

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.

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Governor Haines' Address

Gentlemen of the Senate and House of Representatives:

Having been chosen by the duly qualified electors of the State as the representatives of the people for the work of legislation and government, I doubt not we have one and all accepted this trust with a due appreciation of its responsibilities, and its importance to the welfare of all the people of the State. The work of government calls for serious consideration and careful thought. The State of Maine has been established for the purposes of government since 1820. It was founded to establish justice, insure tranquility, provide for our mutual defence, promote our common welfare and secure to all the blessings of liberty. Our Constitution declares that all power is inherent in the people. This State was founded in their authority and instituted for their benefit, and they have the inalienable and indefeasible right, not only to institute, but to alter, reform, and change their government whenever their safety and happiness require it. The Constitution declares that "right and justice shall be administered, freely and without sale, completely and without denial, promptly and without delay," and the Constitution specifically declares that "the laws shall not be suspended but by the Legislature or its authority."

The powers of government are divided into three distinct departments, the legislative, executive, and judicial. The legislative power is given to two distinct branches, a House of Representatives and a Senate. It is intended for each to have a negative on the other, and to act only in concurrence. Thus you see that next to the people themselves, the great responsibility of government is placed upon you. You are the representatives of the people, and your acts can only be considered as the acts of the people. I assume that you realize this responsibility, and I wish to assure you at the outset that I shall in no way seek to take any of this responsibility from you, or to interfere with your acts, and whatever of good or harm comes from the work of this Legislature, you must be held responsible for it.

By the Constitution, the supreme executive power of this State is vested in a Governor, and it is especially provided that

he shall take care to see that the laws be faithfully executed. So far as I may be able, I shall try faithfully to fulfill this mandate of the Constitution; but I shall not, in any way, interfere with or seek to exercise any of the functions of the other two co-ordinate branches of the government, the legislative and judicial. The Constitution also provides that the Governor shall from time to time give the Legislature information as to the condition of the State, and recommend to its consideration such measures as he may judge expedient. In accordance with this time-honored custom, I shall on this occasion call your attention to some of our conditions as a State, and make such recommendations as I deem worthy of your consideration, not by any means, however, expecting to cover to any considerable extent the great number of subjects you will undoubtedly be called upon to consider.

GENERAL CONDITIONS OF THE STATE.

We have the advantage of the last census report of the Federal Government for 1910, with which to inform ourselves somewhat as to our condition. This report shows our population to be 742,371, a gain over 1900 of 47,905, or 6.7 per cent. This is the largest relative gain of any decade since 1860—and more than one-third of the whole gain made in fifty years, which has been 18½. This gain appears small when compared with the average gain in the nation of 21% in the last ten years, but it appears very favorable when compared with the corresponding gain in other New England states and some of the Western states. Of this population, 33% is located in our 20 cities. Ten counties show an increase of 57,334, six a decrease of 9,429. Aroostook county exceeded the average increase of all the states of the Union, and is 22.9%. The 20 cities, and 35 towns of 2,500 population or more, have 51.4% of the population which may be called urban, and 48.6% is in the smaller towns and may be called rural. The one noticeable thing, and one much to be regretted, is the fact that the gain in the urban population in the past ten years has been 12 3-10%, while that in the rural population has been only 1 7-10%.

OUR FARMS.

The area of the State is 19,132,800 acres. Of this, 6,296,059 acres are in farms with only 2,360,657 acres in improved farm lands, which is 124,000 acres less than it was in 1880. We have 60,016 farms, an increase of 717 in ten years, with about the same average acreage—104.9 acres. This farm land, the

buildings thereon, with farm machinery and domestic animals, is valued at \$199,271,904, an increase over 1900 of 62.8%. The average price of farm land rose from about \$8 per acre in 1900 to nearly \$14 in 1910. There has been a relative increase in values of farm machinery and live stock. 95.7% of all of these farms are operated by owners and managers with only 4.3% in the hands of tenants, and 41,309 of them are free of mortgage—while the average mortgage debt on farms seems to have increased in the past 20 years 58.8%; the average value of the same farms has increased 97.6%, and while the average mortgage debt was given as 36.7% of the value of these farms in 1900, it was given in 1910 as only 29.5%. The most of this data is very satisfactory, and shows marked improvement in our agriculture during the past decade. But I am constrained to say that, outside of Aroostook county, which is responsible for a large part of this improvement, neglect and carelessness is evidenced on every hand in the farm life of the State.

Our State university and experiment station, and the State farm, are all at work on the problem of a better agriculture; but the result of the scientific investigation which has been carried on in these institutions is being spread altogether too slowly among the farms of the State. I realize that the Grange, the agricultural societies, the Farmers' Institute, the Dairymen's Association, the Poultry Association, the Pomological Society, and other associations of a similar nature, are all working together, earnestly and honestly, to improve the conditions of agricultural life in our State; yet, I think that more should be done along this line. We have never been taxed to any considerable extent for the benefit of agriculture or horticulture, although about one-half of our entire population are engaged in farm work of one kind or another. The United States Government is probably spending as much money for the advancement of agriculture in Maine as is the State itself, and I understand the State is to receive, in the near future, some benefit from the large private bequest of Mr. John D. Rockefeller, in four of our counties upon four different lines of agricultural work; and yet, with all this, it seems to me that the work is progressing too slowly and that more money is needed to push it forward, and I believe that you can look well into this subject to see if there are not ways in which you can profitably aid in the upbuilding of the Maine farm. We are anxious to convince the rising generation of the relative desirability of life on these farms. We are asking the young men of the State to remain at home and enter upon this work. We ask them to

have faith in it. With this in view, should we not show that we ourselves have faith in our agricultural interests, and how better can be shown that faith than by appropriating money for their advancement.

MANUFACTURES.

