

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES
OF THE
SEVENTY-THIRD LEGISLATURE
OF THE
STATE OF MAINE
1907.

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GOVERNOR COBB'S ADDRESS.

Gentlemen of the Senate and House of Representatives:

Before presenting for your consideration certain facts bearing upon the condition of the State, and before making certain recommendations that may tend to change and possibly improve those conditions, I wish to thank the citizens of Maine whose suffrages permit me to hold this high office a second term, and to assure them that I shall not intentionally use its prerogatives or influence for any purpose other than to promote the welfare of all the people and to advance the interests of the entire State.

Under our form of government the Chief Executive of a State is properly expected to assist in making effective the policies adopted and declared by the party to which he owes his nomination and election. In doing this he is but carrying out the expressed wish of a majority of the voters, and to that extent is a partisan. But partisanship should end here, and that Executive is fortunate indeed who is able to strengthen his party by demonstrating to general satisfaction the wisdom of its principles, and at the same time so to conduct himself that he shall be in truth the servant of the people and mindful of the common good. Well-meant intentions are a poor excuse for inefficiency, and no one who willingly assumes a responsibility to the public should complain of that public's inevitable criticism. But I believe that no man ever accepted a public office without cherishing the sincere hope that when he laid it down, he might deserve and receive not only the commendation of his party, but also the respect and esteem of his fellow-citizens. It is in this temper, and animated by this hope I trust, that all of us enter the service of the State today.

Maine is more prosperous now than ever before in her history. Visible evidences of this are on every hand and commercial and industrial statistics prove it beyond a doubt. Agriculture and its kindred branches, the great industries dependent upon forests and water ways, the multitude of manufacturing enterprises, the smaller but not less important trade that responds so readily to the movements of the larger interests; all have shared in the unprecedented prosperity that has rested of late upon the entire

country, and all have contributed to the wealth and well-being of the State. The railroads are still developing new territory and furnishing additional facilities to the old, steamboats are enlarging and improving their service, and electric roads are reaching from the centres of population to quicken the life and resources of the smaller communities. The scenic charms of the State have not yet lost their power to allure, and both city and country have profited from the tides of travel that sweep over them in an ever-swelling volume. The uninterrupted growth of the deposits in the banks and savings institutions testify to the soundness and stability of general business conditions throughout the State, and the very marked increase in those deposits prove that the wage-earner, the fundamental factor in the creation and support of values, is enjoying and improving the opportunities which have been opened to his labor and his skill.

One of the industries, however, that has made Maine famous in the past is now languishing and that is shipbuilding. Our State is particularly well adapted to the successful prosecution of this business, and its decline and present deplorable condition must be attributed in great part to the failure of the National Government to adopt measures that will place this class of property in a position to compete for the ocean carrying trade of our own and other nations. Our Senators and Representatives in Washington have labored intelligently and persistently in its behalf, and it is most gratifying to know that their efforts, aided as they are by the friends of allied interests in New England and certain other States, have brought the Congress to give to the question such serious and practical consideration as to warrant a hope that the near future will bring relief to revive and restore this important branch of Maine's commercial activity.

A discussion of the merits and defects of any system of taxation adopted by a State, and the wholly necessary and justifiable efforts of the law-making Body to reconcile the various interests involved, opens a wide field for argument based on both fact and conjecture. By universal agreement taxes are a necessary burden, and the welfare of the State, municipality and individual, demands that taxes be equalized in order that every class of property shall bear its relative and proportionate share. But the acceptance of this theory does not materially lessen the practical difficulties of the problem, nor renders some property holders less susceptible to the desire to evade the payment of that proportionate share. Of one phase of this question we may be sure, and that is that there is a widespread feeling among the people of the State that certain classes of property are not paying now their just share of the taxes, and they look with confidence to this

Legislature to investigate the conditions, and if abuses exist to seize and apply the remedy. It is a mistake and wrong to call this feeling a partisan one. It is too general to warrant such a conclusion, and if the subject is approached in any spirit other than that of fairness and public duty the real purpose of the agitation is more likely to suffer defeat.

