

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SEVENTY-FOURTH LEGISLATURE

OF THE

STATE OF MAINE

1909

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GOVERNOR FERNALD'S ADDRESS

Gentlemen of the Seventy-fourth Legislature:

The oath of office taken here today in the presence of the people of Maine has become a solemn covenant binding them and me.

Behind us both, as a guide and a protection of that covenant, is the Constitution of Maine, which both the Legislative and the Executive departments of this Government have now sworn to observe and to cherish. Under the provisions of that Constitution, the powers of this Government were divided into three distinct departments, legislative, executive, and judicial, with the express declaration therein that no person belonging to one department shall exercise the powers belonging to either of the others. Against any usurpation of prerogative, against overstepping the dividing line between your duties and mine, I hereby give you the pledge of my solemn purpose thereto, and with the notification that I shall exact the same obligation **from you**. And also in order to emphasize the importance of this principle of good government, and further to define the duties and powers of the executive department under those sections which relate to a distribution of the same, may I call to your attention the apt expressions of a few of the earlier Chief Executives of our State upon this same important question, which seem to me to serve us so fitly both to counsel and to admonish that I beg you to hearken to them today as to the voice of wisdom from out the past.

Standing here sixty-eight years ago today Governor Kent, distinguished alike as a lawyer and an executive, said to both branches of the Legislature: "This provision for the distribution of powers between the distinct departments of the Government of Maine, and the definitions of the functions of the same would restrain me from attempting to dictate or direct the subjects or the course of Legislation, but the Constitution of Maine also makes it the duty of the Governor to give the Legislature information as to the condition of our State, and to recommend to its consideration such measures as he may judge expedient, and in fulfilling this direction I wish to be regarded as performing a duty strictly enjoined upon me by my guide and directory

in the discharge of my duty, and I ask and desire for my views no other weight of influence but such as they may be entitled to upon full and sober consideration. In my opinion, the great characteristic feature of our Government * * * * is to be found in this careful and jealous distribution of power and this solemn and decisive admonition to each department to keep strictly within its own limit and to beware of infringing upon or assuming the power rightfully belonging to another. With an undoubting assurance that the rights, powers and responsibilities conferred on the Executive will not upon your part be interfered with or assailed, I can assure you that it will be my pleasure, as it is my duty, to leave the Legislature and all other departments to the free, full and uninterrupted performance of the duties enjoined upon them."

Exactly fifty years ago, to a day, Governor Lot M. Morrill also stood in this place, and said: "The checks provided not only in the two distinct branches of the Legislature, but also in the participation of the Executive indicate with what jealous care these important functions have been guarded."

Governor Enoch Lincoln in 1827 referred to duties appropriate *exclusively* to his office, and Governor Hubbard went farther than this and even declared that "opinions formed and acted upon under the influence of party dictation or under that of affiliated societies, whether political, moral or fanatical are dangerous to our liberties and subversive of democratic principles." If these quotations from the fathers of our State serve to give us a clearer understanding of our respective line of duties, they have served my purpose. Starting out, therefore, with this understanding that you do your work and that I do mine, each in helpfulness to the other, let us consider what are the duties that press upon us, and the importance of our consecration to a high estimate of the same. I do not believe it is necessary for me to suggest that these duties are solemn and potential. You know, as well as I, that the consequences of vicious, hasty and ill-advised legislation may be a blight upon a state for years and years to come; while the fruits of wise and beneficent laws make states happier and better. I beg of you, however, to consider this phase of your duties seriously. If there be any man here who looks upon his oath of office taken before God and man, as of small account, let me beg him to revise his views. If any man there be who assumes his *first* duty to be to his political party and his *second* duty to his State, let me beg him to desist. This is not the proper field for an exploitation of party prejudices or of personal and political ambitions. The gravity of the duties here

imposed calls for a higher estimate of our service than this, and constitutes an appeal to the patriotism of every man, in such degree that he will ungrudgingly sink himself and his party, in a devotion to the service of the whole people.