Comparing 1909 with 1899, we had 3546 manufactures established in the State as against 2878, with 79,955 wage-earners as compared to 69,914—and 4860 salaried employers as against 3103, using a capital of \$202,260,000, against \$114,008,000—paying \$43,429,000 in salaries and wages, against \$28,782,000, and turning out a manufactured product valued at \$176,029,000, as against \$112,959,000. The percentage of gain in product is 22.2% as to 39.7% for the whole country. I will not give you the statistics of our various industries, but will add that lumber, pulp and paper continue to occupy the field as the leading industry, depending upon our forest products—and unsurpassed water power. I am pleased to report these industries in a most prosperous condition. Cheap water power and contented labor allow our cotton and woolen mills to compete on a favorable basis with those in other states.

The boot and shoe industry is probably in the best condition ever known in the history of the State.

Other manufactures are also well sustained. The more recent development of our water power by hydro-electric methods is giving us considerable advantage over other states. This hydro-electric development is inviting others to come within our borders who need cheap power for their business enterprises.

SUMMER BUSINESS.

Next in importance to agriculture and manufacturing is our summer business, including fishing, hunting, and the entertainment of summer visitors from without the State, both upon our seashore and at our inland lakes. The advent of the automobile has brought to us, in all localities, summer visitors, seeking rest, health, and recreation. This is becoming a great industry.

Our report of industrial and labor statistics for 1910 placed the value of summer cottages, hotels, club houses, and camps at \$50,000,000 and estimated the annual income from our summer visitors at \$25,000,000. These figures are increasing every year, and probably at the very low valuation placed upon this

class of property it was assessed in 1912 for more than \$20,000,000. It is adding every year to the income of both town and State, and without a corresponding outlay. The result of this business is seen on every hand in the increased prosperity of our people. We cannot give it too much care and attention.

All laws which look to the propagation and protection of our fish and game, which preserve and protect our great forests from destruction by fire and other wanton agencies, and which provide for improved highways and the better care of those we have, should have your most earnest consideration. The reasonable expenditures of money from the public treasury in their interests will doubtless return great profit to the people of the State.

SEA AND SHORE FISHERIES.

The Commissioner of Sea and Shore Fisheries in his last report, that for the years of 1909 and 1910, estimates the annual value to the State of the fisheries and investments connected therewith at more than \$10,000,000. Included in these fisheries is the lobster industry, which, to my mind, is the most important, with the possible exception of the sardine industry, of any branch of this business.

The present law provides that lobsters shall not be taken and sold which are practically less than $10\frac{1}{2}$ inches long. The Massachusetts law on this subject permits the taking of lobsters nine inches long. This gives the Massachusetts fishermen a chance to come along our coast with steam vessels and take away a great many lobsters, which cannot be sold by the Maine dealers, providing they can get the fishermen to get them for them. Unless carefully watched by the wardens, lobsters less than $10\frac{1}{2}$ inches long may be shipped out of our State by rail. They may also be sold to our summer visitors living along our seashore. The United States Government has established a hatchery at Boothbay Harbor for the propagation of lobsters. This is done at a large expense and each year puts into our waters along our coast a great number of small lobsters. It seems ridiculous to me when the United States is aiding us in this business, that our citizens should not respect their own laws, and that many lobsters less than $10\frac{1}{2}$ inches long should be taken and disposed of. It is claimed by those who ought to know, that nine-inch lobsters in one year will become $10\frac{1}{2}$ -inch lobsters, and that their value is thereby practically doubled. Hence, it is difficult to understand why the fishermen, and fish dealers, knowing this fact, would take and dispose of lobsters less than $10\frac{1}{2}$ inches long, even if the law did not forbid it.

Lobsters are among the most expensive foods, and the demand for them is great. It is very evident that, unless we have a strict enforcement of the laws we have, this industry, which is one of the best, will very soon be of little value to our people. Some think a close time, of the two months of July and August, during which time it would be illegal to ship any lobsters out of the State, would prove of great benefit and value to this industry. This would tend to make lobsters cheaper to our people during these two months, when our shores are crowded with visitors from nearly every state in the Union. These months are known as the "shedding season" and the less lobster fishing there is carried on during these two months, the better for the propagation and growth of these fish. I understand that during these two months a great many lobsters are taken which are kept in pound by the dealers who are speculating in this food product. This practice is said to damage the quality of the lobsters.

These suggestions I get from men whom I think are honest and understand this business, and if conditions are as reported to me, I believe an amendment of our law, along the lines indicated, for the protection of the lobster industry would be of great value to our fishermen along our seacoast, and be generally appreciated by all the people of the State. I submit this suggestion to you for your very careful consideration.

There are many other industries within our borders that I might mention, a discussion of which would shed further light on our economic and industrial situation, but time forbids any further consideration of this subject; suffice it to say that there is every indication that the State is in a more independent and prosperous condition than ever before.

TAXES AND STATE EXPENDITURES.

The burdens of government come to us in the practical form of taxes upon our property, and this is a subject of first importance. Our Constitution provides that "all taxes upon real and personal estates, assessed by the authority of this State, shall be apportioned and assessed equally, according to the just value thereof." Under this Constitution we have developed for the benefit of our municipal, county and State treasuries a system of taxation for each political division. There has grown up in the past quarter of a century, with the development of business through corporations, a State tax assessed upon the property, income and franchises of these corporations, which amounted in 1912 to \$2,023,553.66. This tax, together with the tax on collateral inheritance, fees, and other items not included

in the direct State tax, make up about one-half of the amount of money annually received into the State treasury.

The valuation of cities, towns and plantations for the year 1911 for the purpose of direct taxation is fixed by the State Assessors at \$451,780,119. For 1913 and '14 this will be increased to \$478,192,044. The rate of the State tax between the years of 1875 and 1910 has varied from $2\frac{1}{4}$ to 4 mills. For 23 years, prior to 1910, it varied from $2\frac{1}{4}$ to $2\frac{3}{4}$ mills. In 1910, it was increased to 5 mills and in 1911 to 6 mills; while in 1912 it was reduced to 4 mills. The total amount available from these resources to the State treasury has amounted to about \$5,000,000 each year for the past two years. Now, this amount in the treasury is not needed for the strict purposes of State government, and is not expended for that purpose. A very large part of it is paid over or credited to the cities and towns for the benefit of the public schools, highway improvement, support of paupers, and a number of other purposes, which aid the municipalities. The State has thus become, in a way, a collecting agency, a clearing house for the towns and cities. This practice has grown up, based upon the theory of taxing all the property of the State for the benefit of all the people of the State—a system of equalization of taxation—especially in the matter of education, the support of paupers, and the maintenance of highways.

