

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Eighty-first Legislature

OF THE

STATE OF MAINE

1923

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AUGUSTA, MAINE
1923

VETO MESSAGES

VETO MESSAGES

FOREST FIRE FIGHTERS

STATE OF MAINE

Office of the Governor

AUGUSTA

February twenty-second, 1923.

To the Honorable Senate and House of Representatives of the 81st Legislature:

I return herewith without my approval An Act to Amend Section Seventy of Chapter Eight of the Revised Statutes as Amended by Chapter Eighty-three of the Public Laws of Nineteen Hundred and Twenty-one, Relating to Forest Fire Fighters in the Maine Forestry District.

This Act seeks to amend the law in relation to the fighting of forest fires. Its purpose is of course commendable, but in my opinion the proposed amendment would interfere with the rights of citizens and would give too much authority to fire wardens. Under the present law the chief forest fire wardens and the deputy forest fire wardens "may summon to their assistance any person found within the State and each person so summoned shall be paid" a fixed sum.

The amendment to the law is as follows: "If any person so ordered to assist and not excused from said service by the chief forest fire warden or deputy forest fire warden on account of sickness, disability, or other valid reason, shall neglect to comply with such order he shall be subject to a fine of ten dollars."

The existing provision of law authorizes the fire wardens to summon any citizen to their assistance, which in itself is unusual, but where no penalty is provided for refusing to obey the summons the law cannot be abused. In my opinion, however, to place the proposed power in the hands of State employees is both dangerous and unwise. The law as it reads today is in the nature of a draft law, and the amendment would give too much power to the employees of a State department.

The personal rights and liberties of our citizens must be protected. When forest fires occur there naturally is great excitement and an official unaccustomed to calm and deliberate thinking might transgress his authority and impose hardships upon those over whom he is given control.

I appreciate the necessity of having efficient fire protection in the timberlands of Maine but the law in question, in my opinion, is an unwarranted

expansion of administrative authority and for this reason I return it herewith without my approval.

Respectfully submitted,

(Signed) PERCIVAL P. BAXTER,

Governor of Maine.

NEW CELL BLOCK—OUTSIDE BUILDINGS, MAINE STATE PRISON.

STATE OF MAINE

Office of the Governor

AUGUSTA

February twenty-eighth, 1923.

To the Honorable Senate and House of Representatives of the 81st Legislature:

I return herewith without my approval two resolves as follows: Resolve, Appropriating Money for the Purpose of Completing the New Cell Block of the Maine State Prison at Thomaston. Resolve, in Favor of the Maine State Prison at Thomaston for the Repair of Outside Buildings.

The first resolve calls for an appropriation of \$66,000 and the second for \$5,000.

Two factors are to be considered in making appropriations: first, the ability of the tax payers of the State to provide the funds to meet them; and second, whether there is actual need of expending money for the purposes for which it is asked.

The financial problems now confronting the State of Maine are serious. Larger appropriations are being called for by the State departments and institutions than ever before. The 81st Legislature is face to face with a trying situation.

I should be glad to sign the resolves that I am returning to you were it not for the fact that in my opinion the State at the present time cannot afford the outlay of \$71,000 that they call for.

In their recent report the Budget Committee considered the needs of every department and institution and established a basic State tax. Whatever appropriations are passed in addition to those recommended in the Budget Report will increase the State tax, and I am much disturbed at the outlook.

There is a tendency on the part of the heads of some departments and trustees of certain institutions to press unduly their claims upon the mem-

bers of the Legislature. Certain of these heads and trustees are endeavoring to obtain larger appropriations than those recommended in the Budget. I am of the opinion that those in charge of our State's activities should refrain from anything that savors of lobbying. It is proper for them to present the needs of their departments or institutions when called upon to do so by the various legislative committees, but to have the heads of departments and their employees and trustees of institutions constantly pressing for funds and interviewing members at every opportunity does not have a wholesome effect upon the legislative situation.

The Legislators are responsible for providing funds for the State's activities, and those in charge of departments and institutions should take those funds and expend them as judiciously as possible, even though their recommendations and requests are not always complied with.

The work in the State House should proceed during the legislative session as it does during the recess period, and all employees should remain in their offices and be ready to give information to the legislators and others seeking it. Beyond that they should not go.

Another feature of the situation disturbs me. Legislative committees that are considering the departmental and institutional appropriations are likely to be over-zealous in seeking appropriations for the departments and institutions they have charge of. These committees never should forget that they not only have a responsibility for the particular activities of the State entrusted to them, but that they are under a very direct responsibility for all the other activities of the State. Above else a proper sense of proportion is needed and all should take a broad Statewide outlook.

I believe a word of caution at this time is necessary for the Legislature is approaching the period when large appropriation bills will be coming in from every quarter. A halt must be called.

Respectfully submitted,

(Signed) PERCIVAL P. BAXTER,
Governor of Maine.

APPROPRIATION FOR COMMISSIONER OF AGRICULTURE

STATE OF MAINE

Office of the Governor

AUGUSTA

March sixth, 1923.

To the Honorable Senate and House of Representatives of the 81st Legislature:

I return herewith without my approval Resolve, in Favor of the Commissioner of Agriculture, for Carrying Out the Provisions of Chapter Eighty-one of the Public Laws of Nineteen Hundred and Twenty-one.

This Resolve appropriates \$6,000 "annually" to be expended by the Commissioner of Agriculture in investigating and furnishing "statements to shippers and other interested parties as to the quality and condition of fruits, vegetables, dairy and other perishable farm products." Under the existing law the sum of \$3,000 is appropriated for this work. The activities of the Department of Agriculture cover a wide range and its four divisions of plant industry, markets, inspections and animal husbandry bring the department in touch with the agricultural situation throughout the State. In the year 1922 the department spent \$231,163.77. At the present time I believe that the State cannot afford to increase the appropriation in question for I believe that the farmers of the State especially need relief from the burdens of taxation.

If our several departments are given practically the same amounts for 1924 and 1925 that they had in the past two years it is about all the State can afford. From the committee reports that are coming into the Legislature I estimate that the State tax rate will be not less than eight mills per year, and it is rapidly approaching nine mills. To impose such taxes upon the people of this State would be a severe hardship and I believe the legislators will proceed cautiously when they realize what this means and what is likely to happen if a halt is not called.

I have just approved three appropriations of \$10,000 each, or a total of \$30,000 for Scientific Investigation, Highmoor Farm, and Animal Husbandry. This Legislature also will appropriate as special aid to the farming interests approximately \$50,000 a year, or a total of \$100,000 for co-operative, agricultural and supplemental extension work, and these resolves I shall approve. In view of the present situation I believe the State should not increase the appropriation for the work outlined in the accompanying Resolve. If additional "statements" are needed the work of preparing them probably can be divided up among the employees of the department without imposing an unduly heavy burden upon them and without increasing the cost.

I desire to call your attention to the word "annually" in the Resolve

before you. This means that the present Legislature seeks to determine the amount of appropriations that succeeding legislatures shall make for this work. I believe it is dangerous and unwise for one legislature to attempt to guide succeeding legislatures on the question of appropriations. Each legislature has the responsibility for imposing taxes and for spending them. A practice has grown up in previous State administrations to pass "continuing" appropriation acts and today this Legislature is hampered by acts that have been passed in previous years. There is no reason why the Legislature of 1921 should have dictated to the Legislature of 1923 on appropriations, nor should the present Legislature attempt to pass appropriation bills for the Legislature that will convene two years hence.

Should this practice continue it ultimately will mean that legislatures will find themselves in a position where fixed charges and "continuing annual" appropriations will absorb all the State's income. At the present time by reason of certain mill taxes and "continuing" appropriations we have a basic tax rate of approximately 5 1-2 mills that has been imposed upon us by those who handled the affairs of State in the years gone by. As for myself I should like to see this sort of financing done away with, for every legislature should assume full responsibility for the appropriations it makes and for the taxes it levies.

I have another objection to this Resolve because an existing statute cannot be amended by a resolve. The present law relating to the statements to be prepared on the crop situation is an "Act" and is to be found in the Revised Statutes. If this "Act" is to be amended it must be amended by an Act and not by a resolve. An Act is a provision of law that continues from year to year, while a resolve is of a transitory nature and once its functions are performed it ceases to operate. Care should be exercised in these matters if the official records of the State are to be kept in a proper lawful form.

I cannot approve the Resolve presented to me: first, on account of its being double the amount appropriated in previous years; second, because it is a continuing annual appropriation; and third, because the form of the Resolve does not comply with the requirements of our Statutes.

Respectfully submitted,

(Signed) PERCIVAL P. BAXTER,
Governor of Maine.

WORLD WAR FLAGS

STATE OF MAINE

Office of the Governor

AUGUSTA

March eighth, 1923.

To the Honorable Senate and House of Representatives of the 81st Legislature:

I return herewith without my approval Resolve, to Place the Flags of Maine in the World War in the Hall of Flags.

This Resolve would have been in order and I should have gladly given it my approval had it not been that the placing of the flags already has been attended to by the Governor and Council and there is no need of action being taken by the Legislature.

