

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

ACTS AND RESOLVES

OF THE

STATE OF MAINE

ENACTED BY THE

Seventy-Seventh Legislature

1915

Published by the Secretary of State.

AUGUSTA

KENNEBEC JOURNAL PRINT

1915

STATE OF MAINE.

A PROCLAMATION BY THE GOVERNOR.

Whereas there is in progress a Nation-wide movement which has for its object the improvement of appearance, and safeguarding of public health of cities and towns, and

Whereas the first week of May has been generally set for this work, throughout the Nation, under the title of "Clean up and Paint up Week," I therefore urge that the people of Maine take an active interest in advancing this movement and devote as much time as possible in the week of May 3rd to 8th to cleaning and renovating their houses, places of business and yards appurtenant thereto, as well as alleys and vacant lots which may be in any part under their control. Co-operation in the observance of this will make for better health, greater security from fire danger and improved living and working conditions for all, and must prove of great economic value. The idea of "Clean up and Paint up Week" is therefore commended to the attention of all good citizens.

(Seal)

OAKLEY C. CURTIS.

By the Governor,

Attest: JOHN E. BUNKER,
Secretary of State.

STATE OF MAINE.

A PROCLAMATION BY THE GOVERNOR.

Conforming to the spirit of the Country-wide movement for peace, and to cause it to be made prominent in connection with the public exercises in observance of Memorial Day, it is recommended and urged that flags be placed at half mast, that bells be tolled from 12 o'clock noon until 12.05, on May 30, and that during that time all activities shall cease and all the people of the State shall stop and contemplate their dead who perished that the Nation might live.

Whatever may be the outcome of this great movement, it seems that, in this time of international strife abroad, no more potent influence can be exerted for peace as well as for restoration of the proper significance of Memorial Day, than this short period of contemplation of the dire consequences of sanguinary war, with particular remembrance of the toll in this our own land.

Given under my hand and the great Seal of the State, this fifth day of May in the year of our Lord one thousand nine hundred and fifteen, and of the State the ninety-fifth.

(Seal)

OAKLEY C. CURTIS.

By the Governor,

Attest: JOHN E. BUNKER,
Secretary of State.

GOVERNOR CURTIS' MESSAGES.

STATE OF MAINE.

AUGUSTA, MAINE, EXECUTIVE CHAMBER,
February 23, 1915.

To the Honorable Senate:

Senate Resolve No. 41 in favor of Bridges in the Town of Dresden presented to me for approval on the 18th inst., is returned herewith unsigned.

In stating the objections, as required by the Constitution, your indulgence is requested, that sufficient latitude be permitted to explain the conditions prompting such action.

There is no opposition to the sum of five hundred dollars, as proposed in the Resolve, no objection to the purpose of the expenditure, and no antagonism to the town of Dresden or any other town.

No doubt the proposition is worthy, and the assistance asked for is needed, or otherwise it would not have been recommended by your committee, and finally passed by both branches of the Legislature.

This Resolve chances to be the first presented me to be included in a specific line of appropriation under the title of "Ways and Bridges."

The exact weight of a Resolve proposing an appropriation is not entirely clear to me. It may have the force of Law, or it may be in the nature of recommendation to include a specific item in the final appropriation bill.

It may be a question whether a Resolve proposing an expenditure of money which is duly passed and approved and not included in the regular appropriation bill carries any force of Law.

If a Resolve has such force, what is the need of an appropriation bill, and if both the Resolve and the appropriation act are Law, is it a double appropriation, if it is included in each?

If a Resolve has no force of Law, then of course an appropriation bill is necessary. If it does have such weight then it would appear, that it must be paid whether it is included in the appropriation bill or not, but Article 5, of the Constitution provides, that no money shall be drawn from the Treasury but by the Warrant of the Governor with the advice and consent of the Council, and in consequence of appropriations made by Law.

The Appropriation Act is the only Law which authorizes the Governor to draw his Warrant on the State Treasurer. The Resolve does not carry this authority.

At any rate it is not my intention to sign a number of Resolves of this nature and then, later on, possibly be forced by lack of revenue to send back others of greater importance.

We have three classes of Appropriations to care for, one is the necessary, another the mandatory whether it is necessary or not, and the other is optional.

