

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SEVENTY-SIXTH LEGISLATURE

OF THE

STATE OF MAINE

1913

Including Acts and Resolves of the Special Session held
in 1912.

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

AUGUSTA
KENNEBEC JOURNAL PRINT
1913

GOVERNOR PLAISTED'S ADDRESS

Members of the 75th Legislature of Maine:

The work of the last session of this Legislature was indeed great in accomplishment and it has been found necessary for you to re-assemble, not on account of any act of omission or commission on your part but because problems which were not and could not have been presented to you a year ago, press for prompt and intelligent solution.

I desire, first of all, to congratulate you on the work which you have already done. No one can look over the record of your labors, spread upon the statute books of our State, without being impressed with your fidelity, zeal and watchful interest in the public welfare. The self-denial which you practised in the matter of appropriations authorizing the expenditure of the people's money has made it possible for the present administration to reduce the public debt almost a million dollars in fourteen months, a record unprecedented in the history of our State.

That alone would be sufficient credit to one Legislature. But you did more. You placed Maine in the first rank of sanely progressive states. You put the seal of your approval on the proposition to elect United States Senators by vote of the people and added Maine to the list of states favoring a national income tax as a means of procuring public revenue. You enacted a Direct Primary law, now superseded by the more comprehensive law adopted by the voters last September. You passed a corrupt practice act, the good effects of which have already been apparent. You paved the way toward equalizing the burdens of taxation by wisely amending our existing tax laws. You did much more of benefit to all of us whose lives are to be spent within this splendid state of ours and whose hopes are centered upon her future growth and prosperity.

Among the subjects to which I called your attention in my inaugural address was that of the advisability of imposing upon automobiles a sufficient tax to create a substantial state highway fund. The law which you passed on that subject is prov-

ing a remarkable success. It will yield this year at least \$100,000 in net revenue and with the development of the automobile business is likely to yield double that amount annually, within a few years. We did not anticipate such a splendid result from that law. The accomplished fact, however, speaks for itself and suggests an opportunity to do what the State has long wanted to do but has been prevented from doing by reason of lack of funds, namely, the entering upon State road building on a large scale.

Good roads are to the farmer, the merchant, the manufacturer and the traveler, as important, in a local sense, as are railroads and steamship lines in a wider sense. Local prosperity depends as much upon the one as does world-wide prosperity upon the other.

We have 25,000 miles of roads in Maine. We spend annually about \$1,500,000 in building new roads and in maintaining old ones. We do not obtain nearly the results we should by that expenditure, principally for two reasons: first, we do not spend enough of the money in one place at one time, and, second, we do not spend it under proper supervision. In the course of twenty years it costs more to patch up poor roads and keep them barely passable than it would to build good roads the first year and maintain them during the entire period. But poverty always compels extravagance and many towns that can raise \$1,000 a year for 20 years cannot raise \$10,000 all at one time to do work which would last 20 years, although the adoption of the latter course would mean a large saving of money.

The State of Maine has for the past eight years been aiding the towns in road building. We are now appropriating \$250,000 annually for that purpose. That is well but it is not enough. The tax on automobiles furnishes us the means with which to take hold of this work in earnest.

If the State should issue \$2,000,000 of 4 per cent bonds, falling due serially during a period of 30 years, and set aside so much of the proceeds of the automobile tax as is necessary to meet the principal and interest of the loan, a substantial fund for road building would be at once available, good roads would become an immediate reality, and no property owner in Maine would find his taxes increased a single cent by reason of the act.

The only obstacle in the way of entering at once upon this undertaking is the clause in our constitution which prohibits the issuing of State bonds excepting for one specific purpose. I therefore recommend that you submit to the people, to be voted upon next September, an amendment to that section of

the constitution which shall permit the carrying out of the plan herein outlined.

At the time of your adjournment last year Congress had not determined the number of Representatives to which Maine was entitled, hence it was not possible for you to pass a congressional apportionment bill at the regular session, as would ordinarily have been done. It is your duty to pass such a bill at the present session and in framing it you will necessarily have in mind this provision of the national law: "Congressional districts are to be contiguous in territory and as nearly equal in population as practicable."

The State of Maine has four Congressional districts. One-fourth of our population is, in round numbers, 188,000. The first and second districts, at present, contain approximately 362,000 people, about evenly divided between the two districts, while the third district has a population of 158,000 and the fourth of 222,000. In any reasonable plan of re-apportionment the great inequality between the two eastern districts should be taken into account. In view of the fact that the fourth district embraces the portion of the State which is growing most rapidly this inequality is likely to increase rather than diminish.