More than a year ago I formulated plans to procure two flag cabinets in which to place the battle flags of the Spanish War and of the World War. It took me some time to get the plans drawn and to place the contract. All details, however, were attended to and the order placed for the cabinets several months ago, notice of which was published in the newspapers. I am daily expecting the arrival of the cabinets and hope they will come before the Legislature adjourns so that the Senators and Representatives may see that the flags have been cared for properly by the Governor and Council.

Respectfully submitted,

(Signed) PERCIVAL P. BAXTER,
Governor of Maine.

JEWELER'S LIEN

STATE OF MAINE

Office of the Governor

AUGUSTA

March eighth, 1923.

To the Honorable Senate and House of Representatives of the 81st Legislature:

I return herewith without my approval An Act Providing for a Jeweler's Lien.

In my opinion it would be unwise to extend the provisions of our lien

laws unless there is pressing need for our doing so. The lien laws were originally enacted to afford protection to workmen upon buildings, the theory being that the men who put their labor into building construction could not be expected to investigate the legal title to the property on which they were employed and that they should not be deprived of what they honestly earned in case legal difficulties in connection with the property should arise.

The building trades occupy a position very different from any others, for buildings must be constructed in which citizens may live and carry on their business enterprises.

If a jeweler is to be given a lien there is no reason why the same privilege should not be accorded to a tailor, a shoemaker and to persons engaged in other trades and occupations.

I am of the opinion that no preferences should be given to one class of citizens unless the same preference is extended to those in other classes. Today a jeweler has the usual remedies at law in case his customer does not pay him for labor performed.

In my opinion all classes should be treated alike and whatever happens to hamper trade and give special privileges to one group in a community creates preferences, and for the reasons above stated I believe it against public policy to enact the law herein referred to.

Respectfully submitted,

(Signed) PERCIVAL P. BAXTER,
Governor of Maine.

BOARD OF REGISTRATION OF MEDICINE.

STATE OF MAINE

Office of the Governor

AUGUSTA

March ninth, 1923.

To the Honorable Senate and House of Representatives of the 81st Legislature:

I return herewith without my approval Resolve, in Favor of the Board of Registration of Medicine.

This Resolve appropriates the sum of \$500 a year to defray the expenses of the Board in question. In my opinion the several boards of Physicians, Osteopaths, Veterinarians, Embalmers, Dentists, Lawyers, Pharmacists, Optometrists, Nurses, Accountants and others should be self-sustaining

and should not call upon the State Treasury for funds to carry on their activities.

These boards are established to maintain standards for the several professions or occupations referred to, and they render a service to the community. Most of the boards, however, charge fees sufficiently large to pay the nominal salaries of their members and their expenses, and I am of the opinion that it is not right to discriminate between them by making a special appropriation for certain Boards and not making them for all.

The members of these boards do not seek the positions for the salaries incident thereto, but they are animated by a desire to elevate their several professions and occupations and to render public service. Membership on these Boards gives a man an official position and is of considerable benefit to him in the practice of his profession or business.

A law now is pending before this Legislature which will place all these boards upon an equal footing whereby all will become self-sustaining, and in view of this I deem it unwise to approve the Resolve now before you.

Respectfully submitted,

(Signed) PERCIVAL P. BAXTER,
Governor of Maine.

RELATING TO MOTOR VEHICLES.

STATE OF MAINE

Office of the Governor

AUGUSTA

March ninth, 1923.

To the Honorable Senate and House of Representatives of the 81st Legislature:

I return herewith without my approval An Act to Amend Sections Thirty-four and Seventy-five of Chapter Two Hundred and Eleven of the Public Laws of Nineteen Hundred and Twenty-one, Relating to Motor Vehicles.

The effect of the existing laws is to allow citizens of New Hampshire who live within fifteen miles of the Maine border to operate motor vehicles, excepting trucks, tractors or trailers in the State of Maine, upon payment of a registration fee of two dollars, on condition that the State of New Hampshire grants an equal privilege to citizens of the State of Maine living within fifteen miles of the New Hampshire border.

The Act which I am returning extends additional privileges to certain citizens of New Hampshire, and allows them to operate "trucks and trail-

ers" in the State of Maine upon payment of the registration fee of two dollars above referred to. The present law and the proposed amendment confer special privileges upon a comparatively few citizens living within the radius of fifteen miles of the Maine-New Hampshire line. In my opinion it is not in accord with sound public policy to grant these privileges to any class or group within our State. All should be treated alike.

There should be no discrimination in favor of Maine citizens who live in the territory bordering the New Hampshire line. The people of the central and eastern parts of the State are obliged to pay their share of the burdens of maintaining our roads, and this burden should be borne by people in every section. Under existing laws in order for certain Maine citizens to obtain special privileges in connection with the New Hampshire roads, citizens of New Hampshire are granted preferred rights in Maine's roads.

I cannot follow the reasoning that establishes fifteen miles as the limit beyond which special privileges shall not be extended. There is as much reason to make the limit twenty-five, fifty or a hundred miles as to make it fifteen, for in these days of rapid transportation a hundred miles is a trifling distance if roads are good.

In my opinion it would be well to repeal the special privileges granted to passenger car owners in the zone referred to, but that question is not before me. I do, however, deem it unwise to extend existing privileges to include New Hampshire truck owners. The truck problem is a serious one, and all trucks should bear equally their proper share of the burdens and of road maintenance and this is especially true of trucks coming from other states. No privileges should be extended to one class at the expense of another.

In these road matters as in others, a statewide view should be taken and I cannot approve a bill that allows the citizens of New Hampshire to operate trucks in Maine upon payment of a nominal two dollars registration fee, when Maine truck owners are paying anywhere from ten dollars to one hundred forty six 67-100 dollars for the same privilege.

Respectfully submitted,

(Signed) PERCIVAL P. BAXTER,

Governor of Maine.

REPORT OF MAINE STATE BAR ASSOCIATION.

STATE OF MAINE

Office of the Governor

AUGUSTA

March ninth, 1923.

To the Honorable Senate and House of Representatives of the 81st Legislature:

I return herewith without my approval Resolve, Providing for the Purchase of Reports of the Commemoration of a Century of Peace between the United States and Canada of the Maine State Bar Association.

The amount called for by this Resolve is not large but I believe that all possible economies should be effected. I take as deep an interest in saving small sums as I do in saving those that are larger. If the condition of the State Treasury warranted the purchase of the book in question I should be glad to give my approval to this Resolve. As there are a number of similar Resolves pending before this Legislature and as the total sum involved is considerable I am of the opinion that no purchases of books, other than those provided for by the regular appropriation for the State Library, should be made at present.

I regret the necessity of disapproving the Resolve now before you and do so solely from a desire to relieve the citizens of the State from the burdens of taxation.

Respectfully submitted,

(Signed) PERCIVAL P. BAXTER,
Governor of Maine.

COMMISSIONERS OF PHARMACY.

STATE OF MAINE

Office of the Governor

AUGUSTA

March thirteenth, 1923.

To the Honorable Senate and House of Representatives of the 81st Legislature:

I return herewith without my approval Resolve, in Favor of the Commissioners of Pharmacy.

My reasons for declining to approve this Resolve are similar to those which induced me to return to you without my approval, on Friday, March

9th last, a similar Resolve entitled, "Resolve, in Favor of the Board of Registration of Medicine." The latter disapproval was sustained by your honorable body by a vote of 107 to 4.

The Resolve in question and the one above referred to are similar in purport and seek to give a preference to the two boards in question. I am not in favor of granting such a preference and believe all our State Boards should be placed upon the same basis and should be made self-sustaining.

Respectfully submitted,

(Signed) PERCIVAL P. BAXTER, '

Governor of Maine.

STEAMSHIP SHEDS AT STATE PIER.

STATE OF MAINE

Office of the Governor

AUGUSTA

March fourteenth, 1923.

To the Honorable Senate and House of Representatives of the 81st Legislature:

I return herewith without my approval, "Resolve, Appropriating Money for Rebuilding the Steamship Sheds at the State Pier at Portland."

I have given serious thought to this Resolve and have considered it from every angle. The problem that it presents is one of the most difficult I have been called upon to face. My reason for declining to approve the Resolve is that at the present time the State cannot afford to spend the \$165,000 called for. On all sides demands for money are pouring into the Legislature and some halt must be called before it is too late. The tax rate is mounting and its progress upward must be arrested. Almost every legislator has a special project in which he is interested and each member will need to make some sacrifice if any limit is to be placed on taxation.

As often happens excuses are now being offered as to why an increased tax rate is unavoidable. Some urge that the rate of the last two years was too low, but with this argument I am not in accord. It may be that if the tax rate for 1921 and 1922 had been larger this Legislature would have more easily excused a high rate of its own making. This argument is based upon political considerations and is not sound. I believe in reducing taxes whenever it is possible to do so, and am glad we were able

to effect a considerable saving for the people in 1921 and 1922. I do not approve the position some public men take, that it is not good politics to reduce taxation below a certain point for fear that invidious comparisons between state administrations may be made. If we were able to carry on the State Government at a low tax rate in 1921 and 1922 so much the better for all concerned; the future must care for itself.