While then the present system and method of taxation of the property within the State is not altogether ideal and will undoubtedly meet with revision at your hands, there can be no question as to the care and skill exercised by the Board of State Assessors in determining values for taxation purposes under the existing laws. And no better or more eloquent statement can be made of the wealth of the State and the growth of that wealth than is furnished by the State Assessors in their report for the year just closed. From this report it will be seen that since 1904 the State valuation of Real Estate has increased \$15,878,461.00, Personal Estates \$4,617,100.00, Wild Lands \$7,422,699.00, and Growth on Public Lots \$245,726.00. In 1904 the total valuation was \$366,514,014.00, in 1906 it is \$394,732,990.00, a gain in two years of \$28,218,976.00. Under the local valuation placed on property in the cities, towns and plantations in the State, the average rate of taxation on \$1,000.00 was \$20.57 in 1904, \$21.03 in 1905 and \$20.87 in 1906.

The finances of the State are in excellent condition, as the following summary and comparison will show:

Cash balance on hand Jan. 1, 1907.....	597,971.02
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Bonded debt Jan. 1, 1907.....	\$1,093,000.00

Since 1901, \$70,000.00 of the State bonds have matured each year, but under the provisions of Chapter 6, Private and Special Laws of 1903, a part of this issue having been previously purchased, there was left to mature \$10,000.00 for the year 1905 and \$20,000.00 for the year 1906, which were redeemed at maturity, and under authority of the act above quoted, an additional purchase of \$280,000.00 was made, so that during the last two years the bonded indebtedness has been reduced \$310,000.00.

The last State valuation upon which a tax rate of $2\frac{1}{2}$ mills was assessed, was \$366,514,014.00, yielding, for the two years, together with the tax of one cent on each poll, a revenue of \$1,836,346.20.

The present valuation is \$394,732,990.00, showing an increase of \$28,218,976.00.

A tax rate of $2\frac{1}{2}$ mills levied on this new valuation, together with the poll tax, will yield for the two years, a revenue of \$1,977,474.06.

The total receipts for the years 1905 and 1906 were	\$5,292,368.73
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The total expenditures for the same years were	\$4,939,537.62
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The estimated ordinary receipts for 1907 are..	\$2,509,882.00
The estimated ordinary receipts for 1908 are..	\$2,550,000.00
The estimated ordinary expenditures for 1907 are	\$2,202,708.42
The estimated ordinary expenditures for 1908 are	\$2,120,000.00

It should be borne in mind while contemplating these figures and results, that the last Legislature reduced the rate of the State tax from two and three-quarters mills to two and one-half mills, and I may mention that at no time during the last two years has it been found necessary to make a temporary loan.

It will be noticed that the cash balance now on hand is unusually large. It was expected that before the close of the year 1906 an additional purchase of the State's bonds would be made amounting to not less than \$250,000.00, and thus show a reduction of the bonded indebtedness during the last two years of nearly \$600,000.00. Negotiations to this end were progressing satisfactorily when they were abruptly terminated by the death of one of the parties in interest. These negotiations, however, are about to be resumed, and I have every reason to believe that before the expiration of another month the bonds will be in the possession of the State.

I have been afforded the privilege to visit intimately all the institutions supported and managed by the State, and have visited many of the others in which the State has a vital although indirect interest. No one can become at all familiar with them without being tremendously impressed by the magnitude and character of the good work they are doing, or without wishing that the opportunities they so splendidly utilize might be further enlarged and sustained. They are a credit to the State and a tribute to every sentiment of humanity and progress cherished by her people. It would be better for the institutions and for all of us if our citizens generally would acquire a closer knowledge of their methods of administration and their accomplishments, for the pride and satisfaction such knowledge would surely bring would not only be a deserved appreciation of the devoted and unselfish services of the men and women charged with their direct control, but would remove forever all doubt as to the wisdom of their existence and the urgency of their needs.