The Legislature of 1909 increased the school mill tax from $1\frac{1}{2}$ mills to 3 mills. Thus you will understand, from this item alone, that if the State tax is placed at 4 mills, 3 mills of it goes back to the towns and cities for the common schools, also one-half of the savings banks tax and some other items, so that on this basis of taxation the State treasury has only about one-half mill of direct tax left for other purposes. And you will understand that the necessary expense of the State government, together with the maintenance of the hospital and charities must be paid largely from the taxes paid by the corporations.

To make a little clearer to you what is done with the money which comes into the State treasury from all sources, let us examine the State Treasurer's report, and see what some of his expenditures were for 1911. I find he paid out for education, \$1,824,750.54. Of this \$1,481,350.19 was distributed to the towns, cities and plantations on a basis of the number of scholars and valuation in each. The balance was for normal and training schools, academies, free high schools, teachers' meetings, superintendents of union school districts, and sundry other small items. He paid out for highways, bridges, etc.,

\$225,627.32; for the support of paupers, \$63,288.74; to towns for railroad taxes collected, \$132,078.37; to towns for dog taxes, \$29,563.96; making a total of \$2,276,308.93, paid over directly to the municipalities from the State for aid in their municipal government. Now, if you add to this \$242,061.97, which his report for that year shows he paid out for the education of the blind, deaf, feeble-minded, State school for boys, industrial experiment station, you have used up more than one-half the total State receipts for 1911. Now, add to this \$169,409.64 paid to 38 benevolent and charitable institutions, including hospitals located in different parts of the State; also \$400,668.17 paid to the Maine Insane Hospital and the Eastern Maine Insane Hospital, and you have used up over \$3,000,000 of the State's income for that year, and not yet spent a cent for what might strictly be called the purposes of government, yet it was expended for education and the proper support and assistance of the people of the State. You will find also from a further and more careful examination of your State Treasurer's report, that there are many other items paid out, such as county taxes, State debt, and many other items, not chargeable to either the legislative, executive or judicial departments; and that the actual expenses of these departments could have been paid with less than one-half the corporation taxes annually received by the State.

I have given you these figures from the Treasurer's report for 1911 because I had that report before me, and for the purposes of illustrating principally. The report for 1912 will not vary much from that of 1911. The corporation taxes will continue to increase somewhat each year, and your direct tax will depend upon the rate you make it, and the rate must be enough in a given year to meet the appropriations which you make in connection with the fixed charges, like the school mill tax and other expenditures which are provided for by law. It will be the special work of the finance committee to keep a close account of the amount of the appropriations which are being made from time to time, so that the Legislature may be informed of what tax rate will be necessary to pay the bills of the State for the years 1913 and 1914. There is no economy in having a large surplus in the treasury, and it may be a source of difficulty for you. Those seeking appropriations for different things will urge it as a reason why the appropriations they want should be made. The ability of the State to meet any appropriation which the Legislature may make, should never be doubted, but the wisdom of making a given appropriation should never de-

pend upon the amount of cash on hand. If it is wise to make an appropriation, it can make no difference whether the money at the time is in the State treasury or in the pockets of the people. I recommend that you carefully scrutinize all appropriations asked for and grant them upon their merit only.

The bonded State debt is not enough to give anyone any concern about it, being only about \$300,000, and that mostly an investment of trust funds for the benefit of State institutions.

If the surplus is used to pay the bills of 1913 and 1914, it would seem that the rate of State taxation should not average for the two years more than 4 mills. The exact amount for each year can only be determined when you know the amount of bills which will have to be met.

HIGHWAYS.

The question of the improvement of our highways by means of aid from the State treasury has been prominently before the people of the State since 1901, when the Legislature passed its first act providing for State roads and for the improvement thereof. In 1905 the Legislature provided for a State Highway Commission whose duties under that statute were largely of an educational nature, but since that time by different amendments, they have become more or less authoritative. The Legislature of 1907 enacted a very broad and comprehensive statute, providing for systematic assistance to towns from the State treasury in proportion as they were poor and unable to build and maintain their own roads, and this system is now in practice.

We have over 25,500 miles of highway in the State, and the State Assessors' report for 1911 shows that the amount appropriated by the municipalities for highways and bridges in that year was \$1,404,075. To this should be added the amount expended from the State treasury in this work, under the provisions of the law above referred to, and by virtue of some special statutes passed from time to time for the benefit of highways and bridges in different parts of the State. The sum appropriated annually by the municipalities for roads is about the same as that appropriated for common schools, and is a large part of the entire tax paid by the tax-payers. Next to the question of education, it is probably the most vital question in our municipal governments throughout the State.

The introduction of the automobile, or the carriage moved by the power of gasoline, has made the question of highways of still more importance to the people of the State. The automobile, whether used by the man of wealth for pleasure or

recreation, or by the merchant and tradesman in the management of his business, for the trucking and delivering of his goods, or by the farmer in the marketing of his products, has undoubtedly come to stay as a leading means of transportation, and it goes without saying that the better the highways, the more useful can such machines be made.

The last Legislature, by Chapter 162 of the Public Laws of 1911, authorized the improvement of the highways, and provided for special taxes to be placed upon automobiles, motor trucks, traction engines and motor-cycles, by the provision of which act the funds therefrom derived were to be turned over to the State Highway Department for aid in the construction of highways throughout the State. This law has produced for 1912 over \$100,000 and it will undoubtedly increase in the future. The last Legislature at its special session also submitted to the people an amendment to the Constitution providing for the issue of \$2,000,000 of bonds to be used for the improvement and maintenance of highways. It is claimed that these bonds may be paid off, both principal and interest, by the means of automobile taxes, and this Legislature is authorized to provide for the issue of such bonds or any part thereof as in its judgment, it may deem wise. The constitutional amendment above referred to provides that money raised from the sale of such bonds shall be distributed or expended "equitably" through the different counties of the State. What this word "equitably" means in this connection may be a little uncertain, and to my mind it is your duty to define it, in case you provide for the issue of any such bonds. It is my idea that the people of the State expect it to be expended in the different counties in proportion to the valuation of such counties. It seems that such a distribution would be "equitable" and that no one could justly find any fault with the distribution of the proceeds of such bonds in such a manner.