Many legislators are comforting themselves by saying that the State should not practice "false" economy, and that it must not neglect to care for its property. It is alleged that the people at home will understand the high tax rate if the matter is thoroughly explained to them. This reasoning seems to be making some headway about legislative halls and I have reason to believe it is not altogether unselfish. The fact is the people who pay the bills will brush aside all excuses, for their particular concern is the tax rate that we impose upon them. Any arguments to the contrary are misleading and confuse the issue. All agree that the State should not allow its property to deteriorate but the question is: just what is necessary to keep the State's property in proper condition? As to this no doubt there is an honest difference of opinion when any particular case is concerned. It is not well, however, to offer excuses for increasing the tax rate, for excuses are not reasons.

It has been argued that the State is in the pier "business" and consequently must continue in it; that it must keep up what it has started, even though a large expense is involved. No doubt certain sections of the west side of the pier need strengthening; ultimately that side must be rebuilt. I have weighed these arguments, and am of the opinion that the State should complete the easterly side of the pier before it undertakes new construction. The wharf should be put in safe condition so that for the next few years it will serve the purposes for which it is now being used. Future legislatures can decide the future of the pier.

At first I felt that there was but one course to pursue and that was to approve the Resolve. The more I have considered the situation the more reluctant am I to take affirmative action. I decide this question just as though I myself owned the pier and personally was charged with its management. In such case my first desire would be to retain as a tenant the Eastern Steamship Company so that its service would continue. If I owned the wharf I should strengthen it where needed, but would not expend \$165,000 at the present time in rebuilding it along modern lines. I myself am directly responsible for two privately owned wharfs in Portland and I am treating the State Pier as though it were one of them. This is the only way to approach the question. Just at the present moment the piling is covered with ice and it is difficult to make an accurate survey.

In a letter addressed to me by one of the pier directors the statement is made that unless the wharf is rebuilt this summer the directors will not

allow it to be used after next August. If the directors consider it safe to use the wharf between now and August next it cannot be in immediate danger of collapsing. I fully appreciate the valuable public service that has been rendered by the pier directors; they have devoted themselves unselfishly to their work and merit the thanks of their fellow citizens.

In my opinion it is unfortunate that the westerly side of the pier was not rebuilt before all the funds amounting to \$1,150,000 were spent on the new sheds on the easterly side. Had this been done the New York, Boston and Eastport boats would have been taken care of and the sheds for foreign and Pacific coast steamers might have been reduced somewhat in size, and both sides of the pier then would have been made reasonably satisfactory without overdrawing the original appropriation. The construction of the grain conveyers might have been postponed for the money now being spent on this portion of the pier would have been almost sufficient to have entirely rebuilt the westerly side.

The condition of the westerly side, if as bad as represented, must have been apparent to the engineers a year ago when they began their construction work, and it may be that an error in judgment was made in not attending to this section of the pier at the very outset. Had this been done there would have been no question about the safety of the pier.

The position in which the Chief Executive now is placed is difficult. Regardless of an individual's opinion as to the wisdom of the State's having embarked in the pier business, the property now is held by the State and must be managed in a business-like way. An ultimatum is presented to the Governor to the effect that unless \$165,000 is immediately made available the westerly side of the wharf is likely to be closed. I do not think that either horn of this dilemma need be chosen for I believe the pier can be made safe for the next two years by a comparatively small outlay and the directors no doubt will be able to make a short term contract with the Eastern Steamship Company. If concessions are made in the company's rental probably arrangements can be perfected so that it will continue its Portland-Boston service. If this veto is sustained the directors no doubt will do their best to make the premises safe and the responsibility for doing so rests upon them. Later after the present new construction on the east side is completed the directors can come to the next legislature and give an accounting of their stewardship.

The whole economy program of the 81st Legislature hinges upon this appropriation. I shall not hesitate to take a decided stand against unwarranted expenditures, even though by doing so I shall disappoint some of the public-spirited citizens of my native city. I hope the members of this Legislature will take this situation to heart, for legislators, as well as Governors, should have a Statewide vision, and should not unduly urge appropriations for any particular section or community. If such a spirit

prevails this Legislature will have done much to relieve the burdens of taxation.

For the reasons above stated I decline to approve the Pier Resolve.

Respectfully submitted,

(Signed) PERCIVAL P. BAXTER,

Governor of Maine.

EASTPORT BRIDGE

STATE OF MAINE

Office of the Governor

AUGUSTA

March fifteenth, 1923.

To the Honorable Senate and House of Representatives of the 81st Legislature:

I return herewith without my approval, Resolve for Appropriating Money to Repair the Eastport Bridge.

The situation which this Resolve presents is a difficult one. There can be no question but that this bridge needs extensive repairs, but the present tendency is for communities where the tax rate is high to call upon the State for aid. If this plan is continued the State will find itself overburdened with bills for the repair and reconstruction of roads and bridges.

I have no doubt but that there are many bridges in Maine as much in need of repair as the Eastport Bridge. The Legislature has a fund of approximately \$112,000, which it can use to meet emergencies, and it would seem to me that resolves similar to the one before you should be paid out of this special legislative fund. Even if the Legislature should appropriate from this special fund one-half the amount called for, on condition that the city of Eastport and the town of Perry contribute the other half, it would afford substantial relief to those communities.

There are several bridge Resolves pending before the Legislature and no doubt the arguments in favor of one will apply with equal force to the others. I am not able to discriminate between them. If this Resolve and those similar to it are passed it means that a considerable addition will be made to the tax rate. The cities and towns of the State are under a very direct obligation to maintain their own roads and bridges and once the bars are let down there will be no end to the demands made upon the State Treasury.

Respectfully submitted,

(Signed) PERCIVAL P. BAXTER,

Governor of Maine.

STATE LIBRARY BUILDING COMMITTEE

STATE OF MAINE

Office of the Governor

AUGUSTA

March fifteenth, 1923.

To the Honorable Senate and House of Representatives of the 81st Legislature:

I return herewith without my approval Senate Document No. 82 entitled, A Resolve Appointing a Committee of Investigation to Procure Plans and Estimates for a State Library Building.

Two years ago a Resolve similar to the one before you was passed by the Legislature, but in it the appointment of a Library Commission was made optional with the Governor. After considering the matter from every angle I concluded not to take advantage of the power conferred upon me by the 1921 Resolve.

In my opinion it is unwise to start a project that will cost in the neighborhood of five hundred thousand dollars, unless before starting it we have reason to believe that the funds can be obtained to carry the project to completion. It is comparatively easy to set in motion a movement for a new Library building, but it will not be easy to find the funds with which to build it.

The State has had some experience in the past in matters of this sort, and oftentimes a comparatively harmless looking Act or Resolve has been the beginning of a great expenditure, which probably would not have been authorized had the Legislature originating it fully appreciated what future developments would be.

It cannot be questioned that our State Library is crowded, but in my opinion for the time being we can get along without undue inconvenience. If five hundred thousand dollars was now available I believe it could be used to better advantage in erecting new buildings at certain of our State institutions where there is real need of additional housing and equipment than in the construction of a new Library building. Let us first care for our insane and feeble-minded, for our prisoners at Thomaston and South Windham, even though for a few years our State Library is somewhat overcrowded.

Respectfully submitted,

(Signed) PERCIVAL P. BAXTER,

Governor of Maine.

LIEN ON VEHICLES

STATE OF MAINE

Office of the Governor

AUGUSTA

March fifteenth, 1923.

To the Honorable Senate and House of Representatives of the 81st Legislature:

I return herewith without my approval, "An Act to Amend Section Fifty-six of Chapter Ninety-six of the Revised Statutes, Relating to Lien on Vehicles."

This law gives a lien to any person who performs labor by himself or his employees on "automobiles, motor cars, and tops and parts thereof." Some days ago I returned to you without my approval an Act Granting a Lien to Jewelers, and in doing so I stated my objections in some detail and these objections were sustained. There is no more reason for granting a lien to those who repair "automobiles, motor cars and tops and parts thereof" than there is for giving such a lien to those who repair watches and jewelry. Should the law I am returning to you be enacted there would immediately arise an endless number of claims and our public records would be choked with a mass of litigation. This would be inevitable with more than 100,000 motor vehicles registered within the State of Maine.

The man who repairs automobiles and other motor cars has ample protection under our existing laws and should not be given any preference over workmen in other trades. I am much opposed to special privileges, for I believe all citizens should be treated alike, and without going into further details I return the matter herewith.

Respectfully submitted,

(Signed) PERCIVAL P. BAXTER,

Governor of Maine.

KENNEBEC RESERVOIR COMPANY

STATE OF MAINE

Office of the Governor

AUGUSTA

March 20, 1923.

To the Honorable Senate and House of Representatives:
Gentlemen:

I herewith return to you without my approval, "An Act to Create the Kennebec Reservoir Company and Define Its Powers."

My reasons for vetoing this measure have been given to you in detail in a message that I delivered in person this forenoon at the joint session of the Senate and House.

Respectfully submitted,

(Signed) PERCIVAL P. BAXTER,

Governor of Maine.

(NOTE. For text of message delivered to joint session, above referred to, see, post, "Miscellaneous Communications.")