The fixed charges are necessary and the mandatory might be termed the same, as the law commands it, but many expenditures under this title should be optional.

Under the optional there are such items as "Ways and Bridges," "Charitable and Benevolent," "New Buildings," etc., and of course some of the fixed charges may be optional by decreasing or increasing the efficiency of the service.

There appears to be no question, that "Ways and Bridges" and "Charitable and Benevolent" items are purely optional and peculiar to themselves.

Apparently we are practically forced to consider them after the fixed charges have been provided for, and then, if there is any available revenue remaining, it can be used for such purposes.

No doubt, there are people who will argue, that the taxes should be increased for this purpose, but that does not seem advisable to me under the present conditions.

Each year appropriations are made for "Ways and Bridges" but the aggregate amount of the appropriations is dependent upon the Ways and Means to provide the funds.

Numerous requests have been made from all sections of the State, and all of more or less importance and there appear to be calls for about seven hundred thousand dollars for consideration.

A certain number of such Resolves will undoubtedly be passed by this Legislature; but many more must be refused for want of revenue to meet the demand.

In view of the fact that it is impossible for you to allow all of the requests, it is difficult to see how you can give a correct analysis of the compound proposition until you arrive at some conclusion as to just what will be eliminated; and when this is accomplished the problem is easy and the total is in sight.

The opportunity has been afforded you to investigate the needs of all these requests; and your judgment on the actual merit of each Resolve should be superior to mine, as no evidence may be submitted to me.

It is not anticipated that any occasion will arise which will cause me to object to any specific appropriation for this purpose; although, of course, it is possible.

All these Resolves for this session are now before you, and doubtless you will consider them in proper order as their urgency may appeal to you.

Beyond question you have so concluded, on this particular item in favor of the town of Dresden, and although it was returned to you, it is to be expected that you will care for it in the regular appropriation bill at the proper time.

The question which interests me, at this time, is the total amount of the Resolves you will pass, for the purpose of "Ways and Bridges."

Now, that you have all of these Resolves before you, is it not unreasonable, for me, to request this information? If so it is hoped that you will so inform me, and I shall patiently await your pleasure, but in the meantime will be under the painful necessity of returning to you, all such Resolves unsigned.

Of course, it is patent to you as business men, that there must be a limit, over which, the State cannot reasonably provide.

The State Departments and Institutions must be maintained beyond question, the general expenses of these are constantly increasing, and little, if any curtailment can be reasonably made in their allotment.

A comparatively small amount is available for what may be termed outside purposes, such as these mentioned.

The probable income of the State has been carefully considered and with this in view, the sum of one hundred twenty-five thousand dollars for the two years is deemed a reasonable figure as a total for "Ways and Bridges."

It is possible, of course, that you may not agree with me, on this estimate.

Unquestionably you have the power to pass Resolves for Appropriations to any extent you desire for one object or another, even if it reaches into the millions, for "Ways and Bridges" alone, and the only check is the veto power of the Governor, over which you can go by a two-thirds vote, but of course, you must provide the revenue, and consequently the whole responsibility rests with you.

As stated in my Inaugural Address, it is not my intention to attempt to interfere with your rights, and trust this has not been the case. It will be my aim to exercise whatever power is vested in me toward the promotion of a fair and just appropriation bill, and feel sure you will co-operate with me to this end, after the whole problem is considered and understood.

A fair and just appropriation bill, to my mind, is one which can be comfortably cared for by reasonably dependable income without excessive taxation.

You will readily understand, that my viewpoint, is limited to the income regardless of the importunities of the many wishing accommodation. If you provide more income, my range of vision might change accordingly.

Right here it may be proper to state that the "Charitable and Benevolent" items will be considered by me in the same manner as "Ways and Bridges."

A limit has been estimated on that proposition also, and my interest will be the same; which means the total amount only.

It is to be hoped these remarks will not be considered a note of defiance for you are assured that none is intended, but merely suggests the advisability of systematizing the problem by collecting together the most urgent measures and consummating a total within a reasonable limit, which can be passed on intelligently by anyone not acquainted with the details.