I need not say that large issues confront us. Rarely has a Legislature faced a greater complexity of problems in both moral and economic fields of legislation than does yours. Your solution of some of them may determine the policy of the State for years to come and be the means of setting her face either towards progress or decline. It is not *much* legislation, but *wise* legislation that we need. A fearless regard for the rights of the people is required of each of us. The study of these problems demands our whole time and requires that our service be in the very spirit of the religion of our better natures. I believe, in all solemnity, as I doubt not you do, that the Lord has this Nation and this State in His holy keeping, and that He will lead us by His kindly light as He has led us until now. Reliance on Him, confidence in ourselves, determination to be swayed from what we believe to be right, neither by wealth nor by power nor by any influence or combination of influences that may be brought against us, will carry us through to such an embodiment of justice into law that we shall not fail to justify our service alike to our consciences and to our constituencies.

It is hardly necessary for me to say that our State has been very prosperous the past two years and that our finances are in excellent condition. Our total bonded indebtedness is but six hundred ninety-eight thousand dollars (\$698,000), no part of which will fall due during this administration. On December 31, 1908, there was \$568,534.44 cash in the treasury. We have paid three hundred ninety-five thousand dollars (\$395,000) on the bonded indebtedness in the past two years. All but two hundred sixty-eight thousand three hundred dollars (\$268,300) of our present bonded indebtedness is bearing interest at the rate of three per cent. and while none of our bonds mature before 1911, I would advise purchasing them from time to time as we can make the purchases on a reasonable basis. The present valuation is \$428,212,465.00, showing an increase of \$33,479,475.00 over that of 1906.

The total receipts for the years 1907-8 were	\$6,298,252.48
The total expenditures for the same years were	6,327,689.06
The estimated ordinary receipts for 1909 are	3,958,440.82
The estimated ordinary receipts for 1910 are	3,809,393.82
The estimated ordinary expenditures for 1909 are	3,856,343.29
The estimated ordinary expenditures for 1910 are	3,736,751.42

It should be remembered that while we have a large cash balance at this time much of this will be used in the next few months for current expenses, or before the State receives revenue from any available source. While it is a matter of gratifying pride that we are increasing rapidly in wealth, we should practice the same careful economy that has won approval of the citizens in the past. In using this term "practicing economy", I wish you to understand that I employ it in the broader sense which means to "deal liberally with all", to stint no institution or State function but to keep within the reasonable limits of our ability; to expend our money wisely; to see that we get a good return for our expenditures and to live so that we may pay our debts without placing heavier burdens upon the tax payers.

CONSERVATION OF OUR RESOURCES.

Since the Legislature of 1907 adjourned, the Supreme Court of Maine, in response to a request of the Maine Senate, has published an opinion affirming that the Legislature can regulate the cutting of logs on wild lands. This opinion was welcomed by the President of the United States as an important and informal declaration in favor of the public rights in public resources which ownership does not alienate. In the past two years history has been making along these lines, and the various Congresses for conservation and irrigation and the gatherings of Governors of States which have been held in 1908, have developed public thought along the lines of the welcome opinion of our Maine Supreme Court. I am persuaded that the waste of public equity, notably in our forests, makes it imperative that the present Legislature, should at least make a beginning in the direction of State forest reserves and State water storage. From year to year, the Nation has gone on, hit or miss, our rivers have shrunk, and our forests have been invaded so that, from one end of the country to the other, there is reasonable alarm. Exhaustion of natural resources, of water power and forests would be a grave disaster to corporations as well as to the people. Floods waste and destroy in the spring, and in midsummer, autumn and winter, we go dry. Unless we preserve the forests on our mountains and hillsides the soil will be carried by the heavy rains into the valleys and the mountain slopes be forever desolate. Thousands of acres in other countries now desert, were made such by waste and pillage of wild lands. To preserve and cultivate the forests at our river headwaters, seems to me to be our immediate duty.

Accordingly, I recommend that the Legislature authorize and create a State Water Supply commission, to devise plans for

the development of our water power, under ultimate State ownership and control, so far as is practicable. This is no new matter; since July 12, 1907, there has been such a law on the statute books of New York state, operating under expert direction. The Empire state a year ago owned 1,518,450 acres of public land, of which upwards of 95 per cent. was in the Adirondacks. In his message of January 1, 1908, the Governor of New York recommended that the state of New York extend its purchases, at the same time urging that any effort of private interests to invade the common rights of these lands should be defeated.

Under State direction, the time is at hand when we must replant forests, carelessly destroyed. The State can produce pine and spruce trees for a very small sum per thousand. A State Water Supply commission naturally would co-operate with the Forest and Game Commission to establish nurseries of forest trees.