We hear a good deal of talk about "trunk lines," and the Legislature of 1911, by chapter 198, P. L. 1911, defined certain routes as "trunk lines highways" in the State. The State Highway Commissioner has had authority under the statutes passed from time to time to expend certain moneys upon said so-called trunk lines. Before that statute was passed, the first Commissioner of Highways of the State, in laying out the work to be done in the different counties, in which the State should aid, designated certain highways as trunk lines, and those that have been legally designated as such by the statutes above referred to follow very closely to those which were recognized by him.

With the large area of the State and the great mileage we have in the highways, and our small valuation, the question of the expense of improvement becomes vital.

The cost of improving highways may mean a thousand dollars a mile, or less, and it may mean ten thousand dollars a mile or more; or in other words, highways may be improved by constructing what is known as gravel roads or macadam roads or concrete pavements, or by a number of other different methods of construction. At \$1,000 a mile, we might get 2,000 miles of improved highways in the State by the expenditure of \$2,000,000. This would make a great addition to what is being done annually by the regular appropriations from the towns and cities, as now aided by the State. No one who rides over the roads of the State of Maine can fail to see the improvement that has already been made with the little money that has been expended, and we can all see what a vast improvement can be made by some very simple methods of operation. To illustrate. The work of one man continuously through the summer season in a country town, with the aid of a shovel, pick, crowbar, and garden rake, would do a great deal to make the roads better, by the removal of small rocks, the filling up of holes, especially at the foot of hills, and the repair of culverts; while the use of some kind of a cheap coal tar product would save the blowing into the fields of the surface of new roads to their destruction and the disfigurement of the country by dirt and dust, but this pertains more to the question of the MAINTENANCE of highways to which I will refer later.

The question of permanent improvement to my mind is very largely the work of an engineer, and I believe that the first and most important thing in connection with our highway improvement is to provide for the extension of the engineering force in the different towns and cities of the State, and have these engineers charged with the responsibility of modern and correct construction of highways. The engineer is the first man the railroad employs in the laying out of its ways. He is the man they employ every day to look after its construction and maintenance, and what, to my mind, is so important to a railroad, is equally important to the towns and cities in the building and maintenance of the common highways. If the people would only understand this, and not feel that money paid to engineers is thrown away, we would stop wasting money as we have wasted it in the past and enter upon a great period of improved highway construction in this State. If you will consider that the sum of money which has been spent on the high-

ways of Maine during the last 20 years is probably not less than \$25,000,000, and then consider how much better the highways are today than they were at the beginning of that period, and what they might have been if this \$25,000,000 had been spent according to the plans and advice of competent engineers, regarding carefully the questions of drainage, and the kind of materials used, you will appreciate what an enormous waste of money there has been in this connection. In many towns the highway work has been controlled by a political faction, whose object was to work with men and teams on the road machine. Now, is it not time that we stopped the old methods and adopted new ones?

The question of building new highways is important, but the question of taking care of them, after they are built, is not only important, but it is the greatest economic question in connection with highway construction. The railroads are compelled by law to have an inspector go over their tracks daily. The traveling public would not be safe unless this was done. The towns have been in the habit of repairing the roads once a year, devoting one or two weeks to the job, and the other eleven months of the year, the public are obliged to use them just as they find them. We have all seen many a new piece of well constructed road go to pieces in a few months from the lack of a little care and repair from day to day, as defects appeared with its use. While I have no desire to take road building or repairing away from the municipalities, yet I do want them to have the assistance of more and better engineering. I do not think that any money should be paid by the State treasury to any municipality until there is a guaranty by law that it shall be expended for the best highway construction known to modern science. By best, I mean the most economical and suitable for the different localities with regard to use to which the road is to be put—and with some kind of a legal guaranty that it will be properly cared for after it is built. There is no end of the discussion that this subject warrants. It is being considered from one end of the State to the other, but I have no desire to discuss it further, having confidence in your ability to formulate some law embodying the best that experience and the science of modern highway construction has taught us.

WORKMEN'S COMPENSATION LAW.

We now have nearly 80,000 wage-earners in the manufacturing plants of the State. Under the rules of the common law now in force in this State, the employer is bound to provide a

reasonably safe place in which to work, reasonably safe tools and machinery, to be reasonably careful in hiring competent fellow workmen, and to make proper rules for doing work. By neglect in this, he may be liable for injury to his workman, provided the workman's negligence does not contribute to the injury, or it is not caused by the negligence of a fellow servant; and provided also it cannot be shown that the workman understood and assumed the risk of the machinery whether reasonably safe or not. While not complete, these are the rules of law which govern the relation of master and servant in this State. Under modern conditions these rules work much hardship and injustice to the wage-earner. Placing the liability for accident upon the employer only in cases where his negligence is established, under these rules, leaves the employee in a hazardous and uncertain condition as to maintenance and support when injured, facing the risk of those dependent upon him becoming paupers in case of his death or disability from accident. These rules of the common law may have been well enough in former times to govern relations between a master and a few servants, but under modern manufacturing conditions, when hundreds and even thousands of men are employed under one management, they can but result in great injustice. In place of the common law during the past twenty-five years nearly all the countries of Europe have adopted other rules for workmen's compensation, in case of injury or death from accident, and during the past decade many states of our Union have followed their example.

The general plan, to a greater extent, is to disregard the cause of the injury and the question of negligence, and to compensate the workmen injured by a fixed charge upon the industry, or upon the state. Accidents are considered a natural risk of the business, and as such, to be paid for by it, and in many states the common law has now been modified by statute so as to provide compensation according to fixed schedules to workmen injured or killed in the course of their employment, when the accident is not the result of their wilful negligence. These laws are based upon the idea that the consumer will ultimately bear the burden which in the past has been borne by the employer, but which in the future must become a charge upon the business, and come ultimately out of the consumer.