PUBLIC HEALTH COUNCIL

STATE OF MAINE

Office of the Governor

AUGUSTA

March twenty-first, 1923.

To the Honorable Senate and House of Representatives of the 81st Legislature:

I herewith return without my approval, "An Act to Amend Section Four of Chapter One Hundred and Ninety-seven of the Public Laws of Nineteen Hundred and Seventeen, as Amended, Relating to the State Department of Health."

This bill provides that the Governor "on or before the first day of May in the year nineteen hundred and twenty-three shall appoint a dentist as a member of" the Public Health Council. As the Act in question will not take effect until ninety days after the adjournment of the Legislature, the Governor cannot lawfully make the appointment referred to. In other words, the Legislature is directing the Chief Executive to take action under an Act that will not become a law until more than sixty days after the date of the appointment the Governor is ordered to make.

Another clause of the law provides that the Governor "at the same time shall make another appointment to said board for the term of five years from said first day of May, nineteen hundred twenty-three." The reasoning in the first paragraph of this communication applies with equal force to this latter provision. I cannot approve an Act that instructs me to make an unlawful appointment and so am returning it to your honorable body.

Respectfully submitted,

(Signed) PERCIVAL P. BAXTER,

Governor of Maine.

"HISTORY OF AROOSTOOK"

STATE OF MAINE

Office of the Governor

AUGUSTA

March twenty-first, 1923.

To the Honorable Senate and House of Representatives of the 81st Legislature:

I return herewith without my approval, "Resolve, Providing for the Purchase of 'History of Aroostook.'"

This Resolve calls for the expenditure of \$525 and is one of several that are before this Legislature. In my opinion it is unwise for the Legislature to pass these special resolves calling for the purchase of books, because in our general appropriation bill a liberal amount is provided for the purchase of such books as the State Librarian deems proper. When the Legislature orders the purchase of these special volumes it is usually done for the purpose of aiding those who publish them and, in my opinion, in very few instances would the State Librarian himself purchase the books if the matter were left to his discretion.

It is an easy matter for the Legislature to spend several thousand dollars on special book resolves, but my experience has been that most of these books after being delivered to the State Library find their way into the dome of the Capitol, and remain there until some general housecleaning takes place or until space needs to be made for the ever increasing procession of volumes that pour in upon us.

It is not an unusual sight to see a truck drawn up by the side door of the Capitol, there to be loaded with reports and volumes of one kind or another to be taken away to the dump because there is no use for them in the State House. I believe our State Librarian is thoroughly qualified to purchase the books our State Library really needs. Maine has wasted enough in printing during the last ten years almost to have built a new wing for the Library.

Respectfully submitted,

(Signed) PERCIVAL P. BAXTER,

Governor of Maine.

HOWLAND-ENFIELD BRIDGE

STATE OF MAINE

Office of the Governor

AUGUSTA

March 21, 1923.

To the Honorable Senate and House of Representatives of the 81st Legislature:

I return herewith without my approval, "Resolve, in Favor of a Bridge Between Howland and Enfield."

This Resolve is one of several relating to bridges that doubtless will be presented to me. There are certain features involved in one case that are not found in others. In the case before us the bridge is between two towns bordering on the Penobscot River. Repeatedly during the last two years these towns have applied to the Governor and Council for aid to repair this bridge. The Councilors and myself have gone into the matter carefully on each occasion, have looked into the valuation of the towns and have made inquiries as to their ability to raise money to keep the bridge in proper repair. We have been satisfied that the towns are in a position to handle this situation and consequently did not take money from the Contingent Fund as requested.

In one of the towns there is a large pulp mill and its heavy trucks cause most of the wear and tear on the bridge. It of course would be helpful if the State would assume the burdens of this bridge, and the towns thereby would be relieved either from increasing their taxes or issuing bonds. This, however, applies in every case where a town is unfortunate enough to have a large number of bridges within its borders. Gradually the State is taking over control and responsibility of bridges, and every one that is added to the State's already heavy burdens makes it more difficult for the tax-payers to carry the load. Any thoughtful citizen can see what the future will be if the practice of placing these bridge bills upon the State continues without interruption. A community with a strong representation in the Legislature can avoid its responsibilities, while other communities not so favored must get along without assistance. I believe a principle is at stake in these bridge resolves, and although it hardly can be expected that the Legislature will consider each one on its merits I feel under obligation to withhold my approval in cases similar to the one now before me. Of course if the emergency is sufficiently pressing, money can be appropriated by the Legislature out of the special \$112,000 fund which the Legislature has in hand for just such cases as the one before us.

During this Legislative session I have felt it my duty to veto an ever increasing number of Acts and Resolves and have done so without any personal feeling or prejudice. Doubtless I shall be called upon to con-

tinue the course that I have entered upon. I want the legislators to understand that a Governor's position is very different from theirs. When he affixes his signature to a law it is made effective by his affirmative act. It is his law and he assumes a personal responsibility for it.

Legislators in passing laws give their approval as a rule in mass formation and each member takes but a fraction of a share of the responsibility for its enactment. No matter how trivial or how important, I shall not sign any measure unless I really approve, and am willing to accept full responsibility for it. In doing this I am but performing the duties imposed upon me by the Constitution of our State. I have no pride of opinion in these matters but am acting solely within my constitutional rights.

A Governor should not hesitate to take the lead and certainly he should not become a mere trailer in the procession. Perhaps it would be more comfortable for him if he should sit complacently in his office and say to himself that the legislators having passed certain laws he need not go against their wishes. This is the easier course to follow, but not one that appeals to the present Chief Executive. I have no patience with those who would avoid full responsibility for their decisions.

As the days go by and as Acts and Resolves are brought to me I shall consider each upon its merits and act accordingly. There will be no feeling of resentment on my part in case some of these are passed over my disapproval. I, however, am thinking of the folks at home and am doing my best to protect their interests. They are the ones who in a few months will be called upon to pay the bills that are now being enacted. If every legislator could make a trip home between the time of the Governor's veto and the date that it comes before the House or Senate on the question of overriding his action, I believe there would be but few cases in which the Executive and Legislative branches finally would disagree. It should not be overlooked that overriding the Governor's veto does not necessarily close an incident. If any measure is of sufficient importance those interested in it easily may invoke the referendum and then the people themselves will decide whether they will maintain the Governor or the Legislature. The final decision on any such matter in such an event would be withheld until September, 1924.

Respectfully submitted,

(Signed) PERCIVAL P. BAXTER,

Governor of Maine.

WEST BRANCH DRIVING AND RESERVOIR DAM COMPANY
STATE OF MAINE
Office of the Governor
AUGUSTA

March twenty-first, 1923.

To the Honorable Senate and House of Representatives of the 81st Legislature:

I return herewith without my approval, "An Act to Amend Chapter Two Hundred and Six of the Private and Special Laws of Nineteen Hundred and Seven, Relating to the West Branch Driving and Reservoir Dam Company."

This Act grants to the West Branch Driving and Reservoir Dam Company one of the most valuable water storage franchises in the State of Maine. It gives the said company the right to raise the water level of Chesuncook lake $8\frac{1}{2}$ feet above its maximum level and the right to take or flow out any water powers belonging to private individuals below the Chesuncook Dam, or below the dam authorized by the Act. The right of eminent domain always has been jealously guarded by the Legislature, but this Act gives it away without restriction. The storage developments in this region are solely for private profit, and although a great industry has located there the fact remains that most of the rights of the people in water storage have been parted with forever in this vast section of Northeastern Maine.

The West Branch Company in the years gone by has been granted everything it has asked for and now seeks further privileges. In my opinion before any such grant is made the rights of the State should be taken into consideration, and the people of the State should share directly in the benefits that will accrue by reason of this increased storage capacity.

This franchise is very similar to that asked for by the Kennebec Storage Reservoir Company and my reasons for disapproving the latter franchise apply with equal force to the present. In the case before us the State already has parted with many valuable rights and certainly a halt should be called. Before any additional privileges are granted the rights of the people should be defined and a halt should be made in the granting of storage franchises until the proposed constitutional amendment is placed before the people. It is easy to give away these great franchises, but once alienated they never can be recalled. The chain of lakes that already has been deeded forever to the West Branch Driving and Reservoir Dam Company comprise one of the greatest water storage reservoirs in Maine and its value runs into millions of dollars. It will not work a hardship upon the company in question if the charter it seeks is postponed until

the people of the State are given the right to decide what they themselves desire to do in the water storage question. I shall not give my approval to any great water storage projects at this session of the Legislature, for the time has come when all these franchises should be denied until the people come into their own.

Respectfully submitted,

(Signed) PERCIVAL P. BAXTER,

Governor of Maine.

SALARY OF STATE ASSESSORS

STATE OF MAINE

Office of the Governor

AUGUSTA

March twenty-first, 1923.

To the Honorable Senate and House of Representatives of the 81st Legislature:

I return herewith without my approval, "An Act to Amend Section Thirty-two of Chapter One Hundred and Seventeen of the Revised Statutes, as Amended by Chapter One Hundred and Eighty-three of the Public Laws of Nineteen Hundred and Seventeen, and by Chapter One Hundred and Fifty-two of the Public Laws of Nineteen Hundred and Twenty-one, Relating to the Board of State Assessors."

