

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Eighty-fourth Legislature

OF THE

STATE OF MAINE

1929

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GOVERNOR GARDINER'S  
INAUGURAL ADDRESS

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INAUGURAL ADDRESS OF GOVERNOR WM. TUDOR GARDINER  
JANUARY 3, 1929

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*Members of the Eighty-fourth Legislature of the State of Maine:*

We meet here formally at the beginning of a new period of administration of the affairs of our State, that has conducted itself with distinction for 128 years. We hope to build substantially for future ages. You have the full power of legislation for a sovereign state, limited only by the Constitution. I enter upon the duties of Executive, mindful of the fundamental distinction, in our scheme of government, between legislative and executive functions. Yet close acquaintance with so many of you and recent service in your midst, prompts the feeling that we face our problems together. We are to serve as representatives—that means to act on our own judgment and responsibility for those who sent us here, entrusted with power and commissioned to inform ourselves more fully than is possible for the average citizen at home. Let us assume our responsibility without political concern, whet our power of judgment and be diligent in the acquisition of information.

Frankly, we are all politicians here, selected by the ordeal of the primary law and the trial of election. There may be some with ambition for retention or advancement in office. In lieu of platitudes, suffice it to say that the best way to play politics is to do what is right.

#### Education

The appropriation of most of our school funds has been made definite without the necessity of recurring legislative deliberation. The removal of educational matters from active politics is a wise policy. There is in process an educational survey of the State that should prove valuable. Educational opportunity for our boys and girls is a vital question.

I believe that some form of apportioning assistance to our academies, more equitable, more economical, and more stable than the present method of special resolves, should be devised.

The position of the University of Maine in the educational system of the State should be definitely recognized and established. Its financial program should be a part of our educational budget, and its revenue sufficiently determinable to allow planning ahead.

### Natural Resources

We should encourage the conservative utilization, as well as conservation, of all our natural resources. A forest that will yield a crop for industry and yet replenish itself is of public as well as private value. There is opportunity for discovery and use of mineral resources. Our inland waters are of added value if we can retain their purity. Rivers must bear the burdens of industry and intensive settlement, but it is time to take definite steps for an anti-pollution program. In the interest of health, as well as sport and recreation, the condition of our streams and even of our lakes and ponds should be faced with future generations in mind.

### Publicity

While in sympathy with the various movements to advertise and develop the State, I do not feel that appropriation on the part of the State for such purposes should be increased over past amounts. The State may well assist, in a modest way, private enterprise and initiative, and may well coordinate publicity expenditures of those communities having funds available for such purposes. But the State is not in business. Larger expenditures for advertising might bring increased revenues to some of our citizens, but there does not seem to me sufficient assurance of such a general diffusion of profits as would warrant an increase in the burden of every taxpayer at this time.

### Governor's Contingent Fund

The private contingent fund of the Governor and Council was increased by the last Legislature from \$10,000 to \$15,000. If this sum be regarded as salary for the Chief Executive, it is too large in comparison with other public salaries; if regarded as an expense fund, expenses should be reduced. Economy must begin somewhere. I think the fund should be reduced to its former figure and be subject to audit as are all other public moneys.

### Fish and Game

The Department of Inland Fisheries and Game has undergone some changes but no very definite solution of the problems involved in its proper conduct appears to have been reached. I believe the best solution proposed is that providing for a non-partisan commission to handle these affairs in a non-political way. It seems in keeping with the times to apply the principle of apportioning cost of undertakings to the users, and I believe it reasonable that annual license fees for those who fish and hunt should be imposed for the support of the department that protects and

increases the value of such rights. Great convenience would result from a simplification of the game laws, which stand as a marvel of redundancy and intricacy.

### Budget

You will receive before long the report of the Budget Committee. Through the courteous invitation of the Committee members I sat with them at their public hearings, but as a Governor-elect is not a member I took no part in their deliberations. The coming report will be of value, but admittedly our budget system is still in the development stage. A budget in governmental affairs is highly desirable, if not essential, and I hope to cooperate in bringing about some improvement.

### State Finances

A great deal of your time will be occupied with the apportionment of appropriations for various expenditures. It is essential that your deliberations take into consideration the exact financial condition of the State at this time and the probable financial condition of the State at the time your appropriations commence. Information as to the first half of the current fiscal year will soon be available and I shall have occasion before long to address you again on the subject of State finances.

### Aviation

Noticeable advances have been made by municipalities in facilities for the development of aviation. Excellent work is now in progress in marking the names of towns as guide posts of the air. Perhaps the State cannot undertake much more expenditure than the maintenance and improvement of the State aviation field at the capital, but the spread of aviation is of vital concern to Maine.