The employer has used liability insurance to protect himself, and experience shows that less than fifty per cent. of the amount of premiums paid has gone to the injured, and from this sum at least one-fourth should be deducted for legal expenses. Also,

any benefits thus derived are through litigation and are long withheld from the injured. The greatest prejudice, hostility, and many times hatred between employer and employee, is the most fruitful and common result of such litigation. That we have outgrown this system in Maine cannot be denied, and the wage-earner and all other fair-minded citizens, as it seems to me, demand a change; and such changes have been found in other states to meet with the general approval of the employers.

Workmen's compensation laws are based upon what may properly be called industrial insurance, that is, a fund is created from which benefits are paid. In some cases this fund is paid in entirely by the employer, in others by the employer and the workmen, and in still others the state also contributes; and I think in some of the countries of Europe it is all paid by the state. Such compensation is based upon the theory that accidents are due to "trade risks" and contemplates that workmen shall be insured just as are buildings and machinery—a proper charge on production. I do not think this charge should in any part fall upon our State—but I do believe it is well for both employer and employee to contribute to it. I think it will lead to more care and honest administration, if those who are benefited share somewhat in the burden of providing the fund. The workman's share would be so small an amount as not to be felt in the wages earned, but I believe it to be a rule of human nature to have more regard for what costs one something than for that which costs nothing. The State must provide for the administration of such a law by proper officers. This law should not apply to agricultural or domestic servants.

You will have all of these theories with accompanying bills presented for your consideration, and I have made these suggestions more to call your attention to its general scope than to direct any measure you may enact into law. I believe it to be your duty to pass such a workmen's compensation law as will place our State abreast of other states, for the protection of our wage-earners, and the insuring of friendship and a feeling of mutual interest and dependency between employee and employer.

PUBLIC UTILITIES.

The question of reasonable regulation and control of persons and corporations, furnishing public service of different kinds to the people of our State, is one uppermost in the public mind today. We are dependent for our every-day needs upon the transportation, telephone, telegraph, water, light, and power

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companies. These constitute the most important public service concerns, and are mostly corporations. Their charters have been granted by the people through their representatives in the Legislature or by the general law. They have cost these companies nothing excepting the asking and some small fees. By examination of our savings banks' report for the year 1911 you will find that out of \$97,705,409.04 total resources, that \$49,549,826.59 are invested in railroad stocks and bonds, in and out of our State. Other financial institutions will show a like ratio of investment of the people's money in public service companies. We have 225,810 depositors in our savings banks, with an average deposit of \$396.34 each, which shows that nearly one-third of our population is interested in the ownership of public service companies, through their savings in the savings banks alone, and doubtless in the same proportion through deposits in trust companies, insurance companies and other financial institutions. The savings of the people in other states of the Union will be found similarly invested, so it is easy to demonstrate that the people not only give charters but to a large extent furnish the money with which to establish and develop our public service companies.

The people are also the patrons of these companies and pay for the service they get from them, which furnishes the funds for their operating expenses, and interest on money invested in them; but the people of our State have very little to do with their management and operation. The officers and agents of these companies have practically a free hand to do as they please, yet, I do not claim that under these conditions, our public service companies, in the main, have not used the public reasonably well. We hear very little complaint of disregard of public rights, yet we hear some; and there is a good deal of discussion about this subject, and a notable unrest and dissatisfaction arising from the fact that they are subject to no stricter control and regulation. In all the private affairs of men we are accustomed to say that it takes two to make a trade. Not so with the business of the public service company. These companies as a rule make their own prices and formulate the rules which regulate their service, and the public can take it or leave it, as they please, on these terms and conditions. While our statute contemplates some regulations in some cases in these matters, and the common law undoubtedly clothes our court with such authority, yet there is no easy and practical way for the average citizen to get at this question; and the public seems to feel that such a means should be provided. I believe that the time has

come, both in the interest of the public service companies, and the public to be served by them, when a public service commission or court should be established for this purpose. Such a court could do the work which is now done by the railroad commissioners, and with the aid of experts and other assistants whom it should be given authority to employ, would be able to attend to the regulation and control of all the public service business of the State. It may also be vested with authority in the matter of the issue of stock and bonds of corporations, which would tend to give confidence, and encourage the investment of capital in new enterprises in our State. I believe such a court can in many ways be of great service to our people, and I most earnestly recommend its establishment, with proper authority for the regulation and control of the public service business of the State. Salaries should be provided for the officers of such a court, of sufficient amount to secure the services of the ablest and best men in the State and to carry the workings of such a law into effect. I have not sufficiently examined the different statutes which have been passed upon this subject by various states, to recommend a law in detail, but the so-called "Wisconsin Law" which has been adopted by many states, I understand has proven very satisfactory whenever adopted and put into operation. It would undoubtedly need some modification to apply to our conditions, but I ask you to consider it very carefully in making a law for Maine, as you will consider any other bill which may be introduced for that purpose. Such a law should be drawn so as to protect not only the public, but the public service company. All vested rights should be jealously guarded, but not so as to prevent further development of our natural resources or to destroy all elements of competition. Regulated monopolies are to be desired, but you will remember that there is no better method of regulation than to allow for reasonable competition.

WATER STORAGE AND FIRE PROTECTION.

During the past few years an unusual interest has developed in the State in regard to water power. The United States Government in its geological survey, particularly in the hydrographic department, has done valuable work relative to the determination of the extent and value of our water powers. Our own State Survey Commission and our Water Storage Commission, which were combined by act of the last Legislature, chapter 175, Public Laws 1911, have also done much valuable work along this line, and the question of the conservation

of the water power as one of the great natural resources of the State is a subject of constant discussion, and one in which I feel that all the people are much interested. Our lumber and pulp business comprises more than one-half of our manufacturing. A great many of the towns and cities depend almost wholly upon the forests, and our cotton and woolen mills also depend upon the water power. So we can see that the first great asset of the State is the forest land. A river which fails for a part of the year to furnish water suitable for water power, is of comparatively small value to one that is constant the year round. Rivers and streams may have large lakes and ponds behind them which can be dammed and a large amount of water held in reserve to be let out in times of drought, but the real and substantial water storage lies in the forest lands; and as soon as they are cut off so that they furnish no protection or shade from the rays of the sun, then will the real water storage be diminished, and the rivers may become practically useless as sources of water power.