My reason for disapproving this Act is that it increases the salary of two members of the Board of State Assessors and at the present time I do not favor salary increases. The work which the Board of Assessors is doing is of vital importance and they should be properly paid for their services, but it is entirely unreasonable to increase the salary of the two members of the Board and to make no provision for the Chairman who is the one who guides its deliberations.

It cannot be denied that many of the salaries in the State House are not adequate for the services rendered, but it is not desirable to attempt to equalize them piecemeal. If the matter could have been gone into thoroughly by a committee of the Legislature, or some other public body, it may be that increases would have been justifiable in certain cases. The people at home, however, at the present time are not in sympathy with State salary increases and I am in accord with their position.

Respectfully submitted,

(Signed) PERCIVAL P. BAXTER,

Governor of Maine.

BUILDING AT EASTERN STATES EXPOSITION

STATE OF MAINE

Office of the Governor

AUGUSTA

March twenty-second, 1923.

To the Honorable Senate and House of Representatives of the 81st Legislature:

I return herewith without my approval Resolve, in Favor of the Erection of a State of Maine Building on the Grounds of the Eastern States Agricultural and Industrial Exposition Incorporated at West Springfield, Massachusetts.

This Resolve is similar to one passed by the Legislature two years ago and which I disapproved, the Legislature at that time having sustained my veto. The principal difference between this Resolve and the one of 1921 is that this contains a provision whereby certain private interests are to aid the State in the erection of the proposed building. This does not in any way remove the objections which I advanced in 1921; it but adds to their force for the more elaborate and costly the building the more it will cost the State of Maine to maintain it. This Resolve is but the beginning of a great, unwarranted and continuing outlay of the taxpayers money.

Our State Government is overwhelmed with appeals for funds with which to construct buildings at the State Prison at Thomaston, at the Men's Reformatory at South Windham, at the State Reformatory for Women, at both the Augusta and Bangor Insane Hospitals, at the Home for the Feeble Minded, and at practically every institution that the State is supporting. We are struggling along under heavy burdens. It seems to me the height of folly for the State to put \$25,000, or in fact any sum of money whatsoever, into a building in Springfield, Mass., or anywhere else outside the borders of the State. The expenses involved in this project are endless, and the sum called for by this Resolve will be but the beginning of an annual outlay that is certain to mount to many thousands of dollars. I cannot think that this Legislature on sober second thought will pass this measure.

I have visited practically every large exposition that has been given in this country since the Chicago Exposition in 1893. My experience has been that if I really want to see the principal worth-while exhibits I invariably have gone through the large buildings where the exhibits are grouped together by hundreds. The smaller state buildings at these great expositions are frequented by a few hundred persons a day, whereas the main buildings are frequented by tens of thousands daily. If an exhibitor

desires to properly display his wares in the most favorable location he never goes to a state building to do so. This is the experience of all who have attended and exhibited at the principal expositions of the past thirty years.

State buildings usually become a loafing place for a few state officials and their friends and I can foresee just what will occur at Springfield, Mass., if this Resolve is passed. Our officials will be entertained by those of other states and will entertain in return. The taxpayers will pay the bills. For several years our Department of Agriculture has carried a very creditable exhibit to Springfield. In fact it has been one of the best state exhibits at that exposition. This has been taken care of out of the regular departmental appropriation. It is now proposed not only to build this building but in addition thereto to pass a special appropriation of several thousand dollars to cover the expenses of the State's exhibits. This is a rapid and undue expansion of what at first was a proper and modest undertaking.

We have about fifty fairs within the State of Maine and every one of them must struggle to keep its head above water. These fairs are managed by patriotic citizens who devote their time to, and put their money into, them for the upbuilding of their respective communities. The State appropriated approximately \$15,000 a year to aid these fairs and the pitifully small stipends they thus receive help tide them over the hard places. You now are urged to make an initial outlay of \$25,000 to erect a State Building in Springfield, Mass., hundreds of miles away from home.

There is no reason why Maine should pay tribute to Massachusetts. The invitation extended to us is not unselfish. We are to furnish another attraction to boom Springfield and its exposition. It is strange that the management of the Eastern States Exposition should incur the expense of maintaining a representative at Augusta throughout this session. My only explanation is that they are of the opinion that once the State of Maine is committed to this project, it will continue to pour large sums of money into the coffers of their exposition.

I stood before the people of Maine in 1922 on a platform of economy, and I am consistently endeavoring to live up to that platform. In an attempt to bring the various groups of this Legislature together a fortnight ago I invited into the Council Chamber the members of the Appropriation Committee, and the Senate and House Chairman of practically every committee that appropriates money. The whole question of the State's finances was discussed, as were the dangers of extravagant appropriations. The conference lasted two hours and adjourned until the day following. We all came together again and an arrangement was made that every committee making appropriations was to keep in touch with the Appropriations and Financial Affairs Committee. It was understood

that if committees were in disagreement a serious effort would be made to harmonize differences of opinion. It was the opinion of most of those present that the State tax rate should not exceed 7 mills. It is unfortunate that these conferences were not productive of better results. From what recently has occurred it is apparent that the Legislature has adopted a platform of its own. Of course it is not difficult to override Executive disapproval, if those interested in different measures join together, but whatever happens the people themselves will decide upon the merits of the case.

It has been alleged that the Executive has interfered with the Legislative prerogatives. As a matter of fact there is no such thing as "Executive interference." This is but a phrase of those who fear for their particular projects. It is as much the right of the Executive to *veto* a bill, as it is the right of a legislator to *vote* for it. It is for each to do what he believes to be right and for the public interest.

It should not be overlooked that the Legislature is in session only for about three months. The members then return to their homes and leave the government of the State to the Chief Executive for a year and nine months. The administration is known as the Governor's administration, and he must bear the blame of or take the credit for it, as the case may be.

In my opinion there is no valid reason for an excessive tax rate and the taxpayers of the State will hold us all responsible for what is done here during the next few days. You already have passed measures over the Executive veto that have added approximately $\frac{1}{3}$ of a mill to the tax rate. In doing this you must account to the people not to the Governor. The Governor also must account to the people, not to the Legislature. If the present situation continues I fear that public disapproval will accumulate throughout the State, that it will not be possible to hold it in check, and that it will overwhelm those who are responsible for unwarranted appropriations.

In closing I desire to say that if the Legislature continues on its present course the tax rate of the State for 1924 and 1925, when our country is at peace, will certainly exceed the tax rate we had during the years of the recent war. I fear it will be embarrassing for those who in 1924 are to appeal to the voters of Maine for their suffrage to account for the condition in which the State will find itself.

No Resolve pending before this Legislature has as little merit in it, as, or has greater possibilities for extravagance than, the one I am returning to you.

Respectfully submitted,

(Signed) PERCIVAL P. BAXTER,
Governor of Maine.

ACCEPTANCE OF SHEPPARD-TOWNER BILL

STATE OF MAINE

Office of the Governor

AUGUSTA

March twenty-second, 1923.

To the Honorable Senate and House of Representatives of the 81st Legislature:

I return herewith without my approval An Act to Accept the Provisions of the Congress of the United States Approved November 23, 1921, Entitled "An Act for the Promotion of the Welfare and Hygiene of Maternity and Infancy and for Other Purposes."

My views on the Sheppard-Towner Bill are well known. I reaffirm the position that I took when on July 17, 1922, I issued a formal proclamation in which I declined to accept Federal Aid for maternity and child welfare work in the State of Maine.

I protest against the passage of this Resolve:

Because it is an unwarranted invasion by the Federal Government of the sovereign rights of the State of Maine;

Because it establishes in Washington a Federal bureaucracy that is not likely to be in sympathy with the government of this State and the citizens thereof;

Because it invades the privacy of our homes;

Because it infers that the State of Maine cannot and will not properly care for those of its mothers and children who need assistance;

Because it pauperizes our State.

If the State of Maine refuses Federal Aid and sends forth a strong protest against the expansion of this dangerous and undermining doctrine, all lovers of liberty throughout the nation will take heart. The State of Maine then will be hailed as the leader in the movement to return to the fundamental doctrine of our forefathers, that a state is sovereign and will brook no interference in its own internal affairs.

If the State's activities are to be handled by officials in Washington I warn our citizens that when they have complaints to make and grievances to be heard they will have small chance of obtaining redress at the hands of Federal office holders.

I want the people of Maine clearly to understand that our State Department of Health is now engaged in the very work called for by the Sheppard-Towner Bill, and that I am in favor of continuing this work under direction of State authorities unhampered by Federal interference. I make the prediction that the day is not far distant when the people of this country will overturn many Federal bureaus and that the States once

again will take unto themselves the management of their own affairs.
Maine will not sell its birthright for a mess of pottage.

Respectfully submitted,

(Signed) PERCIVAL P. BAXTER,
Governor of Maine.

MAINE SEED IMPROVEMENT ASSOCIATION

STATE OF MAINE

Office of the Governor

AUGUSTA

March twenty-second, 1923.