The work which I commend and which is justified in the state of New York, should be given to men who have expert knowledge of the subject. Skilled engineers, members of such State Water Supply commission, should supply exact information regarding water powers undeveloped and should equip us with information and advice promotive of public rights in harmony with vested rights. The interest of existing corporations and the people are in harmony when properly understood. I agree with the Governor of New York that "no grant should be made of water power privileges without compensation, nor without restriction that will properly protect the rights of the public from whom the privileges are derived."

It is noted that the science of forestry is now invoked in seventy per cent. of the forests yet remaining in the hands of the Nation and of states, while in but one per cent. of forests owned by corporations forestry has been invoked. The excellent record of public forests as distinguished from corporate forests is due to the fact that forestry in public lands has been conducted by experts devoted to scientific forestry. The opinion of the Supreme Court, enforces the rights of the people to regulate the cutting of logs as against destruction of forests and I call to your attention the power thus vested in you, to be used judiciously for the preservation of your rights and those of your posterity.

OUR STATE INSTITUTIONS.

I have visited nearly all the State Institutions within the past few months. I find their condition to be satisfactory, and their management a general credit to the State and to the officials.

Under the provisions of what is known as the State Care Act, which becomes operative in 1910, all of the insane of the State who are now supported in large measure by municipalities are to be supported by the State, expense for the same to be paid from the State treasury. About three hundred people will thus become wards of the State under this Act, and this Legislature must make provision for their support. To meet the requirements, I suggest that one more wing with a capacity to care for one hundred and fifty patients, be added to the Eastern Maine Insane Hospital at Bangor. This will balance up this institution in all its departments, and complete it in accordance with its original design, both as to architecture and to capacity. This, it seems to me, will meet the State's requirements for the coming two years. Any subsequent addition to the insane hospitals in Maine should be, for the present, I believe, on what is known as the "cottage plan." Under this plan buildings of less expensive material can be constructed, in which harmless patients can be cared for in such a way as to relieve the State of the enormous initial expense entailed in their care. Under present conditions, bills for the support of insane patients are usually rendered to the town, a few private patients paying directly to the hospital. A large amount required for the maintenance of the insane, is collected from the estates or the families thereof. When this new law goes into effect there will be no available way of continuing these collections according to the present method, and some other method must be devised by you.

Such institutions as the Naval and Military Orphan Asylum at Bath, the Maine Industrial School for Girls at Hallowell, the School for the Deaf, and the School for the Blind at Portland, and the State School for Boys at South Portland, are excellent examples of well directed public philanthropy, and merit the outlay of money required from the State for their proper support. Some of these will require larger appropriations this year, both for running expenses and for needed improvements. The State School for Boys at South Portland has undergone an entire change the past ten years, and when the new stable is completed, for which an appropriation will be asked at this session of the Legislature, here is one institution, at least, that will be absolutely complete, and for which I can conceive of no further requirement in the near future.

In connection with our philanthropic work in Maine, I wish to call your attention to the Maine Sanatorium at Hebron for the treatment of tuberculosis of the lungs. Today, this Sanatorium, which is largely endowed by private philanthropy, is obliged to

turn away many patients for lack of room. The results obtained there are surpassed in point of recovery by no other institution in the country. I recommend the merits of this institution to your consideration in the way of appropriation and with it, also, a consideration of the grave issues of tuberculosis as a matter of general legislation. It may be that it rests with us, in this generation, to stamp out this disease before it is too late. I have no hesitancy in calling this subject and the Maine Sanatorium at Hebron to your attention and to urge upon you a consideration of the same.

So far as a cursory examination of the condition of the Maine State Prison can go, I find evidences of good management and a spirit of co-operation and harmony among its officials. A bill will doubtless be presented to you providing for the retirement on half pay of all wardens and inspectors who have actually served twenty-five years or more as such. I heartily endorse such a bill. You will also have for your consideration a proposal for the building of a fire-proof carriage shop, harness shop and repository at an expense not to exceed \$15,000. There is no question of the great need for such a building.

SOME SUGGESTED LEGISLATION.

May I suggest for your consideration the advisability of some legislation looking to public aid for manual and technical training schools? A proposition to meet the expenditure by towns and cities for these purposes by an equal appropriation from the State within certain limits, is akin to laws in other states where technical training schools are proving a blessing to the individual and a spur to the growth of industry.