The problem is to use as evenly as possible every day in the year the forty-two inches of rainfall we have annually. I insist that the first requisite is the preservation of the forests from destruction by fire, and the next the regulation of the amount of cutting done upon the forest lands. The best methods of modern forestry, looking to the preservation of the forests, is that of cutting only such timber as is merchantable—spruce and pine, down to trees that are twelve inches, breast high, and not smaller; and the corporations which own large areas of land and require a large annual product for the supply of their mills, looking to the future as well as to the present, cannot afford to cut their timber in any other way. If properly handled along these lines, they may expect the natural growth of the timber to supply their mills for many years to come. But there are a good many small owners of wild lands in the State, for which lands they are often in debt, who feel obliged to cut sufficient timber, large or small, to meet their financial requirements; and it is through such ownership as this that the great danger of destruction to our forests may be expected, and the consequent decrease in the value of our water power resulting therefrom. Among the burdens which such owners have to meet and of which they expect to be relieved from the resources of such forests, is the tax; and after a long and careful study of this subject in connection with the facts as they actually exist, and as I have found them from a more or less personal knowledge of the business of lumbering, and of the

forests, I am convinced that the best method of taxation is that which will tend to preserve our forests, and I believe if we could have substituted in the place of the tax we now have, a very small charge upon the forest lands and an *income tax* upon the product annually taken from it, that this would tend, more than any other thing, to increase the growth and preservation of the poorer forest territory in the State.

Now, I am not saying this as one interested in wild lands, because the tax on the wild land owner would probably be increased over what it is today, but the tax on the small owner who must get his money out of the timber to meet his expenses, including taxes, would be somewhat lessened. It is probable that a greater revenue would be derived from the State, than is now derived under the present system of wild land taxation. It is, in principle, no different from the tax now assessed against the gross earnings of railroad companies. For the future of our State and the great business asset of water power development of the future, I feel compelled to make this suggestion, although I realize that by so doing I may subject myself to personal criticism on account of my personal interest in forest lands. But I am sure if anyone will examine the question, impartially and without prejudice, in the light of knowledge and experience, such as I have had, that they would come to the same conclusion. It is important that this matter be attended to without further delay. I am sure that I know of many pieces of land today which under the present laws the owners are planning to denude and make worthless for several generations to come, both as timberlands and as holding ground for water; whereas, if only a nominal tax was assessed against them, they would be permitted to grow and become valuable forest land again.

Instead of opening the door to the State treasury, as is being proposed by some, for the sale of such lands to the State to constitute a forest preserve for the growing of timber and the storage of water, which to my mind opens an avenue of great extravagance, I believe it is much better to leave all our wild lands as they are today, in the hands of private owners, with the right reserved as it now is, to everybody to go upon them for hunting and fishing, recreation and pleasure, which makes of them a great natural park, in which all of the people have great benefits and great interests. The great asset of fish and game in these parks which brings millions into our State annually, is a source of wealth, and their proper regulation and care is of very much more importance to my mind than State ownership, and a great deal more economical for the State.

WILD LANDS AND THE MAINE FORESTRY DISTRICT.

The Sixty-fourth Legislature by Chapter 193 of the Public Laws of 1909, passed an act creating the Maine Forestry District and providing for protection against forest fires therein. This act starts out with the declaration that the "forests situated mainly in the plantations and unorganized townships, are one of the chief sources of wealth to the State, and the protection of such forests from destruction by fire is of the greatest importance; to this end it is a paramount duty of this Legislature to have funds provided without delay for such protection. Delay in the providing of such funds would expose such forests to danger of destruction by fires preventable by adequate precaution," and then the act goes on to establish such a forestry district by enumerating the unorganized townships and plantations which shall comprise the same. It further provides for an assessment of a tax upon said lands according to their valuation to be made by the State Assessors, of $1\frac{1}{2}$ mills annually, to be paid and held by the State treasury as a fund to be used to protect said lands from fire, and for no other purpose. This fund amounts annually to about \$67,000. You will notice the word "delay" is used twice in the preamble to said act as above quoted, and yet, the administrative features provided by this statute, and as it has proved in its actual workings, have caused the statute to be looked upon by the people of Maine with such disfavor on account of delay in the payment of bills for the actual protection of the forests from fires.

The State Land Agent and Forest Commissioner in his report for 1912 calls especial attention to it. He says: "Following the present method of first auditing and approving the bills by the Forest Commissioner, then forwarding them to the State Auditor for a second auditing, at the convenience of his clerical force, and then again awaiting for action by the Governor and Council, and payment by the State Treasurer, makes a long process and a delay that is hard to explain to a crew of men who are waiting for their money," and he recommends that this statute be so amended that the Forest Commissioner be made a disbursing agent with authority to pay promptly all men who are engaged in the work of putting out forest fires, and I most heartily endorse his recommendation.

There are several other suggestions in his report in regard to the management of our forests, of their value to the State, and the importance of this protection, which are timely and worthy of your careful reading and consideration.

As the timberland owners have voluntarily taken it upon

themselves to bear the burden of this 1½ mill extra tax upon their lands, I had hoped that it would prove sufficient to meet the expenses necessary for this work, but it seems that the department is yet behind in meeting the expenses with the amount received from this source. It also seems that at the outset it first paid for a large amount of what might be called old bills, for the establishment of look-out stations, telephone lines, and tolls, and that, without these unusual expenses in the future, and with the aid of several thousand dollars which this department has been getting, and I hope will continue to get from the federal government under the terms of what is popularly known as the "Weeks Bill," no additional tax will be necessary. However, if after careful investigation and estimating the probable expenses of this work, you come to the conclusion that this tax will not be sufficient, I think you will find no objection on the part of the wild land owners to having it increased.