### War Reports

I hope to see some step taken for the publication of reports of the Adjutant General's Department covering the period of the World War. This has been deferred too long. The Legislature of 1921 made an appropriation of \$10,000 for this purpose but the amount was too small to complete the publication and unfortunately no start was made. The material, painstakingly gathered and selected, of course presents a history of Maine in the War as well as constituting a departmental report. The publication would be in three or four volumes. Existing law would not allow, nor would it be reasonable to contemplate, a free distribution of these volumes sufficient to meet the probable demand. I believe that a

plan can be evolved for the publication of the work in the near future, with the distribution of the customary number of volumes for departments, libraries, exchange, and other purposes—the printing to be financed partly by the State and partly by the sale of extra copies. Maine's record in the War should not only be preserved in permanent form, but these volumes should be available to those desirous of owning them.

### Welfare Work

The State, recognizing responsibility for the well being of all its citizens, has undertaken at various times and through various channels a large amount of charitable, correctional and relief work. The time has come when serious attention must be given to the coordination of these activities in the interest of efficiency and economy. Demands for funds are increasing at a rate which is proportionately greater than the increase of our normal revenues.

We must, as an economic matter as well as for humane considerations, spend a certain amount annually for welfare work. The determination and apportionments of that amount are difficult problems. If charitable money comes to private citizens who are not actually in need or deserving, there results a virtual misappropriation of funds; also the moneys available for those in real need are correspondingly reduced. Having undertaken welfare work I believe the State has the highest responsibility to the taxpayers, and to the objects of its aid as well, to see that welfare money is wisely spent. I think that our expenditures for relief have increased faster than our machinery for the correction or prevention of undesirable conditions, and make a few suggestions for your consideration.

More than two thousand children are at present entrusted to the legal care of the State. In ten per cent of the cases the children are orphans. In ninety per cent of the cases there has been on the part of one or both parents some dereliction of the duty of a father or mother—neglect, abandonment, cruelty or allowance of conditions injurious to health or morals. We must look after the children, but we should not allow the dereliction to pass unnoticed. The parent's obligation to support children should be enforced wherever possible. Perhaps our laws in this connection need revision. To maltreat a child is a criminal offense, and when the State possesses information of crime the State should act swiftly and surely. It is not only a matter of enforcement of our laws but strict prosecutions might serve as deterrents.

The State is a vitally interested party in proceedings for commitment of children to its care. The laws should provide for ample notice of hearings to the State, or its agency, the Board of Public Welfare, and for notice to county attorneys that they may investigate and prosecute wherever the facts warrant.

We have over 2000 children for whom the State must act as parent, 1700 more receiving the benefits of the Mother's Aid Law, 1100 in State institutions, 2000 in the care of private societies. A total of nearly 7000 children, fashioned after God's image, are cast upon organized charity for their upbringing. Surely there must be something wrong!

Provisions of the Mother's Aid Law afford an admirable administration of charity. I believe funds should be made available to provide for the cases that have passed the rigid investigation, by both municipal and state authorities, and been accepted. There are now 528 cases receiving aid and 123 cases approved, equally meritorious, but awaiting funds.

Our State appropriations to private hospitals are intended as state assistance to those needing but unable to pay for hospital treatment. \$155,100 was so appropriated for the last fiscal year. The demands are ever increasing, but it would be difficult to find funds to increase the appropriation. Under the present system, in some instances, the outcome is that the State merely foots some bad bills. That is unscientific charity. I hope that the Legislature may find some method whereby hospitalization may be made available in accordance with actual need.

### Agriculture

The success of agriculture in this country of ours and particularly in the State of Maine is highly important for general prosperity. More than half the population of Maine live on farms. If our people are to continue producing food, life on the farms must be made comfortable, and a profitable return assured for long hours of hard work.

All possible help, consistent with our resources, should be given by you to the farmers of Maine. This does not necessarily mean new legislation, but does mean suggestions of progress and encouragement to such existing agencies as the State Department of Agriculture and the College of Agriculture at our University. Specific duties have been granted to these agencies by former legislatures. The problems of marketing, of animal husbandry, stimulation of sheep and cattle raising, and the general safeguarding of the farmers' interests are all entrusted to these organizations. Other State departments may very definitely contribute to the comfort and prosperity of our rural people.

The property of the farmer is in tangible form, exposed to the view of the assessor. The willingness with which the farmer meets his tax burden as his contribution to the public revenues should be an example to those owners of intangible personal property who seek to avoid paying a tax based upon their real wealth.



### **Water Power**

It seems likely that some change in laws relating to water power will be proposed. Any legislative suggestion is entitled to fair, calm and open-minded consideration. Divorce the subject of water power from politics and the matter is simplified. Still the voices that are raised in attempts to subvert economic affairs to personal political ends.

There is available much information on the subject and the report of a committee acting under the Maine Development Commission is awaited with interest. Let us consider any water power question with fresh minds, unprejudiced, without atmosphere of mistrust or the interjection of personalities. We want development, protection of present and future rights, fair treatment of the public and public utilities alike. The example of fair settlement of economic problems will give all industry confidence.