Recent developments in regard to impurity of milk offered for sale in some of our communities and the presence of bovine tuberculosis among dairy herds, suggest faulty construction of our milk inspection laws so far as provisions for the enforcement of the same by local inspectors is concerned. I suggest to you the need of legislation looking toward the State inspection of milk. The expense, thus entailed upon the State, would be lifted from the communities, but even if the expense were not thus relieved, the lives of little children and the safety of the whole people are not to be imperiled by false economy. The present laws are notoriously inefficient. In many cities they operate practically to create sinecures for political workers with not even a pretense at the inspection of the watered and doctored decoctions that pass for milk.

The competitive system which has already been established by the State in certain lines should be extended into other contracts entered into by the State.

Much of the Legislative advertising of hearings before committees of the Legislature is waste. Your co-operation is desired toward a reform in this direction. It is obviously extravagant to advertise hearings upon local issues in newspapers which do not circulate in the locality interested therein. The expense of advertising a hearing, for private legislation, should be borne by the interested parties.

I suggest to your consideration a reform in our corporation laws. While it is true that the State is receiving large revenue from this source, it is also true that, in a considerable measure, it is the price of prostitution. Much of the scandal connected with corporations is made possible by such loose corporation laws as we have in Maine. I hope you will take steps to remodel them, along evident lines of reform, thus restoring to Maine her self respect.

The laws governing the Board of Cattle Commissioners need some changes, as there are several inconsistencies which should be remedied. The Board of Cattle Commissioners has been active in its work and in sections where the testing for bovine tuberculosis has been going on for the past three years, the percentage of diseased cattle has dropped from six per cent. to two per cent. A report of this commission will be before you, and you will have to consider the question of its finances, as well as of the other questions suggested.

Some reform is necessary in our caucus law. The platforms of our political parties are pledged to it and the evils of our present lack of system are apparent to every voter. Either a system of primary elections or a law that would provide for the holding of all caucuses the same day, to be fixed by statute law, or such other method as seems wise and judicious to you, are within the scope of my suggestion. The questions involved in this legislation are of great importance to the purity of the ballot and to the safety of the State. I urge you to work in harmony to enact a law which shall meet the requirements of this State. I consider that there is no issue of greater moment than a purification of our present loose and irregular methods of procedure in caucus. We have the benefit of the experience of thirty-two states which have enacted primary election laws. We ought to be able to profit by their wisdom. Such a law, I believe, would tend to elevate the right of suffrage in Maine.

I heartily endorse a measure shortening the hours of labor for women and children in our factories. Upon this question both of

the leading political parties in Maine are united. Such legislation is humane and progressive in its tendency, and the law proposed, which limits the legal measure of the hours of work for women and children in our factories to fifty-eight hours a week is on a level with those adopted by every other state in New England.

I suggest to you also the consideration of legislation leading to a change of the date of holding our State elections to November, so as to conform with customs of other states of the Union, and to bring our election in Presidential years on the same day as that of the election of Presidential electors. It is a waste of time and money to hold two elections where one can serve as well.

I hardly need call to your attention the crowded condition of public departments and the lack of adequate committee rooms in this State House for it is evident to you all. Several departments have been added within the past few years, the housing of which greatly overcrowds the building. Understanding fully as you do that a limit must be set upon our expenditures in any given year, you must, nevertheless, note the serious situation that confronts us. Valuable documents are stored here in hazard of fire. You have inadequate quarters for your committee work. There is every indication that the demand for room will increase greatly within the next two years. If new departments are created the question of where to house them becomes practically unanswerable. Various expedients have been suggested, such as the erection of an office building or an extension to the State House. I suggest an early consideration of this by the committee on Public Buildings.

Several conferences have been held recently between the Governors and Governors-elect of the New England states, the chief purposes of which have been to promote, so far as possible, legislation along lines which the New England states have in common. I have been privileged to attend some of these sessions, and it has occurred to me to suggest to you several topics which have been generally agreed upon as worthy of special attention in order that, so far as possible, we may fulfill our part of the general plan to do all that is possible to increase the prestige of New England and to benefit the individual states. In this connection, I wish to call to your attention five recommendations relative to our common schools and high schools in Maine, which are particularly essential, it seems to me, to this State, if it is to keep in line with the rest of New England in educational matters.