The State's business transacted through and in its several Departments and Institutions has steadily increased. The rea-

sons for this are obvious. New legislation is constantly creating additional powers and responsibilities of a public nature, and the obligation to exercise them in a manner that shall be in accord with the spirit of the laws and the wishes of the people has entailed larger expenditures and more careful and detailed supervision. No better proof of this change and growth can be presented than is shown by a comparison of the reports issued by the Departments today, with those of twenty-five or even ten years ago. These later reports of the State's stewardship are now so elaborate and exhaustive that a further description and analysis of the scope and practical operation of the Departments is unnecessary here, and this occasion does not seem to require me to do more than to urge you to bestow upon them most careful thought and study. During the last two years I have endeavored to learn and know something of the State's affairs and to familiarize myself with the methods under which they are being conducted. In almost every instance the Departments are producing splendid results, and their management is characterized by intelligence and efficiency and a faithfulness to the best interests of the State. They must continue to improve, and it is no reflection upon any of them to respectfully call your attention to the fact that it is your duty and power to examine to the fullest extent their operations in order that you may supply deficiencies and remedy defects.

In addition to the money that will naturally be appropriated for the ordinary maintenance of Departments, Institutions and Commissions, and for the fulfillment of all other legal obligations, this Legislature will be asked to make special monetary provision for many new and important projects. All are desirable and some are absolutely necessary. Without assuming to determine the order of their importance, among the former may be classed an Institution for the feeble-minded, those unfortunates whose uncontrolled life and movements have been shown by science and experience to be a terrible menace to the social order and a constant economic burden to every family and community that shelters them. The blind, too, make strong claims for our pity and generosity, for they ask not for life-long charity but simply for the means to secure a special education in work that will enable them to become self-supporting members of society. The welfare of the insane will also appeal to your sympathy, and you cannot resist the demands that a recital of their needs will make upon you. The residents of the Eastern part of the State will urge an appropriation sufficient to more nearly complete the original plan and design of the Asylum at Bangor, and will present arguments in favor of this action based upon the deplorable and conceded fact that our facilities for the proper care and

treatment of these beneficiaries are still inadequate. About two years ago the praiseworthy efforts of Congressman Burleigh to secure the Arsenal property at Augusta as a gift from the National Government to the State were wholly successful, and under the intelligent direction of the Board of Trustees one of the large buildings there has been so remodeled and utilized that it has added greatly to the efficiency of the Augusta Asylum and to the well-being and comfort of its inmates. But much more remains to be done even at this Institution, and the advisability of fire-proofing another wing of the main building is a question that should not be overlooked.

Nor will the State's just claim for the further advancement and extension of educational facilities be slighted or ignored, for her common schools, normal schools, academies, colleges and university are all a public glory, and every dollar of a wise and liberal expenditure there but adds to the strength and dignity of her citizenship.

The following are some of the requirements of the State upon which in my judgment immediate action should be taken, and which I unreservedly recommend :

The office of State Auditor should be created. The present system of auditing the State's accounts by the Governor and Council is an archaic absurdity. It is cumbersome, uncertain and incorrect, and would not be tolerated an instant by any individual, firm or corporation doing business in accordance with approved and modern methods. It seems to have been permitted for two reasons; it is known to have been the custom nearly one hundred years ago, and since that time no authority has been granted to change it. It has long since outlived any usefulness it may have possessed, and each year its ridiculous features are more pronounced. The methods of bookkeeping, too, employed by some of the Departments are extremely loose, and this whole subject should be investigated and the defects remedied. Former Executives have made this same recommendation for a State Auditor, and it is to be assumed that failure to act upon it favorably is due to a belief on the part of the people that its endorsement would simply create another Department or office with additional and unnecessary expense. I am of the opinion, however, that the direct saving effected by a competent Auditor with power would far exceed his salary and the expenses attending the office.