To the Honorable Senate and House of Representatives:

I return herewith without my approval Resolve Making an Appropriation for the Maine Seed Improvement Association.

This Resolve calls for an appropriation of \$2,000. Under the general laws of our State a special fund is created the proceeds of which are used to aid societies and organizations that promote the agricultural interests of our State. This Fund totals \$15,360.28. It is distributed among 42 different associations connected with the farming interests of the State. In my opinion the Seed Improvement Association should be treated just like all the others and any aid granted it should be taken from the fund referred to. It is not wise to pass special appropriations for these various organizations or give one of them special favors.

I call attention to the fact that the present Legislature has been unusually liberal in its appropriations to help our agricultural interests. The former appropriation of \$3,000 per year for seed and other work already has been doubled by this Legislature and made \$6,000 and a new item of \$15,000 per year for Seed Inspection has been passed and approved by the Governor.

In my opinion the various agricultural fairs and improvement associations that are doing good work should be treated alike, and to discriminate in favor of one at the expense of others is not desirable. If it is desirable to increase our State Stipend to our various fairs it would be well to raise the present assessment and give an increase to each of the organizations now struggling to maintain themselves.

Respectfully submitted,

(Signed) PERCIVAL P. BAXTER,
Governor of Maine.

EXCISE TAX ON RAILROADS

STATE OF MAINE

Office of the Governor

AUGUSTA

March twenty-second, 1923.

To the Honorable Senate and House of Representatives of the 81st Legislature:

I return herewith without my approval An Act to Amend Section Twenty-one of Chapter Nine of the Revised Statutes as Amended by Section One of Chapter Seventy-one of the Public Laws of Nineteen Hundred Twenty-one, Relating to Time of Payments of Excise Tax on Railroads.

Under the existing law the railroads operating within the State are required to pay their taxes on the 15th day of June of each year. That is the period when the State's expenses are unusually heavy and it would disturb our financial program considerably if two-thirds of the large tax payments of the railroads were deferred for three and six months, or until September and December of each year as provided in the bill.

The taxpayers in general throughout the State are obliged to make payments in full on tax day, and failing to do so interest is charged on overdue tax accounts. The item of interest which the State would lose on the proposed change in the railroad tax law is considerable and would amount to a good many thousand dollars per year. I am of the opinion that all taxpayers should be treated alike.

The recent reports issued by the railroads operating within the State are encouraging and give promise for better times. I do not think it is any more of a hardship for the railroads to pay their taxes as the law now requires than it is for the ordinary taxpayers to do so, and therefore I am returning this Act without my approval.

Respectfully submitted,

(Signed) PERCIVAL P. BAXTER,
Governor of Maine.

"MAINE 1785-1815"

STATE OF MAINE

Office of the Governor

AUGUSTA

March twenty-second, 1923.

To the Honorable Senate and House of Representatives:

I return herewith without my approval Resolve Providing for the Purchase of "Maine 1785-1815."

This Resolve calls for an appropriation of \$1200 to purchase 300 volumes dealing with the History of Maine. It is similar to several other resolves that have been presented to me, all of which I have disapproved. Every \$1200 that is added to the general appropriation bill increases the burdens of the taxpayers of the State, and I believe this Legislature should make every saving regardless whether it be large or small.

Respectfully submitted,

(Signed) PERCIVAL P. BAXTER,
Governor of Maine.

HOULTON AGRICULTURAL SOCIETY

STATE OF MAINE

Office of the Governor

AUGUSTA

March twenty-sixth, 1923.

To the Honorable Senate and House of Representatives of the 81st Legislature:

I return herewith without my approval Resolve, Providing for Aid in the Payment of Premiums Awarded by the Houlton Agricultural Society.

This Resolve provides that there shall be "annually" appropriated \$1500 for the Houlton Agricultural Society. In the first place I object to this Resolve because it carries an ANNUAL appropriation, and thereby places a continuing obligation upon the State. Once these continuing appropriations are incorporated in our Statute books it is almost impossible to remove them. The State now is suffering from just such Resolves as the one before you for on account of them our basic tax rate is not less than 5 1/2 mills. Each legislature should be free to make its own appropriations and the people should hold each Legislature responsible for the taxes imposed by them. One legislature should not dictate appropriations to those that follow.

In the second place this Resolve is unfair to the 41 other agricultural associations that now are receiving State Aid out of the regular State fund of \$15,360.28 appropriated for that purpose.

There are three so-called State Fairs, one at Bangor, another at Waterville, and a third at Lewiston. These three fairs receive \$2500 as a State stipend for they are presumed to be State-wide in their activities, and for this reason a special appropriation is given them.

All other fairs, town and county, are paid out of a general fund and each fair receives its proportionate share of the money that is available. There is no favoritism shown in these matters.

The Houlton Fair, like the other 41, is a local institution and last year received from the general fund \$946.81. The Resolve before you seeks to take the Houlton Fair out of the general list and give it special consideration by increasing its appropriation approximately 60%. In addition to this increase the Resolve before you provides that the \$1500 appropriated shall be a "continuing" stipend from year to year.

Regardless of the needs of the Houlton Fair it no doubt is in as good a financial condition as many of the other fairs in the State that are not asking special privileges. If this Resolve is passed it will be unjust to the other 41 fairs that are struggling for existence, none of which receive any State aid over and above their regular stipend.

I am opposed to all these special grants of State aid and therefore cannot approve the Resolve before me.

Respectfully submitted,

(Signed) PERCIVAL P. BAXTER,
Governor of Maine.

WARREN PROUTY

STATE OF MAINE

Office of the Governor

AUGUSTA

March twenty-sixth, 1923.

To the Honorable Senate and House of Representatives of the 81st Legislature:

I return herewith without my approval Resolve, in Favor of Warren Prouty.

This Resolve calls for an appropriation of \$5,600 to be paid to Warren Prouty of Veazie, the claim being that certain buildings belonging to Prouty were destroyed by fire alleged to have been started by an inmate of the Bangor State Hospital.

In 1921 the 80th Legislature passed a Resolve similar to the one before you, which provided for the payment of \$10,000 to the Austin W. Jones Company of Veazie to reimburse him for the loss of his buildings by fire alleged to have been started by the insane inmate herein referred to. I vetoed the Jones Resolve and my veto was sustained. During the last hours of the session, when affairs were in their usual confused state, another Resolve was introduced and passed, and under it permission was given the Jones Company to bring legal action against the State of Maine. This Resolve contained an unusual clause that escaped the attention both of the Attorney General and of the Chief Executive.

The clause above referred to contained the following language: "The liabilities of the parties shall be the same as the liabilities between individuals." By reason of this language the State was placed in an unfortunate legal position. Without question, those who drafted the permissive Resolve inserted the foregoing language for a purpose and the result was that the State was obliged to pay the sum of \$20,391.56 under a decision of the Court. Had the usual form of Resolve been adopted whereby the State allows itself to be sued by its citizens, the State's liabilities would have been fairly tested and a safe precedent would have been established.

Under the decision however that resulted from the unusual language of the Resolve, the State may be liable to endless suits if succeeding legislatures are willing to deliberately open the door as wide as the 80th Legislature unintentionally opened it.

The doctrine that the State of Maine is liable for the criminal acts of escaped or paroled inmates of its institutions, even though the State's servants and employees have not exercised due care in connection with such inmates, is dangerous and far-reaching. I do not believe the State's liability should be extended to cover these cases, nor do I believe that any material or legal obligation rests upon the State other than to allow the party who was damaged to sue the State under the usual and long established practice. That was all the 80th Legislature intended to allow.

If the State is to be held liable in these cases, the claims that hereafter will be presented will run into vast sums of money. Already there are indications that other claims are being prepared and once the doors are opened there will be no end.

There is a doctrine in law that in some cases the loss must remain where it falls and it well may be that such a doctrine is applicable in the matter before us, where a sovereign State is concerned. I would grant the claimant the right to bring action against the State, notwithstanding the fact that our recent experiences in lawsuits have been most unfortunate. In the DeForrest Keyes claim the 80th Legislature allowed suit to be brought against the State and the State paid a verdict of \$40,263.12. The two permissions given by the 80th Legislature to sue the State cost

the taxpayer's \$60,654.58. If one mistake was made in 1921 there is no reason for another in 1923.

I feel confident it was not the intention of the 80th Legislature to establish any such precedent as the Jones case, and if this Legislature gives Prouty a right to sue the State under the *usual* conditions the verdict of the Supreme Court will then furnish a precedent that future legislatures can rely upon.

Respectfully submitted,

(Signed) PERCIVAL P. BAXTER,
Governor of Maine.

TEMPORARY LOANS BY STATE TREASURER

STATE OF MAINE

Office of the Governor

AUGUSTA

March twenty-ninth, 1923.

To the Honorable Senate and House of Representatives of the 81st Legislature:

I return herewith without my approval, "An Act to Amend Chapter Two Hundred and Four, Public Laws of Nineteen Hundred and Seventeen, Authorizing the Treasurer of State to Negotiate a Temporary Loan."

Under the present law the Governor and Council and Treasurer of State are authorized to negotiate temporary loans to the amount of \$300,000. The proposed Act seeks to increase the authority of the Governor and Council and Treasurer so that they can borrow up to \$800,000 without Legislative sanction.