First: The requirements of a State certification of teachers with a view to secure better qualifications from the teachers and higher salaries for the teachers. The average salary in the schools of Maine is lower than any other northern state, and few southern states have a lower average. The result, of course, is a constant drain of our teaching force to other lines of work and to other states. So great is this drain upon us that even our Normal schools, supported largely by the State, fail fully to serve us in the supply of teachers because a large percentage of their graduates leave soon after graduation for more remunerative fields of labor. Money spent for the common school brings highest possible returns in good citizenship. The school house is the poorest place conceivable for the display of parsimony. The teacher is peculiarly worthy of his hire, and I believe that if we are to maintain the standard of our schools on the basis of other New England states, we must pay salaries which shall be proportional to the salaries paid by them, based upon the cost and standards of living in those States. I have no special suggestion as to definite legislation covering this point, but it has occurred to me that if the State take cognizance of the conditions and so proceed as to assist in raising the standard of the teacher in Maine by proper certification on the standards of teachers in other states, the remuneration will follow. I believe that, today, we have as fine a teaching force in Maine as can be found in any other state in the Union, but it is an unquestioned fact that every year the difficulty of retaining our best teachers is greater than before.

Second: I would be glad to see an increase in the minimum required school year.

Third: It has been suggested that a change be made in the free high school law permitting the approval of a standard high school course of study for one, two, three or four years, in place of the arbitrary course of four years now required.

Fourth: I strongly urge upon you some form of legislation to encourage medical inspection in our public schools.

Fifth: I suggest the fixing of a minimum of standard school house construction and equipment in accordance with views of advanced education,—these standards to meet both educational and sanitary requirements.

Other New England states are building state roads on a general plan for the development of New England, and I believe it will be necessary for Maine to set about the construction of thoroughfares crossing the State from border to border. A passage of uniform laws regarding the license and control of automobiles, uniformity in insurance laws and the preservation

and propagation of shell fish are also subjects of common interest to New England. The preservation of shell fish is of more than ordinary importance as a legislative question at this time, because it is being so seriously agitated in other New England states, where they note the rapid depletion of the shell fish beds through unscientific treatment. Massachusetts proposes to lease the unproductive tide water lands to private parties for the cultivation of shell fish, especially clams and quahaugs. The chairman of the Massachusetts Fish and Game Commission estimates the prospective value of the clam industry alone in that state to be from \$6,000,000 to \$7,000,000 annually, in place of the present income of about \$700,000. Maine's interest in a similar industry may easily surpass that of Massachusetts, if we take steps to prevent further extermination of our beds and to cultivate them in places where they have already disappeared. I am aware that the State has taken cognizance of this situation in previous Legislatures, but much remains to be done, especially in the determination of some law by which this valuable industry may be safeguarded and fostered.

Whether additional legislation is required or is possible touching riparian rights, I leave to your Honorable Body, but I recommend an inquiry into this subject. There is a provision in some of our states that no municipal or public corporation or public board or other interest engaged in supplying any village or city with water, should acquire lands for additional sources of water supply save the State authority approves. Whether the beds of our rivers and the shores thereof can be alienated in such a way as to prevent competition in the storage of ice, and in other uses regarded to be for the public well-being, seems to me to be a proper subject for investigation.

I shall transmit to you later the proposition of a citizen of Maine to give to the State of Maine to be its property forever, one thousand dollars, on condition that in consideration of said gift the State shall, once in eighteen years offer five prizes for the five lots of young forest growth, the same to be awarded by the State forestry commissioner, subject to the approval of the Governor on January 21, 1927, and once in eighteen years thereafter forever, in accordance with certain rules laid down by the donor, said forestry prizes to be known by the name of the donor. The details of the proposition will be submitted to you in connection with the offer. Inasmuch as the gift entails the obligation upon the State for all time to give a similar prize once in eighteen years by State appropriation, the matter properly comes before you for your consideration.

I desire also to call to your attention the matter of pollution of rivers and lakes, which are now or may become sources of supply for domestic purposes, and to the determination of the powers of the State board of health under all circumstances where public health is menaced. The evils arising from the discharge of raw sewage into streams and lakes are enormous. It is pointed out that sanitary science prescribes definite and effective methods of sewage disposal. When you consider the fearful mortality from this source throughout the country, which in 1900 was estimated by the census to be over thirty-five thousand lives, it is plain that there is a material waste as well as a disregard of human life in present crude methods observed in the disposal of sewage.

Protection of our forests from fire will require your attention in some measure at this session and it is suggested first of all that the Governor be empowered to extend close season in years of extreme drought, such as we have just passed through. Other and possibly better methods than this will be presented to you, I trust, and I hope every possible means will be taken by you to afford precautions that will diminish the dangers from this source.