The last Legislature created the office of State Highway Commissioner, thus recognizing fully the very great interest manifested in the movement for good roads throughout the State. It is no longer necessary to argue the advantages and opportunities that would accrue to Maine by a system of better roads, for

these are now admitted and conceded by all. Public opinion seems to warrant a most generous expenditure for this purpose, and the questions confronting you now are those of important detail alone. The amount of money to be spent, and how it shall be raised and apportioned by and between the State and the municipalities, the location of the work and how and by whom it shall be done, these are the phases of this subject that invite your attention at this time. In order to facilitate your labors along these lines, a Bill has been tentatively prepared by the Highway Commissioner embodying, it is believed, the best methods practiced in other States, and this Bill will be presented to you at an early date for consideration and discussion.

In October of last year there were in confinement at the State Prison at Thomaston twenty-five patients of the class known as the Criminal Insane. Of that number fifteen were serving unexpired terms of sentence, and ten were held by order of the Court after their sentence had expired. The prison is no place for these unfortunates. Their quarters and opportunities for exercise there are necessarily very limited and inadequate, proper facilities for their comfort are altogether lacking, and it is impossible for the prison officials to give the specific care that the individual cases require. They should be under the immediate observation and supervision of physicians and attendants skilled in the treatment of the insane. This view is shared by the Superintendent of the Asylum at Augusta who regularly visits the patients at Thomaston, the Warden of the Prison, the Trustees of the Insane Hospitals and the Inspectors of Prison and Jails. It is obvious that no provision should be made for the Criminal Insane in our present Asylums, for their presence there would be a distinct menace to the welfare of the other inmates. They should have separate accommodations and the best of care consistent with public safety. The Arsenal grounds at Augusta seem to offer the best solution of this problem, and if a suitable building were erected there not only would the cost of administration, maintenance and attendance be reduced to a minimum figure, but we would all feel that even the claims of these mental derelicts were no longer ignored by a humane and watchful State.

A fire occurred in the laundry of the Asylum for the Insane at Augusta last Fall which not only caused a severe pecuniary loss and much inconvenience, but demonstrated beyond a doubt that the water supply for the extinguishment of fire was altogether inadequate. It is of the utmost importance that the Asylums be fully protected against disasters of this nature, for the consequences of an uncontrolled conflagration there would be most appalling. The State should avail itself of every pos-

sible safeguard for the prevention of the loss of life and property in these Institutions, and prompt action should be taken to secure water in such quantity and of such power that all apprehension of danger from this source may be removed.

The business of the Departments having offices at the State House has expanded very materially in recent years, and it is apparent that very many of the rooms in this building are no longer commensurate with the demands made upon them. In these particular cases they have been put to uses other than those for which they were originally designed, are over-crowded and inconveniently arranged, and lack even the ordinary requisites of good light and air. While in my judgment it would be unwise to enlarge the State House, I believe that a proper regard for public convenience and efficiency should influence you to approve the erection or lease of an office building in this city for State purposes and thus relieve the congestion of which there is so much just complaint.

There are other public questions which, while not involving the expenditure of large sums of money, affect to a very marked degree the welfare of the State, and which should be discussed and settled by this Legislature if we are to continue to be progressive and mindful of the people's rights.

The belief in the soundness and efficacy of the principle of the initiative and referendum as a means to enable the citizens to express more directly and promptly their opinion of proposed legislation has become very general in Maine, and has been recognized in the platforms of both political parties. We may safely assume, therefore, that these declarations were made in good faith, and I heartily approve the adoption of a measure that shall give them a practical and binding effect. The friends of the principle have a very clear knowledge of its meaning and purposes, and will vigorously oppose any effort that may be made to grant form at the expense of substance.

I also advocate and recommend a revision of the statutes governing the method of balloting for elective offices at the polls. Every reasonable facility should be furnished the voter to exercise his right of suffrage in secret and without fear or favor, and his desire and privilege to register his preference for any individual nominee or candidate should not be hampered or defeated by the importunities of a party organization. Party organization is both proper and essential, but it should be the servant of the voter, not his master. And this principle if admitted to be a correct one, should be applied to the regulation of the proceedings at primaries, so that every safeguard thrown about the final action of the voter at the polls may be at his disposal during all the preliminaries attending the selection of candidates.