I have one more suggestion to make in regard to the administration of the forestry department of the State, and this particularly with reference to our forest fires. In addition to the Forestry Commissioner, and those who advise and assist him in the execution of the duties of his office, I would like to see a forestry board established, composed of four men who are largely interested in the forest lands on the four principal rivers of the State, the St. John, Penobscot, Kennebec, and Androscoggin. From my experience I am sure that such a board would be of invaluable assistance to the Forestry Commissioner in the selection of wardens and deputy wardens to take charge of the practical work of the protection and preservation of the forests against fire in the different localities where the forests are located. This principle has already been recognized by the Forestry Commissioners—in asking advice of such men annually in the selection of the wardens and deputy wardens in the different parts of the State. It is not necessary that such a board be paid large salaries, or even any salaries. There are plenty of men who are willing to give their time for such work, and their personal interests would compel them to give the best advice and assistance upon the subject that it is possible to obtain. Their expenses might be defrayed from the forestry fund of the State. The powers of such a board should be advisory to the Forest Commissioner. I give you this suggestion for what it is worth. A slight amendment to our forestry law would bring it about.

PRIMARY ELECTION LAW AND CORRUPT PRACTICES ACT.

Probably no legislation in the history of the State re-affirms the original declaration made in our Constitution "that all power is inherent in the people" more powerfully than does our primary election law and the corrupt practices act, which the primary election law has brought into so much prominence in the last year. These two statutes must work together and their use has shown that they are not in all particulars in harmony or consistent with each other. Our Law Court has already declared one section of the corrupt practices act unconstitutional, and the number of ballots that it is necessary to print under the primary election law has occasioned a good deal of discussion during the last election.

It will be necessary for you to look these two statutes over and make such corrections in both as is necessary to bring them into harmony with each other, and to add to their practical usefulness. It is my opinion that no law has been enacted in the State which has met with more general approval by the masses of the people than has the direct primary law. Its operation tends to do away with the claim that the State is being ruled by political bosses, and that the people are not fairly represented in official capacity. With the direct primary law, if the people avail themselves of it, no just claim of this nature can ever be made in the future against any political organization. It should tend to create respect for, and faith in, public officers, and a greater respect for the mandates of the people; and any effort to change or over-ride their decision when once fairly obtained should be considered a most dangerous attack upon the fundamental principles of government by the people.

TUBERCULOSIS.

The question of health is one of vital importance to the people of the State, and we have had established for a great many years a State Board of Health. People who are in good health realize very little the extent of the disease, known the world over as "the great white plague." I am pleased to say, however, that from statistics given in the report of the State Board of Health for the four years ending December 31st, 1909, there has been a great reduction in Maine in the death rate from this cause during the last eighteen years, 1892 to 1909, both inclusive. Deaths from tuberculosis of all kinds I find decreased from 1513 to 1059, and from pulmonary tuberculosis, from 1352 to 830—every year showing a steady and constant reduc-

tion. Our State Board of Health commenced early in its history to publish a paper which was distributed widely throughout the State, known as the "Sanitary Inspector." For lack of funds, this publication was discontinued for awhile. Of late it has been re-established and is now issued under the title of "The Bulletin of the State Board of Health," and I have no doubt that this little publication has had a great influence upon the suppression of all manner of contagious diseases, bringing to the minds of the citizens many questions of hygiene, better methods of living, and the proper care and prevention of disease, and especially upon the subject of tuberculosis.

It has also issued one or two special bulletins upon the subject of tuberculosis, which have been widely distributed, and have undoubtedly produced good results.

The Maine State Sanatorium Association, a private institution established in the town of Hebron, has been for a number of years at work in the relief and assistance of the people suffering from tuberculosis. The State for a number of years has been making appropriations for this work, and during the last two years has given this institution about \$25,000.

Since the Hebron Sanatorium was established and within the past few years there have grown up in different parts of the State other institutions for relief and assistance in the matter of prevention and cure of tuberculosis. These institutions have been established by certain public-spirited and philanthropic people, with the desire only of helping their fellow men. They are contributing considerable time, energy, and money to this work. One or two of these institutions have received slight aid from the State by special appropriations. To my mind, such undertakings are most commendable and it is the duty of the State to aid and assist in such work.

On a basis of economy, regard being had to the great loss of life from this dread disease, particularly the loss among young people, the State can well afford to use reasonable efforts and considerable financial aid in stamping out this disease. I understand that since the session of the last Legislature there has been formed the "Maine Anti-Tuberculosis Association," and I understand they propose to present to this Legislature some well defined plans for carrying on this work with greater efficiency. Our State is so large that this work must necessarily be done in a number of places. In fact, the work must be carried to the homes of the people, by showing them how to take care of their health, and especially how to treat persons when first affected with this disease, in order to secure their

permanent recovery. In order that this work may be done with reasonable economy and the greatest efficiency, it is necessary that there should be some authoritative head, especially for the expenditure of any money which the State may appropriate for this purpose. It would seem that the State Board of Health, already organized, with such assistance as may be found necessary in addition to the force which it now has to carry on its work, is the proper medium through which this work should be done. At least, it should have a general oversight and control, so far as the expenditure of the money of the State is concerned.

With the increased interest now manifested in this subject throughout the State, you are liable to have presented before you requests for appropriations for a good many of these associations. In the place of many sundry appropriations, it would be much better to my mind to make a general appropriation, to be distributed where most needed, and where the most beneficial results could be obtained, through the judgment and recommendation of the Secretary of the State Board of Health. It might be well that his recommendations should also have the approval of the Governor and Council. This is an important subject and one which demands the most careful attention.

PROHIBITION LAW.

For more than fifty years Maine has had statutes prohibiting the manufacturing, sale and keeping for sale of alcoholic and malt liquors. In 1885 this principle was adopted into our Constitution. For many years it has been a subject of political contention. In 1910 it was again submitted to the people, and by a majority vote in 1911, it was again reaffirmed and kept in the Constitution. If the people rule, as I believe they should, this question is settled, and no public officer has any authority but to execute the law against liquor selling in a faithful and impartial manner; and I shall do all in my power, during my term of office, to encourage the honest enforcement of all of our statutes against the liquor traffic; and I ask all good citizens who have the love of their fellow man at heart to join with me in this undertaking. I especially ask the press of the State, without regard to its political or party allegiance, to help in creating a public sentiment against rum selling and rum drinking. It can do more to help or more to hinder in this cause than any other influence in the State. No one can doubt the curse of intoxicating liquors to most who use them. Science has proved their certain destruction to health and life.