THE REPORT OF THE TAX COMMISSION AND A PROSPECTIVE TAX SYSTEM.

In view of the impending consideration by you of the report filed with the Governor and Council by a taxation commission appointed by Governor Cobb, in accordance with the provisions of Chapter 108, Public Laws of Maine of 1907, I shall not discuss in detail those issues of taxation which otherwise would have had a place herein. I refrain from this discussion because the commission has placed before you, as the law-making branch of the Government, for your determination, such questions as the larger taxation of certain public service corporations, a more equitable taxation of the wild lands, and the creation of a public utilities commission—questions that, whatever may be our personal views, must now be met. Through the tax commissioners' report these subjects are explicitly before you. You do not need to be told how grave are to be the ultimate conclusions thereof, or how diverse and complex are the problems they present. Certainly, I have no desire to add to their complexity through the imposition of personal opinions, which might be construed to carry with them the weight of official approval or disapproval, in advance of your own candid deliber-

ations. Later, I shall not hesitate to address you on any of these issues if, in my judgment, it seems to me that the demands of justice and equity are not attained.

On the general proposition of the formulation of the tax system I will, however, enter an appeal that you make it, as far as possible, complete and durable. Let it be a system, not a subterfuge; let it follow a policy, not a pretense. To my mind that system is best which is inclusive of all interests in fair measure, and easy of modification so as to meet the needs of succeeding generations without tearing down the whole structure. The time is ripe for the development of a fixed policy and the determination of how to enforce it. To depend exclusively on one source of revenue, is not wise. There is an ethical, as well as an economical side to this question; for you must not lose sight of the fact that a tax system that is broadly inclusive of every interest in the State is thereby also broadly inclusive of a watchful care by those interests to see that the funds thus taken by the State are properly expended.

I am aware that it is frequently urged that revenue is the sole consideration, but, permit me to say, that in my opinion where the money from taxes flows in a golden stream into a state treasury from sources seemingly apart from the people, extravagance and corruption may ensue in the administration of public affairs. Easy money begets easy morals. And, in the final analysis, the people always pay the bills. It is better, therefore, in my opinion to have every community pay its share of the State taxes in some form of direct levy, that a responsibility may rest upon the State to make a proper showing of how the same was expended, and that every citizen may keep his eye upon the State. I believe that this is a wise course, for it is more and more the disposition and the duty of the modern state to take over to systematic control those public functions hitherto relegated to towns and cities in the building and care of public highways and bridges, the care of the poor and the insane, and the aid to public and quasi-public philanthropies which never will attain their proper usefulness until they become the care and consideration of the whole people of the State.

While I speak thus for a system which shall be inclusive, I heartily approve of the general suggestion of the tax commission's report for relief from excessive taxes on real estate and tangible property in general, and the placing of a larger proportionate share on property reached by special taxation. In Maine, we have relied too much on direct property tax. The burdens have been inequitable. I think it is generally agreed that some of our public service corporations and the largely appre-

ciated values in wild lands should pay a larger relative tax than hitherto, and I hope that the Legislature will meet no serious opposition in the determination of a fairer levy upon the same. The method by which this is to be done is for you to determine. I hope it may be simple, as far removed as possible from manipulations by interested parties, equitable and feasible. The method in Maine long has been to tax railroads on gross receipts; I have always believed in this method as scientific, practical, and especially easy of application, since it is absolutely under the control of the Legislature. By means of it we show a greatly increased revenue from public service corporations in the past six years, and without the addition of extra machinery, we have it in our power to secure additional revenue. You will have before you, a statement of the varying plans for the taxation of railroads and other public service corporations. I commend to you a study of the same.