I especially urge you to change and improve the laws bearing upon the question of child labor in this State. Maine is lagging here and the children themselves are helpless. You must be their champions, and neither the thoughtlessness of parents nor the indifference of employers must be permitted to interfere with the performance of the State's manifest duty to provide, as best she may, for the moral, physical and educational welfare of these children to whom unfortunately so many of the pleasures and opportunities of childhood are denied.

The present manner of observing Fast Day contains so little of the sentiment and traditions of its early consecration, that it seems almost a mockery to publicly ask for its recognition and then see its original spirit so universally perverted and ignored. I believe that our people generally would not approve a lessened number of holidays, and that we have none too many legalized now and devoted by common consent to recreation and pleasure. But unless the name of this particular holiday be changed so that the expected manner of its observance shall bear some reasonable relation to its avowed purpose, I recommend that it be abolished.

Two years ago speaking in this place and under similar circumstances, I ventured the assertion that the public condition resulting from the nullification of the prohibitory law was the greatest issue confronting the people of Maine. The representatives of the people met that issue, recognized its importance and the Sturgis law was enacted, a measure designed for no purpose other than to correct or lessen the evils of nullification. Under its provisions the Enforcement Commission was appointed, and for about eighteen months Maine has witnessed the unusual spectacle of men clothed with legal authority but operating directly through Executive option and initiative, performing some of the functions of certain officials elected by popular vote, who either wilfully or lacking both courage and ability have neglected the duties imposed upon them by their oath of office. Probably no single piece of legislation placed on our Statute Books has ever caused so much general discussion or created such intense and bitter differences of opinion and dissensions as the Sturgis law. I cherish no illusions in regard to it. I know it is condemned by many as false in principle and contrary to the spirit of our institutions, expensive, inefficient, the outgrowth of political necessity and the last desperate attempt of fanaticism to check the swelling movement for a liberal and cosmopolitan treatment of the liquor problem. I know that a hostile sentiment hastens to censure not only the law itself but the men charged with its enforcement and their methods. Their failures are magnified and ridiculed, their successes overlooked or belittled, their sincerity of purpose and honesty of motive openly and often malic-

iously questioned, and the belief assiduously cultivated and encouraged that they are the known disturbers of the peace, the real enemies of order. But these arguments, criticisms and accusations are neither unanswerable nor unassailable. Many of them are palpably superficial and unfair, and the Sturgis law will stand or fall by a fair presentation of the facts and their rigorous analysis, not by the demands of a self-interested prejudice or the exigencies and hopes of any political party.

There will be placed before you at an early date by the Enforcement Commission a full and complete report of the operation of this law and a statement of all the expense attending it. Upon its publication it is to be expected that this whole question will be opened for debate by the members of this assembly and this debate will be welcomed by all. At the present time the Deputy Enforcement Commissioners are withdrawn from all the Counties. This course was simply an act of justice to the incoming sheriffs, and the insinuation that it was prompted by any other motive might have been withheld in all fairness until a later date. If it becomes apparent that the local officials intend to permit or resume a policy of non-enforcement and the services of the Deputy Commissioners are not again brought into requisition, there will then be ample opportunity for just and timely criticism.

The essential features of the Sturgis law are clear and its purposes obvious. I have yet to hear any sound argument in behalf of nullification of law, and but few men have had the temerity to openly advocate it. All will agree to the proposition that the local officials should enforce the prohibitory law in the first instance, but if they fail to do this and it is known that they have failed, the fact still stands that the law is nullified and needs vindication by some other means. When this question was before the last Legislature there were three ways by which the nullification of the prohibitory law could have been prevented; first, by dutiful action of the local officials; second, by the repeal of the prohibitory law itself involving resubmission and the adoption of some method of license to regulate the liquor traffic, and third, by the authorization and exercise of powers similar to those granted the Enforcement Commissioners under the Sturgis law. The local officials could not or would not act, prohibition continued to be the policy of the State and a trial of the Sturgis law was imperative. I am attempting to discuss the measure purely as a means to prevent nullification, and believe that a large majority of the law-abiding citizens of the State irrespective of party substantially agree that the law was necessary and that it has justified its existence. The day of open and easy nullification of the prohibitory law has passed in Maine. Public