I do not believe it is either wise or necessary to pass the Act before you.

In case of serious troubles, such as war, insurrections, or great catastrophes, the Governor has the power to immediately convene the Legislature, and if the emergency warrants an extra session can be assembled in a few days' notice. I am opposed to extending the borrowing capacity of the State. Although there is a provision in the Constitution to the effect that \$800,000 may be borrowed without legislative sanction, a doubt exists as to whether this lawfully can be done without an amendment to our Statutes as is here proposed. I believe this very uncertainty in the future will serve as a check upon unwarranted borrowing.

It is easy to enlarge the State's borrowing capacity, but once this is done it is practically impossible to reduce it. There always exists a temptation on the part of public officials to avail themselves of whatever

power is given them, especially when by its exercise large sums of money are made available.

If this Legislature constructs a financial program for the State for the coming two fiscal years upon a sound basis there should be no need of the State's borrowing money to meet its ordinary running expenses. The ideal before us all is to hold expenditures within bounds so that the tax rate will not be unduly burdensome to the people.

The Act I am returning, notwithstanding its importance and the fact that it can be used to increase the debt of the State a half million dollars, never was referred to a committee and this of itself is sufficient reason why it should not be passed in the rush of the closing hours.

Respectfully submitted,

(Signed) PERCIVAL P. BAXTER,

Governor of Maine.

STERILIZATION OF FEEBLE-MINDED

STATE OF MAINE

Office of the Governor

AUGUSTA

April sixth, 1923.

To the Honorable Senate and House of Representatives of the 81st Legislature:

I return herewith without my approval, "An Act Permitting Sterilizing Operations in Certain Cases of Mental Disease and Feeble-mindedness."

This act provides that male and female patients in our insane hospitals, feeble-minded homes, and other state and county institutions, may, under certain conditions, be sterilized in order to prevent the reproduction of feeble-minded persons or in order to treat them for certain mental diseases.

The law provides that "consent" must be given either by the relatives or guardians of the patients or by the patients themselves. No doubt in many cases this consent would be readily given by said relatives or guardians, but, in my opinion, if this law should become effective the door to countless abuses would be opened. When you stop to consider the possibilities of this situation, I feel you will pause before you make this law effective.

The law states that the "consent" of the feeble-minded or insane person may be given, but I cannot understand how actual consent can be given by those who are mentally and physically defective. Picture to yourselves how this "consent" would be given. The poor unfortunate who is to be

operated upon would be taken from his associates in the institution and would be brought to the office of the person in charge. There he would be obliged to undergo an examination in the presence of three doctors; he would be friendless and terrified. I ask you to imagine the ordeal through which he or she would be obliged to pass. The pressure that would be brought to bear upon one whose mental qualifications would not enable him to withstand it no doubt would produce the desired consent. The experiment would be made in the name of science, but I fear it would not be in the name of humanity.

I have visited the feeble-minded home in Pownal and the Bangor and Augusta insane hospitals. Although they are well conducted and are a credit to the State, they are depressing places to visit. I do not believe the time has yet come when our defectives and unfortunates should be subjected to the surgeon's knife in order that they may not propagate their kind. At all events it is well to wait a little before this policy is inaugurated in our State.

The segregation of those afflicted with mental diseases and of the feeble-minded is the safe and humane way of preventing their reproduction. I am not prepared to sanction any other treatment at the present time. This method of treatment may cost the State more, but in these cases the cost should not be considered.

For these reasons I return to you the act in question.

Respectfully submitted,

(Signed) PERCIVAL P. BAXTER,

Governor of Maine.

EASTERN STATES EXPOSITION APPROPRIATION

STATE OF MAINE

Office of the Governor

AUGUSTA

April sixth, 1923.

To the Honorable Senate and House of Representatives of the 81st Legislature:

I return herewith without my approval, "Resolve, Providing for an Annual Display of the Agricultural Products and Resources of the State of Maine at the Eastern States Exposition."

This Resolve makes an appropriation of \$5000 to be spent at the Eastern States Exposition at Springfield, Mass.

For several years the State of Maine has exhibited its agricultural and

industrial products and its recreational advantages at the Springfield Exposition. These exhibits have been unusually attractive and no New England State, outside of Massachusetts, has had a more creditable or interesting exhibit at the Fair in question than has the State of Maine. The expenses incurred in this work up to the present time have been met without special legislative appropriations.

I attended this Fair in 1921 and can testify personally as to the excellence of the State of Maine's exhibit.

It is now proposed to make a special appropriation for this out-of-State exposition. The 42 county and local fairs within the State now receive \$15,360, and the bill before you proposes to spend upon the Springfield Fair alone 23% as much money as is spent upon all these 42 fairs within our own borders. Our own fairs are struggling for existence, and to send \$5000 to Springfield, Mass., appears to me to be an unwarranted expenditure of the State's funds and out of all proportion to what we are doing for our own people. Are we to continue paying tribute to out-of-State interests who are using us to advance their own enterprises? Are we to build buildings in Springfield, Mass., that will require annual appropriations to maintain them, and in addition thereto are we to pass Resolves like the one now before us calling for appropriations that never before were asked for or needed?

If Maine is to have an exhibit at Springfield no special appropriation should be necessary. Our industries and agricultural interests are entirely able to advertise themselves, and the State can advertise itself in a modest way out of the regular departmental appropriations. Once the State enters upon this work private initiative gradually will disappear. It seems to me that we are entering upon an out-of-State enterprise on a wholesale scale; first by appropriating \$25,000 for a building, then by appropriating \$5000 for exhibits. The final demand will be a heavy one for annual maintenance. I make the statement that probably not over 5% of all the people who attend the Springfield Exposition ever will pass through the doors of the State of Maine building.

In your efforts to cut down expenses a conference committee recently has been in session. It has decided to eliminate the construction of several buildings. New construction at the State School for Girls, at the Men's Reformatory, at the Tuberculosis Sanatoriums where two school buildings for the children were asked for, all have been omitted. These four items would have cost about \$80,000. An annual appropriation of \$5000 called for by this Resolve represents interest at 4% on \$87,500, which would build the four buildings mentioned in this paragraph.

I ask this Legislature, is it wise to spend this money for advertising when the capital sum that it represents would do so much good for the tubercular children, the girls at Hallowell and the men at South Windham?

I suggest that those who wish to exhibit at Springfield, Mass., spend their own money in doing so and that the State conducts a modest exhibit and pays for it without asking for special funds from this Legislature.

Respectfully submitted,

(Signed) PERCIVAL P. BAXTER,

Governor of Maine.

ARCHAEOLOGY COMMISSION

STATE OF MAINE

Office of the Governor

AUGUSTA

April sixth, 1923.

To the Honorable Senate and House of Representatives of the 81st Legislature:

I return herewith without my approval, "An Act to Provide for the Preservation of Archaeological Objects and Sites, and for the Appointment of a Commission of Archaeology."

This Act provides for the creation of a new commission which shall have charge of all archaeological explorations that are hereafter made in the State of Maine.

The provisions of this Act in my opinion interfere seriously with the rights of private property. In the first instance the State is given the right to condemn the land of any citizen, but no provision is made for compensation nor is it stated how the condemnation proceedings are to be conducted.

The State reserves to itself "the exclusive right and privilege, except as hereinafter provided, to explore, excavate, or survey * * * * all aboriginal and other antiquities, mounds, earthworks, ancient or historical forts and burial sites within the State of Maine." This means that the owner of land may not search for relics unless he has obtained the permission of the Archaeological Commission. It is further provided that the State is to be the owner of "any and all objects" which may be found. It seems to me this is an invasion of private rights which is not justified, for a man owns his land and everything on it or under it, and the only rights the State may acquire are for public uses. It can hardly be maintained that the digging for antiques constitutes a public use.

There are many places in the State of Maine where there are shell heaps, mounds, and sites of Indian villages and burial grounds, and it would be unjust for the State to deprive the owners thereof of the privilege of

excavating and searching these ancient places. Certainly a man should not be prevented from digging on his own land.

It is also provided that no owner of any land shall allow any other person to excavate therein, nor shall he sell any relics that may be found until he has given written notice to the new commission and until the State has had the right to condemn the land for its own purposes. The penalty for violating the act is a fine not exceeding \$500 or imprisonment for not more than one year, or both.

In my opinion I believe the act is unwarranted and I believe that the State would have no power to enforce the rights which the act seeks to grant to it.

Respectfully submitted,

(Signed) PERCIVAL P. BAXTER,

Governor of Maine.

APPROPRIATION FOR PUBLICITY

STATE OF MAINE

Office of the Governor

AUGUSTA

April sixth, 1923.

To the Honorable Senate and House of Representatives of the 81st Legislature:

I return herewith without my approval, "Resolve, Appropriating Money to Set Forth the Natural Agricultural, Industrial and Recreational Advantages of the State of Maine."

This Resolve calls for the expenditure of \$20,000 for advertising the scenery and advantages, natural and otherwise, of the State. In my opinion the expenditure of the State's money for the proposed advertising is neither wise nor proper, especially under present financial conditions. I believe the State's resorts and industries should be advertised in the future as in the past, through private initiative, and that advertising is not a proper function of government.