The direct inheritance tax, the taxation of savings banks deposits in National banks, the graduated automobile tax, an annual tax on foreign corporations doing business in Maine, a license fee on foreign corporations, new laws governing the taxation of steamboats and an original suggestion for the apportionment of State tax wholly on land values, thereby more nearly equalizing the burdens upon land in unincorporated and in incorporated towns—all these are proposed by this report and will come to you presumably from the Legislature as matters for your determination. May I ask every member of this Legislature, carefully to read the report of the tax commission, or should I not rather assume that every member of these deliberative bodies here assembled has already read it? You owe it to the State, at least, to appreciate the gravity of some of its suggestions, before you enter upon the consideration of these subjects, some of them implying a radical departure from the customs and policies of nearly a century. Let every personal consideration be set aside in your deliberations. Let public good over-balance private greed. Let us do nothing in haste that we shall have to repent at leisure, but let us not be afraid to go ahead. While the best of tax systems is bound to be faulty, that system is absolutely vicious and unspeakably evil that is fashioned in favoritism or conceived in a spirit of reprisal. The current questions of taxation can never be settled right, even for this generation, until they dispense justice to every man, rich or poor, and so far as possible dispose the burdens of public tax in just proportion to every interest, great or small.

TEMPERANCE AND PROHIBITION.

And now, as we draw near the close, permit me to say a word concerning the laws prohibiting the sale of intoxicating beverages and their enforcement. In the first place, I urge upon you the thought with which I opened this address, namely, that the burden is upon you and not upon me, to formulate legislation. I am glad to fulfill my duties which are to suggest, admonish, or inform, so far as I am able, but if you look to me for new devices or expedients I have none to offer. Your duty and mine are fixed by the Constitution—mine to execute, yours to legislate, but I shall not hesitate to exercise every constitutional obligation and privilege belonging to my office, to redeem the solemn pledges that we have made for enforcement.

Today, we have prohibition in the Constitution, State enforcement in the statutes, and resubmission in the limbos. If you will be content to let them remain there, with such legislation as you may devise to simplify their operations and equalize their burdens and responsibilities, and will turn your attention to graver things, such as the conservation of the great natural resources of the State, the determination of the pressing issues of taxation; to legislation in keeping with the National spirit of moral and economic reform, you will pursue the wiser course.

Here I would leave the discussion, were it not for the fact that a fourth element enters into the situation, a spirit of so-called nullification, which rises like a menace or stalks behind like an evil thing in the night. I believe that neither you as legislators, nor I as executive, will be doing our duty, if we fail to oppose every step that tends to promote it. The people have not chosen us in the full understanding of those issues to come here and hoodwink the law or stultify ourselves. It is not my purpose to threaten or to cajole. I shall not declare here and now what I shall do in this juncture or in that, but I do say, that whatever you do in regard to temperance legislation, you must not legislate State enforcement out of the Statutes. The issue rests with you, but I repeat what I have said, that if I see in the deliberations of this Legislature a need of further and more explicit declarations from me, I shall not hesitate to make them and in such time and place as I think will be the most emphatic and will do the most good for public welfare. I believe the prohibitory law to be wise, judicious and salutary. I should consider it a disaster to the general cause of public morals throughout the land should they pass away from Maine.

During the year just passed, we have adopted the initiative and referendum by the vote of the people. This secures to the

voter a power which as yet he hardly appreciates, and which yet has to be tested. Under this, there can be small complaint at inability, either to sound public sentiment or to participate in general legislation.

And now, gentlemen, members of the seventy-fourth Maine Legislature, in your care these issues are placed. I proffer them not in a spirit of self assertion, but as issues which I believe demand your attention, if Maine is to keep up in the procession of her neighboring states. The people will forgive honest mistakes, but they never can and never should forgive wilful misrule. I do not stickle for methods. I but plead for measures, deep-laid in justice and in right. I do not ask you to follow absolutely in *my* way, but I ask you to follow in *some* way that leads into avenues of progress and reform. I do not ask you to do violence to your party or your affiliations, but I do ask you to remember that higher than you or your party or your friendships, is your duty to the State and, in the fear of God and in respect of that duty, must you bear ever in mind when you cast your vote that you legislate great consequences into being, potent for good or ill, to Maine.

God has given great blessings to our State. He has made her, as we believe, fairer and richer than her sisters. He has lifted her hills, and cupped the harbors and the bays between the rugged barriers to the restless seas. Our natural beauties, the inestimable wealth of our forests and our water powers, our incomparable climate, the purity of our rivers, the intellectual and moral strength of our people—these also, are our heritage, and these must be kept intact for our children's children. I doubt the sincerity of purpose of no man or interest, but self seeking frequently clothes itself in a garb that bears the name of progress,—forgetting the claims of the future in its desire for the reward of the present. Be cautious and on your guard; remember that we are servants, not rulers, and that the talents committed to our keeping for a time must be husbanded against that day when our Master, who is the People, shall call upon us for an accounting.