To explain a little further regarding the proposition of "Ways and Bridges," it is proper to say, that I conferred with the Chairman of your Committee, at his request, and being informed by him, since that time, that the Committee will recommend a larger amount than a hundred twenty-five thousand dollars, there appears to be no alternative than to return these Resolves until such a time as an exhibit can be made whereby the most urgent of them can be embodied within the said limit.

If this cannot be accomplished, then surely some curtailment must be insisted upon elsewhere, or otherwise direct taxation on the people will be compulsory. If you wish to support larger

expenditures in this direction, in place of the "Charitable and Benevolent," and not exceed the estimate for both, it will meet no opposition from me.

If I may be so bold as to suggest it, possibly some curtailment could be made in the expense of Legislative printing, for if my information is correct, the expense of this work under Governor Fernald's Administration in 1909, was \$34,327.06; under Governor Plaisted's in 1911, it was \$20,809.40 and under Governor Haines' in 1913, the amount was \$34,471.95 and naturally there was a corresponding difference in the binding.

This, of course, is optional with you, as it can be made large or small, as you may choose, and the Governor has no control over the amount which you may order, unless he has the right of veto on any order carrying the expenditure of money. I simply refer to this as an illustration, but no doubt other avenues could be controlled where more or less saving could be secured.

If it is possible for you, to save \$14,000.00 on the Legislative printing, it would go a long way towards providing assistance to some of the worthy Charitable Institutions which are properly calling for aid, or perhaps repair a few smaller bridges.

As already intimated, my only object is to secure a total appropriation for all matters which will come within the total income, and am perfectly willing to leave the distribution in detail to your good judgment, unless some special information comes to me, which might call for objections, in which case, it will be submitted to you.

No information in my possession indicates any increased revenue for the use of this administration, but it is evident that in some departments there will be increased expenses.

The consequence is, that curtailment must necessarily be made wherever possible to offset the inevitable increase in other directions.

I regret the seeming necessity which forces me, to voice the sentiments which control me in this matter, and more especially that the exemplification of the principle I wish to follow should fall upon this particular Resolve carrying a small appropriation of five hundred dollars and the merit of which is not questioned, but in the interest of sound and conservative administration, some system appears to be required to accomplish the proper results commensurate with the resources.

It is certainly to be hoped that these remarks, will not be construed as an attempt to arrogate my judgment over that of the unquestioned intelligence of your august body, but that it

will be received as a suggestion only, that the cold facts of the revenue resource must not be overlooked.

Although the system of arriving at an appropriation bill is crude, confusing and unbusinesslike, it is through no fault of yours or mine. It is difficult in the limited time and busy activity of a Legislative session to depart from oldtime custom, but it is hoped that we may co-operate in such a manner, that the people whom we represent will feel, that we have done our best, under the circumstances.

Let me repeat; I do not anticipate any occasion which will call for a veto of any Resolve on its merits alone.

I have the greatest faith in your integrity and ability to allot these appropriations, fairly and justly without interference from me. I have no personal interest in any of them except the general welfare. If I feel obliged to return such Resolves, it will probably be in the interest of the total appropriation and not in opposition to the merit of the bills which have had your careful consideration.

OAKLEY C. CURTIS,
Governor.

EXECUTIVE DEPARTMENT.

February 23, 1915.

To the Honorable Senate:

Senate Document No. 33, in favor of the Town of Whitefield, is returned herewith unsigned.

There is no objection to the amount of the Resolve or the purpose of the expenditure, but the objection is on account of the uncertainty of the total amount you will appropriate for "Ways and Bridges," as explained in my previous remarks regarding the Resolve in favor of the town of Dresden.

I trust this bill will be properly cared for at the proper time in the regular appropriation bill for this purpose.

OAKLEY C. CURTIS,
Governor.

EXECUTIVE DEPARTMENT.

March 19, 1915.

To the Honorable Senate:

Senate Document No. 215 relating to a proposed act to establish a State Reformatory for Women is returned herewith unsigned.

The purpose to establish a State Reformatory for Women was a plank of the platform of the Democratic party and is supported by them.

Even with the prospect of severe curtailment of appropriations there is no objection to the \$50,000.00 to commence operations, although eventually the annual appropriation will necessarily reach high figures.

The bill, however, does not appeal to me as being in proper form for signature.