Business no longer tolerates them. The man seeking employment with rum in his breath, finds no work, but is relegated to the realms of trampdom. The business man who indulges in their use very soon finds that he has no credit at the bank. The transportation companies do not find it safe to employ men who drink. The farmer who returns home from town drunk has the contempt of his neighbors, and his wife and children, their pity and sympathy. The professional man who was once called brilliant, with the remark that "it is too bad he drinks," is now called a fool for throwing his life away. No sane man, in the light of modern investigation and science, can give any excuse for the use of intoxicating liquors, or for the grog shops from which it is dispensed. The man whose business it is to sell liquor in violation of law is, as a rule, too lazy and shiftless to do anything else. He is in that business for the money he can make out of it, and when once he has engaged in it, he becomes so demoralized that afterwards he is disqualified for any other vocation. The money they take, especially from the laboring man, to whom they do the most harm, can not be spent for clothing, food or other necessities or luxuries of life. I regard the last election as a special test upon the question of the enforcement of the prohibitory law. No statute should ever require such a test, but the determined efforts of the liquor interests in the State and outside of it for the past few years have made this question so acute in our politics that the vote of the people, giving expression to their sentiments concerning it, is of the greatest value to all charged with the duty of enforcing this law. It seems to me now that, after the long and heated discussion we have had upon this subject, both upon the stump and in the public press, with the vote that has followed, it may now be considered as well nigh settled. No further discussion is necessary. All that remains is for the law officers, especially sheriffs, city marshals, and county attorneys, to do their duty and enforce this law in accordance with the oaths they have taken.

I have one suggestion to make which may or may not need legislation, and that is that more be done in our common schools to teach the children the damaging effects of alcohol on the body and mind of men, to the moral and mental injury of the race.

GETTYSBURG.

There will be celebrated on July 1st-4th, 1913, under the auspices of the United States Government and the State of Pennsylvania, the 50th anniversary of the Battle of Gettysburg,

upon the battlefield at Gettysburg. The United States Government will provide all necessary camp and garrison equipment, rations and supplies, for all visiting veterans of the Civil War, and many of the states have already provided for the transportation of all such veterans to and from their homes to this great national battlefield. It is estimated that there are now living in the State of Maine, fifty years after this battle, about six hundred and fifty veterans who took part in this great conflict, and I do not think there is a tax-payer who would not be pleased to contribute his part towards the transportation of such as would like to attend this great national peace jubilee, which this 50th anniversary of one of the greatest battles in the world's history is designed to be. Arrangements can be made for the transportation from Portland to Gettysburg and return, including Pullman car service, at excursion rates, and thus you can figure very closely what this expense may be. It cannot be a large item and it is my most earnest desire that you will make an appropriation to cover this expense and I would suggest that it be left with the Gettysburg Commission which has already been appointed, to be assisted in the detail work by the Adjutant General, to look after this excursion, and make all necessary arrangements and advertisements for the same.

THE LOBBY.

You will have the aid of the best minds in the State, who will appear before your committees and present subjects for legislation. They will be parties in interest, trustees of institutions, paid attorneys and those who appear without pay, and many who claim to be seeking the public good only. The so-called Lobby is always in attendance upon the Legislature. Their services may be very valuable to you, and they may be a stumbling block and hindrance. Some states have passed laws requiring all who appear before the Legislature or Legislative Committees, to register their names and give the cause they appear in. We have not yet done this in Maine. I can see no objection to such a statute, neither much need of it, if the Legislature themselves take the trouble to find out what the real interest is of all who are seeking in one way or another to influence their action. The worst form of lobbying I have ever known is that of the member of the Legislature, who is an attorney or agent of some special cause or interest, and seeks through his vote and influence in exchange for other votes and influences, to carry his points. This is sometimes called log-rolling, and may result in very pernicious legislation.

I charge you, one and all, never to forget that you represent the people, not only of the district that has elected you, not only of the political party to which you belong, but all the people of the State. Laws when enacted know no party, creeds, localities, or distinction of citizens. They are made for all.

LEGISLATION.

The amount of work you will have to do, I cannot anticipate. The last Legislature enacted 199 public laws, 310 private and special laws, and 226 resolves, which made a public volume of 834 quarto pages. I have not ascertained the number of petitions, bills, and resolves that were introduced, but I think there might have been three times as many, possibly more. These figures may indicate in a measure what you may expect. All propositions which will come before you must have a careful investigation and consideration. The enterprise and growth of the State brings a constantly increasing number of subjects for legislation. This work will be done principally before your committees, and it is of the utmost importance that you get organized and settled down to work at once. A great many important matters were referred to you by the last Legislature and are ready for immediate consideration. It is poor policy to put off hearings and delay consideration of such matters as will come before you until the last few weeks of the session, and then be obliged to work late nights and rush things along, in order to adjourn at a given date. Make every day count from the start. You are here as agents and servants of the people to do their work, and it is your duty to enter upon it at once, as you would any other work or employment.

STATE DEPARTMENTS.

I have not the time in which to discuss the various executive and administrative departments of the State. You will have the report of each placed before you. These are worthy of your careful study and consideration. Through them you will learn in detail of the work which each is doing, and better understand their use and value to the people of the State. I ask you to devote a portion of your time to the careful consideration of each of these reports.

POLITICS AND POLICIES.

We have each been elected to our various offices as the result of party organization and party politics, but now that we are

elected, our work is expected to be for the benefit of all the people without regard to party affiliations. I know of no matters to come before you, aside from the selection of candidates for office, which may have any special political bearing, or upon which you may divide along the lines of party politics. I hope we shall have none, because I believe the legislation most needed for the State of Maine at this time is along the line of its economic and industrial development, coupled with its moral and intellectual welfare; and I hope you will not find it necessary to caucus upon such matters behind closed doors with reference to the effect they may have upon the future welfare of any political organization. I trust you will be able to conduct the business of the House and Senate with open doors, having regard first and always for the public welfare.