sentiment and all the moral forces of the State have been aroused and arrayed against it and it will never return. With all the clamor against the expense of the Sturgis law, with all the outcry alleging political trickery, insincerity and cowardice on the part of its sponsors and its officials, I still hold to the opinion that the people of Maine believe that nullification is infinitely worse than any law which seeks to prevent it, and respectfully submit that it is incumbent upon every man who believes in the principle of law-enforcement as indispensable to the cause of good government and good citizenship, to support the Sturgis law or to propose and support some other measure which will advance that cause as well.

The attempt to secure a better enforcement of the prohibitory law by means of the Enforcement Commission has brought the resubmission question into such prominence that a failure to refer to it in this address would invite grave misunderstanding. The statement will stand unchallenged that speculation on the action this Legislature may take in dealing with resubmission is causing more comment and exciting more interest than any other topic of public moment in Maine. I enter upon a brief discussion of this question with reluctance, not because of the lack of convictions or an unwillingness to express them, but simply because of the doubt in my mind as to my ability to present some of its phases without violating the proprieties of an occasion upon which references to party politics are neither expected nor desired.

Every thoughtful and fair-minded student of political conditions in Maine must admit that there is a very strong sentiment in favor of the proposition to give the voters an opportunity to express at the polls their opinion of the present prohibitory law. While this sentiment may not be that of the majority now, it surely is held by a very large minority of our citizens, and the results of the September elections last year seem to furnish a complete justification of this conclusion. It is true that the temperance legislation on our Statute Books was placed there during the domination of one political party, and it is also true that nearly every person opposed to the prohibitory law and its enforcement favors resubmission. But it may be asserted with equal truth that a belief in the prohibitory law is not confined to the adherents of either of the two great parties and that the desire for resubmission is not confined to the enemies of that law. There are many men, earnest and sincere in their advocacy and support of temperance and enforced prohibition who believe those principles will be jeopardized by their resubmission to the people under the only method by which this can be accomplished at this time. To them the cause of prohibition is of far

greater importance than the success either of Republicanism or Democracy, and to promote and conserve that cause they organized and maintained the Prohibition party. But they cheerfully sacrificed their own organization in behalf of the greater principle, and allying themselves with another party because of its promise to enforce the prohibitory law and its opposition to resubmission, contributed largely to its success. These men feel that resubmission granted by this Legislature would be a distinct and unpardonable betrayal by the dominant party of many who worked for and helped to achieve its victory. They insist that resubmission in its proposed form is a blow to prohibition and an attack on temperance, and refuse to endorse the suggestion that the people are entitled to vote on an amendment to the Constitution when a very large number have unquestionably signified a desire to that effect.

It is extremely unfortunate for what I conceive to be the true cause of temperance that a resolution to resubmit the prohibitory amendment must be in form at least a practical condemnation by the Legislature of the present policy of prohibition, and not the authorization of a simple referendum to ascertain the people's views. Were it not for this fact and the probable effect that the mere passage of such a resolution would have upon the friends of the prohibitory movement everywhere, I believe there would be little or no opposition to the reasonable, plain and unencumbered proposition to place the original question before the voters again for their approval or rejection. If that particular and important objection could be removed and the question be referred to the people directly, solely on its merits and unhampered by the prejudice excited by premature and unnecessary legislative condemnation, the citizens of Maine would rally to reaffirm their belief in the prohibitory law, and the cause of temperance be infinitely strengthened and advanced. For if we accept the principle of the referendum we must recognize the fact that its fundamental strength lies in the right of an appeal to the people, and no good cause if fairly and properly presented, should hesitate to enter that Court or should fear its verdict.

I thank you, Gentlemen, for your courteous attention, and am sure that no more worthy desire can animate us than to perform our respective duties here faithfully and fearlessly for the best interests of the State we love so well.