A revision of the laws relating to the carrying on of elections, the making and tabulating of returns and the correction of errors made by election officers, will be presented to you as a basis for action. This is a matter of the greatest importance. It required a close election to call sharply to public attention the weakness of the machinery which our law-makers had constructed for the purpose of ascertaining and recording the will of the people as manifested at the polls. As our laws now stand, the popular will may readily be defeated by technicality, ignorance, carelessness or fraud. A fair ballot, an honest count, and a true return, is the desire of honest men of all parties and while it may be impossible to always secure these by legislation we should go as far in that line as human ingenuity will permit.

You attempted last year to settle a problem which has disturbed Maine for more than half a century when you submitted to the people an amendment to the Constitution which took from that instrument the section relating to the prohibitory law. The people rejected the amendment, although by a majority so small and by a vote so peculiarly divided as to leave the question still unsettled.

In the 20 cities of Maine a majority of more than 12,000 recorded itself as opposed to constitutional prohibition. That majority was barely overcome in the 500 towns. The issue was so presented through the press and from the platform that the great mass of the voters did not cast their ballots on the actual question before them but really voted on the proposition of license or no license as applied to the particular towns in which they lived. It is no reflection upon the intelligence of the voters to say this. They were confronted daily with the query, "Do you want rum sold in your town?" Cool argument and calm reasoning were displaced, in great measure, in such discussion of the subject as was had, by appeals to prejudice, by abuse and misrepresentations. The real issue was hidden behind a mass of false issues. Questions were heatedly debated in the negative on which no sane man ever had presented or ever could present an affirmative. It is not strange that the people were misled.

The ballot box is the court of last resort and the decision of that court is worthy of all respect. No one who analyzes the vote of last September can fail to learn a lesson from it. The result showed that the smaller towns and the agricultural sections of the state desire to continue prohibition in the Constitution. They are satisfied with the working of the law in their communities and they have the undoubted right to retain it.

I know of no safe principle upon which government can be administered excepting that of permitting the people to govern themselves. The majority of the people of Maine who live outside of our cities have declared for prohibition and I would deem myself unworthy of citizenship if I did not respect their wishes and assist them in retaining the law. On the other hand, the cities, the large manufacturing towns and certain of our summer resort towns, just as emphatically object to prohibition and desire to experiment with some legal form of local option such as has proved satisfactory in the other New England states. In the absence of that opportunity they continue to experiment, as they have done for many years, with certain forms of illegal local option, the exact form differing according to circumstances and ranging from open nullification to a hidden yet none the less determined defiance of the law.

Lawlessness is abhorrent to all good citizens and lawlessness in one respect breeds lawlessness in all respects. But one thing I hold self evident—that no people constituted as are the people of the State of Maine can be governed by force. We can and do govern ourselves. It is as impossible to effectually

enforce a law in Maine in the face of adverse public sentiment as it is to turn back the tide that flows against our shores.

Local self government is the corner stone of New England civilization and the voice of the voters of Maine's cities must be listened to by their neighbors in the country with the same respect with which the resident of the city must listen to the voice of the voters in the towns.

It is easy to say that honest officials can enforce the prohibitory law anywhere and everywhere if they will endeavor to do so. It is easy to blame our county attorneys, sheriffs and mayors for their failure to secure enforcement of the prohibitory law in communities where it is not sustained by public sentiment. Having served as mayor of this city and as sheriff of this county I know something at first hand of the problems which confront an officer directly charged with the law's enforcement. The voters of Oxford and Aroostook may stand firmly behind the principle of state-wide prohibition but they lend no aid or comfort to the man on the firing line in Bangor, Portland or Lewiston and unless state-wide enforcement accompanies state-wide prohibition then the law becomes a mocking and a farce.

What is the remedy? I am willing to suggest one and am as ready to listen to the suggestions of others. The logic of the late election convinces me that the remedy is to so amend the Constitution as to preserve prohibition for the country and permit regulation, by local option, in the cities. Is there a better solution of the problem? If there is, present it. I can think of but two alternatives, nullification or another Sturgis law. The people of Maine have tried both. They want neither. Cannot we, the servants of the people, chosen to do their bidding, trusted, honored and respected by them, find a solution of this problem?

Shall we not, regardless of party, regardless of personal ambition, actuated solely by a desire to promote the welfare of our great state, here and now, present to the people of Maine for their consideration some plan of legislation which will relieve a situation which is not creditable to an enlightened State?

There may be men in Maine who fail in patriotism but they are too few in number to count and too insignificant to appear in public life. I have full confidence, gentlemen, in your intelligent judgment and patriotic purpose and therefore entertain no fears but that you will with thoughtful care and still without undue delay perform the work for which you are assembled and I assure you that you may, so far as it is permitted me to render it, safely count upon my cordial cooperation and assistance.