The taxpayers of the State well may inquire where the end of this proposed advertising program will be. What benefit will the farmers of the State derive from such a campaign? I believe the best advertisement that this Legislature can give to the State of Maine is in the form of a low tax rate. Certainly a high tax rate will prove a most damaging advertisement and the \$20,000 called for by this Resolve will not begin to offset the injury to the State that will ensue from an excessive tax.

A local paper in the city of Portland recently came out with headlines that one of the principal industries of that community was to move out of Maine and into another state on account of the excessive tax burdens imposed upon it. What will those communities in our State whose taxes now are between 50 and 60 mills on the dollar say to this expenditure for State advertising. Once this movement is begun it will be difficult to halt it, and once the State undertakes to pay the bills for advertising, private enterprises gradually will lessen their efforts to advertise themselves and the State will be asked to carry the burden. The railroads that bring summer visitors into Maine, the hotels and boarding houses that entertain them, and the stores that profit from their visits, in the past all have handled this advertising project in their own way and for their own profit, and the State has prospered.

It is not too late to effect many savings, and I suggest the eliminating of the appropriation called for by the Resolve now before you.

Respectfully submitted,

(Signed) PERCIVAL P. BAXTER,

Governor of Maine.

STATE EXPERIMENT STATION

STATE OF MAINE

Office of the Governor

AUGUSTA

April sixth, 1923.

To the Honorable Senate and House of Representatives:

I return herewith without my approval Resolve, Making an Appropriation for the Support and Maintenance of the State Experiment Stations.

This Resolve appropriates the total sum of \$20,000 to be expended under the direction of the Maine Agricultural Experiment Station.

For several years the State of Maine has appropriated biennially \$10,000 for experimental work at the Aroostook Farm, \$10,000 for Highmoor Farm, and \$10,000 for Animal Husbandry that is carried on at the latter institution. This makes a total of \$30,000 for this work and it is now proposed to increase this to \$50,000. In my opinion the State at the present time cannot afford to expand its experimental activities. As the U. S. Government contributes \$60,000 biennially to aid in the work I believe that the total of \$90,000 for a two year period is at least a reasonable sum for the State to spend at Highmoor and Aroostook Farm. Much of the work in question is carried on in connection with the Agricultural

College at the University of Maine. You have just passed and I have signed the University of Maine Resolve totalling \$895,000. This is a large sum of money and I considered the matter from every angle before I gave the appropriation my approval. However I am deeply interested in the work of the University and especially in what it is doing and can do for the agricultural interests of the State. Everything considered however I do not feel that I can approve an increased appropriation for experimental work in view of the large appropriation for the University of Maine to which I have referred. \$90,000 is enough; \$110,000 which is asked for is too much.

It is not too late for me to once again call your attention to the burdens of taxation which our people are carrying. Within 48 hours a prominent citizen of Aroostook County called at my office and told me that one-third of all the tax commitments in two of the largest towns in that county were unpaid on the town books when the tax commitments were closed a short time ago. Although the situation in other counties is not as critical, our people are paying their taxes with difficulty. A representative citizen from a town near Augusta told me of a pitiful case where a family in order to pay its taxes was obliged to sell the pig which had been raised and fattened for the family use. This means that somebody will go hungry. Such instances as these make me realize that we should be careful about expanding the State's activities.

For these reasons I cannot approve the Resolve.

Respectfully submitted,

(Signed) PERCIVAL P. BAXTER,
Governor of Maine.

COMMITTEE ON CLAIMS

STATE OF MAINE

Office of the Governor

AUGUSTA

April sixth, 1923.

To the Honorable Senate and House of Representatives of the 81st Legislature:

I return herewith without my approval Resolve, Appropriating Money to Pay Claims Allowed by the Committee on Claims.

This Resolve calls for an appropriation of \$32,975.34. It covers 47 different claims made against the State. These 47 items are as different as they well can be. They cover a wide range of subjects, from the

cost of replanking a bridge to the loss of a cow; from a State pension to an undertaker's bill; from a loss caused by fire to interest on money deposited in the State Treasury; from loss of sheep and turkeys killed by wild animals to a claim for oats eaten by deer.

There is no similarity between these claims and it places a Chief Executive in a difficult, in fact in an impossible, position to present 47 separate items to him in one blanket resolve for his approval.

I believe you will appreciate my position. I of course desire to pay all proper claims against the State, but to include with some valid claims others that have little or no merit, hoping that the good ones will carry along the bad, is not a good business proposition.

Every case should stand upon its own merits and if it is not strong enough to do so it should fall.

I have added up the items which I think are not proper claims against the State and they total \$20,219.75.

Several of the large items are to reimburse towns for work which they did on bridges and highways under the impression that the constitutional amendment submitted to the people two years ago would be passed. These towns took their own chances, and later found that the constitutional amendment was killed and that they would not receive any aid from the State. There is no reason for the State's reimbursing them for their outlay in these cases.

Several of the claims for pauper support are in litigation between towns, and there seems to be no good reason why the State should step in and assume the burden while lawsuits are pending between towns that desire to escape responsibility for pauper support.

One claim is where a certain county has charged the State for physician's and hospital services where an inmate of a county jail attempted suicide just before he was to be sent to the State Prison. I cannot understand why the State should be obliged to pay this bill of several hundred dollars.

Other items are to cover bills for materials furnished to one of the State institutions where the contracting building company failed. This being the case, those who sold material to the contractors could hardly expect the State to pay the bills for it was a plain business arrangement, and the material men took the ordinary chances of doing business with the contractors.

One large item is to increase the amount paid by the State to the towns for armory rental. The State makes a definite appropriation for armory rental and divides it up among the towns that have military companies. The last Legislature appropriated a certain sum for this purpose and there seems to be no good reason why this legislature should virtually increase the appropriations made by the 80th Legislature.

Another is for interest on money deposited by a bridge district and

county with the State so that it would be used for the construction of a bridge. If this precedent is established it would mean that every town and county that deposits money in the State Treasury, when the State is going to help on bridge or highway work, will claim interest until such time as the money actually is used. It would soon be necessary to open several hundred different accounts with the towns and counties, and there would be no end to the bookkeeping in the State Auditor's and Treasurer's Offices.

Several items cover damage to domestic animals caused by dogs and wild animals, and these items should be paid for out of the regular receipts from dog licenses. If these claims are meritorious they will be taken care of in the usual manner.

One claim, to pay a town interest on the school fund, if allowed will open the door for not less than one hundred different claims and I hope the Legislature will proceed cautiously in these matters. Otherwise future legislatures and administrations will be placed under a great burden.

An unusual item is one to cover several hundred dollars worth of oats alleged to have been destroyed by deer in Northern Maine.

This partial list indicates the complicated nature of the Resolve that I am returning and for the reasons stated I cannot give it my approval.

Respectfully submitted,

(Signed) PERCIVAL P. BAXTER,
Governor of Maine.

NORTHERN MAINE SANATORIUM BUILDING

STATE OF MAINE

Office of the Governor

AUGUSTA

April sixth, 1923.

To the Honorable Senate and House of Representatives of the 81st Legislature:

I return herewith without my approval Resolve, Making an Appropriation for the Construction of a New Building at the Northern Maine Sanatorium, Presque Isle, Aroostook County, and for the Purchase of Equipment Therefor, and Maintenance.

This Resolve calls for an appropriation of \$50,000 for the erection of a new building at the Presque Isle Sanatorium and it further appropriates \$35,000 to maintain it. If I thought this new building was needed I should not withhold my approval to this Resolve. I have however visited this

Sanatorium upon several occasions since I became Governor and have repeatedly been told by those in charge of our tubercular work that the three sanatoriums as now maintained by the State were entirely adequate to cope with the situation. It was however brought to my attention that at one or more of these institutions the State needed a small school or recreational building for the children. I myself have seen the conditions under which the children are living and should not withhold my approval to a reasonable appropriation for the erection of such buildings. As a matter of fact the new building at Presque Isle, which was built under an appropriation made by the last Legislature, has not yet been completed. This Legislature has appropriated \$10,000 to finish the basement of this building and to provide such equipment as is needed to make it complete. In my opinion it would be good policy to complete the new building before we undertake the construction of others.

The tubercular situation in Maine is hopeful. In 1916 the State spent \$85,000 on its sanatoriums and in 1922 increased this amount 337%, expending the total sum of \$380,000. In ten years the death rate from tuberculosis has dropped from 1054 deaths to 663, a 37% saving. If this saving is continued it will not be long before deaths from tuberculosis will be reduced to a minimum. Our State Department of Health, local health authorities, and the private organizations interested in health work all are co-operating, and the figures that I have given show what is being accomplished. The State has reason to be proud of its three sanatoriums and during the past two years large sums of money have been expended in repairing and refinishing them so they are now in excellent condition.

For the reasons above stated and believing that this additional building is not needed at the present time, I withhold my approval to the aforementioned Resolve.

Respectfully submitted,

(Signed) PERCIVAL P. BAXTER,
Governor of Maine.