### **Department Consolidations**

I have indicated the possibility of some advantageous rearrangement of welfare work. All the State's activities should be under constant survey for any possible consolidation that might make for efficiency and economy. I urge you to consider this and I will continue my study of the matter.

We may well contemplate the possibility of such a departmental reorganization as would group the State's activities under very few heads. A department head would then be such an important executive office that the appointment could not be used to fulfill political obligations. Perhaps such a change could be accomplished only gradually. For one definite change, I would suggest the possibility of the consolidation of the Banking and Insurance departments.

There are different provisions regarding the publication of departmental reports. Some reports are of general use and interest, others merely important as records. I suggest consideration of some form of consolidated report which would make it easier for our citizens to keep in touch with State affairs.

### **Highway Matters**

There is no need of reminding you of the tremendous increase in comparatively recent years in expenditures for roads and bridges, or of the fact that at present, in our governmental finances, outlays for these purposes tower over all others. Even when compared with the most successful industries in the State, the Highway department represents a business of colossal proportions. Though a public business, it is a business and must be so regarded.

How should such a business be conducted? In an ideal arrangement it does not appear to me advisable or necessary that supervisory powers

over highway matters should be vested in the Governor and Council. Vested authority of supervision may become interference. Real cooperation between public departments is more likely to arise from the mutual respect of the public servants concerned than from a statute. It would be well to remove as far as possible the danger of political interference with this great business. The administration must be entrusted to a few responsible men. In what manner may their selection be safeguarded? I believe that in their selection the traditions of judicial appointments should be followed—traditions which prompt the selection of those of unquestioned integrity, of proved ability, of vision, of courage, and of firmness to withstand any pressure of the moment in the execution of right. Responsibility should rest on them and they should have corresponding authority without interference. It would seem essential that while they should retain responsibility, they have authority to delegate the details of administration. In other words, that they be in fact a board of directors to formulate policies and to supervise. Their greatest responsibility would be to select and maintain an efficient executive force.

Statutory changes relieving the Commission, not from responsibility but from the necessity of personal attention to some details, would render the office less exacting. We must have in these positions the best men that can be found. I believe that often an appeal to men to give public service is a better inducement than large salaries.

I have dwelt on this matter at some length. The management of a ten million dollar business is of importance, and it will be suggested to you to increase the business. This may be a good time to take account of stock. Regard the past as furnishing information and experience rather than as creating any policies that must necessarily be followed. In your capacity as representatives of the people into what hands do you wish to entrust the annual expenditure of sums of money that will even far exceed the amounts that you have the responsibility of directly appropriating?

We have been building roads on paper too fast, designating highways as part of our primary system too far in advance of our ability to construct them. A "pay as you use" policy appeals to me, rather than a "pay as you go" policy. I believe that a conservative bond issue would afford the cheapest means of providing necessary improved road service to our citizens and visitors. Road improvement must be considered in connection with road traffic.

I shall probably have occasion to communicate further with you on the subject of a road program.

Special resolves for roads and bridges are an anomaly in our highway matters and a nuisance in our legislative sessions. I think the recent increase in the total of the fund was a mistake. Those of you familiar with the final method of division of this fund realize the futility of going

through the fiction of hearings on these private bills. I believe the State, as well as the Legislature, would be better off if this practice of special resolves were discontinued. If a substitute distribution of some road money is actually necessary it may be provided along the lines suggested in Chapter 258 of the Laws of 1917, or in some other way.

In the interest of safe and pleasant highways, efforts to encourage the presentable appearance and safe arrangement of roadside establishments should be continued, and discouragement extended to unsightly advertisements.

### Conclusion

I have addressed you as legislators and indicated a few points that seem to me of importance in the conduct of State affairs. Let me remind you also that repeal of obsolete or unnecessary legislation may be as much of an accomplishment as the passage of new laws. Legislative action affects our agriculture, our industries, our fisheries,—all enterprises in our State life and the lives of our citizens as well. But we must remember that mere enactment accomplishes nothing. There must be human hearts and human hands prepared to give law vital effect. Honest enforcement of existing laws is of even greater importance than the passage of new laws.

We legislate for a purpose and we must shape our governmental policies with the realization of that purpose—to bring to our citizens the conditions of life that we all acknowledge to be desirable. We want material prosperity for itself and for the ability it brings to have the finer things in life. We want to see employment steady and profitable; we want to see health and education among all ages, diffused as generally as possible. You have the power of legislation, the direct power to restrict, prohibit, prevent and to shape affairs. By indirect operation this power becomes a positive force. In other words, while by legislation nothing much can be actually created, affairs may be so directed that affirmative results may be achieved and opportunity afforded to our citizens for better development in material and spiritual ways. Sometimes we expect too much of legislation. May I urge you to carry into execution your desire to be of service to your State through legislative means as far as possible and also beyond the point where legislation ceases.

The first function of a government should be to see that its own agencies are proper and efficient—to the end, not of much government, but of good government.

Respectfully submitted,

WM. TUDOR GARDINER.