By further consideration you will notice that aside from the original purchase of a site of land of not less than two hundred acres, no executive authority is provided to supervise the expenditure of the public money, and the said trustees would be supreme as no provision is made for their removal.

The only limit of expenditure of money would be the amount of the appropriation, and they could expend it in any way they may wish by erecting buildings, at any cost, employ help to any extent and pay whatever salary their good nature might suggest.

Noticing the omission of any executive control and thinking it unnecessary to use the veto power to correct what appears to be an oversight it was suggested by me that it be recalled for this purpose.

As this was refused, possibly it would be proper to request pardon for presuming to suggest anything to the Honorable Senate.

Since then it comes to me that the question of recall was taken up in a Republican Caucus and a decision arrived at whereby they would in a body oppose the recall of the bill for further consideration.

If this is intended to kill the bill you have your wish, but I regret the necessity which compels me to return this imperfect bill unsigned.

The object appears to me to be worthy of careful consideration, and the only requirement seems to be a proper wording of the bill.

OAKLEY C. CURTIS,
Governor.

EXECUTIVE DEPARTMENT.

April 2, 1915.

To the Honorable Senate:

Senate Bill No. 214, Resolve in favor of an Appropriation of \$55,000 for the Maine Industrial School for Girls, is returned herewith unsigned, for the reason that there appears to be no probability of income sufficient to Warrant the Expenditure.

Information at hand leads me to believe that this expenditure is one of the least urgent of the many demands, although it of course, has its merits.

OAKLEY C. CURTIS,
Governor.

EXECUTIVE DEPARTMENT.

April 2, 1915.

To the Honorable House of Representatives:

House Document No. 962, entitled, An Act to Amend Section One of Chapter Eighty-five of the Revised Statutes, relating to Trial Justices, is returned herewith unsigned.

The practical effect of this law would be to take the appointment of Trial Justices out of the hands of the Governor and Council and place that power in the hands of the various Boards of County Commissioners.

The Constitution provides for the appointment by the Governor subject to the approval of the Council of all Judicial Officers, excepting Judges of Probate, who are elected by the people. Trial Justices are important Judicial Officers, and should not receive their appointment from any less responsible authority than the Governor, nor should he in appointing them, be limited to candidate selected by any local board.

OAKLEY C. CURTIS,
Governor.

EXECUTIVE DEPARTMENT.

April 2, 1915.

To the Honorable Senate:

Senate Document No. 412, entitled An Act for the protection of life and property against loss or damage from steam boilers or steam machinery operated by incompetent persons in cities of over 35,000 inhabitants, is returned herewith unsigned.

A close examination of this bill leads me to believe it to be too radical. By referring to Section 7, as an example, it will be found that one person appointed by a city of over 35,000 inhabitants may pronounce anyone in charge of a steam plant incompetent for any cause whatever, and has power to remove him and place another man in his place.

This alone should be sufficient reason for vetoing the bill.

OAKLEY C. CURTIS,

Governor.

EXECUTIVE DEPARTMENT.

April 2, 1915.

To the Honorable Senate:

Senate Bill 204—A Resolve for the purpose of operating the fish hatcheries and feeding stations for fish, for the protection of fish, game and birds, and for printing the report of the Commissioners of Inland Fisheries and Game—is returned herewith unsigned; for the reason that you have passed a tax act of 10 mills, which, together with other income, will raise approximately \$10,000,000; and have passed resolves together with appropriations by law aggregating considerably in excess of this amount. It is therefore necessary that appropriations be reduced to conform with the income as already fixed by you.

Other departments have voluntarily reduced their demands, and I consider that this department can accommodate itself to the same condition even more easily than some of the others, to the extent of at least \$25,000.

I regret the necessity of vetoing a department resolve *in toto*, as the law commands; but of course it will be incumbent on you to adjust the matter so that the interests of the department will not suffer.

If this is allowed to stand at the amount named in the bill it may be necessary to offer some other veto message for your consideration, unless you can raise more revenue. I shall be

very glad to sign a resolve for \$150,000 for this department, which, together with the \$25,000 already passed, will make \$175,000 for maintenance, outside of about \$20,000 in other appropriations for the same department.

OAKLEY C. CURTIS,
Governor.