the theory and principles of self-government is the belief that every citizen is entitled to know the exact amount of the compensation received by State and county officials for the services they are called upon to perform, and that this knowledge should be obtained from open records. The law provides in many instances that those officials shall charge and collect fees in return for public acts and services rendered by them, and that all or part of the fees so collected shall be

retained by them as a payment for such services. This plan of compensation may have had some merit in the past, and there may be some cases where its continued use is justified now, but upon the whole it seems to be contrary to the spirit of our institutions and to the wishes of our people. The reasons for this are obvious. The official is a public servant, with no authority other than that derived directly or indirectly from the people, and all money coming into his possession by the exercise of such authority is in a sense public funds and properly subject to an accounting. His exact and regular compensation can never be determined if it depends upon the receipt of fees, and it often happens that he receives for his services annually a much larger sum than was contemplated when his office was created, and one far in excess of a proportionate or even liberal remuneration. It is not unlikely, too, that an unusual or unexpected diminution of fees might seriously and unfairly impair the income of an official who relied upon them to afford a reasonable salary. This question engaged the attention of the last legislature, and the two leading political parties in the State have publicly and formally declared themselves in opposition to the present method of paying certain State and county officials. I therefore recommend that the fee system, so-called, be abolished, and that in its place you establish by legislation a system providing for the payment of a fixed and adequate salary to all those persons who have been placed in office by the people or by the legislature, and who, in a public capacity, serve the State or counties.

In referring to the recent death of Ezra Curtis Stevens, late superintendent of public buildings, I am very sure that the many among you who knew him will recognize the propriety of using this occasion for the purpose of paying a brief but sincere tribute to his memory. Mr. Stevens was a most efficient State official. His term of service was long and in different capacities, but it was in the care and improvement of this building and these halls that he particularly exhibited his abilities as a competent, energetic and conscientious public servant. All who met him will recall his fine qualities of heart and mind, his gentleness and unflinching courtesy, and we whom a kind fortune made his friends will hold him always in grateful recollection.

It has not seemed to me necessary or expedient in this paper and at this time to present for your consideration "information of the condition of the State," except in most general terms. The reports submitted by the various departments, boards and commissions contain the complete and precise details of their operations and scope, and will undoubtedly receive your careful attention and thought. I have preferred instead to discuss somewhat in detail the questions of reducing the State tax and

abolishing the fee system, and to make definite recommendations for their treatment at your hands. There are other matters of moment and importance that will appeal to your solicitude and judgment for decision. When these become the subjects of legislative inquiry and action, and both necessity and propriety seem to require an expression of my views, I shall venture to declare them in accordance with the privilege granted by the constitution to the Governor of the State.

But I do not mean to close this address without speaking of a public question that lies very close to the heart and conscience of thousands of the men and women of this State, and one that should, and I believe does, appeal to every law-abiding citizen for a prompt and righteous settlement.

I refer to the existing prohibitory law, so-called, and to the condition of its practical non-enforcement in many of our cities and towns. I cannot hope to bring to its discussion new ideas, nor by the aid of unfamiliar arguments to throw new light upon the cause I believe it my duty to sustain, but I can and do avail myself of this opportunity to ask you to look at the fundamental truths and facts of this question, stripped of the covering that prejudice, partisanship and selfishness have inevitably and continuously laid upon them, and to decide as citizens and legislators where your duties lie in the treatment of the greatest issue that ever confronted the people of this State. This is an appeal not for legislation, but for the exercise of good citizenship; not for party advantage, but for public welfare.

Here is a law that was placed upon the statute books in obedience to the voters' commands. Its main object and purpose was to improve the condition of society by limiting the opportunities to gratify an appetite whose possession may be one of the frailties of human nature. Its most earnest advocates never believed that it would entirely eradicate the evils against which it was directed, but once a law, they had the right—and they have it still—to expect that its enforcement would be attempted by sworn officials with the same energy, persistency and honesty that generally characterize the action of such officials in enforcing other laws. Has this always been done? Every intelligent citizen knows that it has not, and that in this statement is contained the reasons for past and present difficulties and the suggestion for a remedy.

A wholesome respect for law is the natural heritage of the people of Maine. A very large majority of those who favor the maintenance and enforcement of the prohibitory law do so because they believe that in that law is provided the best method of repressing and correcting an undoubted evil. They are not wedded to it as such, alone, but advocate it simply because in

their judgment it is the best available means to accomplish a certain and necessary end. They form the element in our body-politic that placed the law on the statute books and kept it there. These people are not fanatics. They are law-abiding, reasonable and sincere, and would be the last to claim infallibility and the first to respond to a sound suggestion for civic progress. But above all they respect law and realize that in its general and ready observance lies the hope and promise of good government. Their position briefly stated is this: They believe first that the prohibitory law furnishes a practical method of lessening the sale and consequent use of intoxicating liquors, and second that inasmuch as that law is on our statute books it should be enforced with vigor, determination and uniformity. The moral strength of their position lies in the fact that they are contending not for the adoption of a law, but for the enforcement of one already in existence. As to the first declaration, there is an honest difference of opinion among our people; as to the second, there ought to be absolute unanimity.

The estimate in which the prohibitory law is held in certain parts of the State, and by many of our citizens, is working an incalculable injury to the forces that make for law and order. A disrespect and disregard for all law is being nurtured that if allowed to grow unchecked and unassailed will weaken and destroy the very foundations of good government.

In reply to these assertions it may be urged that all these conditions would be improved if the law could be repealed or even resubmitted to the people. But such an answer is based wholly upon conjecture, and there are sound political reasons against such a course. The question has come to be the most important one in the politics of the State, and the dominant party is committed to the maintenance and enforcement of this law. If party professions are entitled to confidence, and if the votes of a very considerable majority of our citizens—registered as I believe in large part upon this particular proposition—furnish any indication of their wishes, by what code of political ethics can the representatives of that party justify themselves in favoring now any policy other than that of maintaining and enforcing this law?

If the people of Maine ever abandon or materially change the prohibitory law, it will be done only after they have seen it enforced honestly and uniformly, in the same reasonable and persistent manner that other laws are enforced, and after they have become convinced that such enforcement has actually failed to accomplish the desired end. Enforcement may cause the law to be changed, but non-enforcement never.

This question has reached that stage of discussion and treatment where differences of opinion as to the wisdom of the law itself should be allowed to embarrass the situation no longer. This law must be enforced in order that all law may be vindicated, and to the performance of this duty every man, irrespective of party but united in the interests of good citizenship, may well direct his energy and influence. The task is not an easy one, and the practical difficulties that stand in the way of its accomplishment should be neither ignored nor underestimated; but an aroused and determined public sentiment standing for order and respect of law can force officials to do their duty, or failing in this, can fill their places with those who will.

In conclusion, gentlemen, permit me to express the hope that your services here will be satisfactory to yourselves and beneficial to the State, and to assure you of my earnest desire to co-operate with you to that end.