

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Eighty-fifth Legislature

OF THE

STATE OF MAINE

1931

Published by the Secretary of State, in conjunction with the Revisor of Statutes in accordance with the Resolves of the Legislature, approved June 28, 1820, March 18, 1840, March 16, 1842, and an Act of August 6, 1930.

KENNEBEC JOURNAL COMPANY
AUGUSTA, MAINE
1931

GOVERNOR GARDINER'S
INAUGURAL ADDRESS

INAUGURAL ADDRESS OF GOVERNOR WM. TUDOR GARDINER
JANUARY 8, 1931

Members of the Eighty-fifth Legislature of the State of Maine:

It is a pleasure to meet again with a legislature in joint convention assembled for the discussion of the affairs of our State. I do not propose to weary you with a recital of the accomplishments of the last two years, for our minds may well be directed to the future in our deliberations for the greatest good of the greatest number of our 800,000 citizens.

No one can misinterpret my speaking frankly of political matters, for with the expiration of my term of service to the State for which the obligation has just been taken, it appears unlikely that political activity will again disturb my life.

Political campaigns in these days are pretty strenuous and, unless an individual is blessed with equanimity, may be regarded as aggravating to say the least. It does not appear that political contests throughout our entire country are conducted on a very high plane. This must be regarded as most unfortunate where the situation operates to cause hesitancy on the part of qualified men and women to take an active part in public affairs. The success of our kind of government depends entirely upon the active and intelligent participation of all our men and women. Personally, the endeavor has always been made to conduct campaigns that should be free from unfair criticism, discussion of personalities or abuse. It has been my custom in campaigns never to refer to an opponent, and such procedure negatives the possibility of embroilment in controversies that reflect no credit on the participants or on the state that the contestants wish to serve. It has been often demonstrated that such a policy can result in success and clean politics are recommended to those who would aspire to public office.

There are many irrelevant issues raised during campaigns that appear to excite a great deal of interest, but the important part of any election is the selection of individuals or of a political party who are to become the servants of the people. Good administration, the secret of good government, depends upon good personnel. Without the element of personal political fortunes and campaign excitement, we are met together here to devote some three months to the public service. If executive experience can be of any help to you it will be cheerfully given, both as a personal

matter and also because my service belongs to the State, and you are gathered here as the direct representatives of the people of the State.

Many administrative problems have been presented in the last two years and a few of them have been solved. Under our form of government tremendous responsibilities rest on the executive. It might be truly said that an executive with his council has more power than can be wisely used. But, few of our citizens realize what little machinery there is at his command for the discharge of his duties. The means of obtaining correct information are not always readily at hand, nor are the means for the execution of decisions always to be found.

The combined efforts of your legislative function, to determine what is wisest to do, and my executive function, to see that it is done, are the breath and life blood of our State, and we must strive patiently, diligently, disinterestedly and intelligently together to cherish the vitality of our government.

Budget

You will receive shortly the report of the Budget Committee which has endeavored to present for your convenience a full and adequate picture and plan of the State finances. Two years ago the inaugural address indicated the hope for further development in our budget system. While progress has been made it seems of the greatest importance that our budgetary system should be still further developed and the budget message will so recommend.

Education

It appears that the fixed financial policy toward the University of Maine has proved wise from the point of view of the State and most helpful in the plans for carrying on the University's activities. I hope that the policy of a mill tax appropriation will continue.

For several years the Department of Education has been developing a plan whereby the standards of qualifications for teachers could be raised, without extensive burden on the municipalities and without disarranging the plans of those in the teaching profession. I believe that the year 1932 will bring the actual possibility of some elevation in the requirements requisite to the teaching profession. Inasmuch as it may be advisable to change such qualifications from time to time, the responsibility might well be left to the Department of Education to revise standards as occasion required. This would not be frequently and any change in requirements would apply only to teachers employed after the requirement had been established.

Two years ago I urged some form of apportioning assistance to the academies of the State which might be more satisfactory than the method

of special resolves. A law was passed in accordance with this suggestion but it appears that amendment is necessary. It is noted that six academies applied for and received aid because they came within the legal expressions used in the 1929 act, although there was no legislative intention that they should share in the fund. I believe it would be a wise policy to set up a definite amount within the school fund to care for academy aid. The amount set up in 1929 was \$105,000.

It is not too early to begin a thorough study of the whole method of distribution of school funds among the municipalities with a view to legislation in the future. It appears that the time has already come when certain limitations should be contemplated for the specific State aid funds for industrial and physical education.

Inquiries through the high schools have indicated an interest in a Nautical School. Whenever educational funds permit, the establishment of such a school, taking advantage of Federal assistance, may well be considered. Practical training is becoming more important and such a school would enable many of our boys to find good employment in the calling that Maine men have followed with records of distinction on the seven seas.

Welfare Work

The general Hospital Aid Act passed by the 84th Legislature appears to have been most satisfactory.

The demands for welfare work by the State continue to increase and our welfare program is one of our most important problems. The Department of Public Welfare has been conducted within the appropriation provided by the legislature, a condition that has not always obtained, and the officials concerned are to be congratulated on the management of their work.

It is of the greatest importance that welfare work should be conducted not only with the view of providing relief, but with the aim of correcting or preventing such undesirable conditions as necessitate demands for relief.

World War Relief Commission

The 84th Legislature passed an act over my veto creating the World War Relief Commission and altering the provisions for the relief of dependents of veterans of the World War. The veto message indicated that there could be no objection to the State's expending money where there was disability caused by the war service of the veteran. The new bill not only set up a new welfare agency but removed the requisite that the disability should have causal connection with war service.

Those sponsoring the bill disregarded the advice of persons having

experience in such matters, and represented to the Legislature that payments under the bill would not exceed the sum of \$50,000 a year, and that the fund could be administered without any expenditure for field workers or clerical force. Time has proven that these representations were erroneous and current expenditures are at the rate of almost three times the amount stated. It seems likely that legislation will be offered making such amendments to the law as appear reasonable and necessary.

Hospitals for the Insane

Over a period of years the annual increase in the number of patients in our insane hospitals has exceeded two per cent. Additional buildings have been provided and still the hospitals are overcrowded.

Two courses are open. One is to build and continue to build fast enough to care for fifty or sixty more patients each year than were cared for the preceding year. That is what the State has been doing with continually mounting operating expenses. The other course would be to devise some plan to relieve the State to some extent of the expense of caring for so many patients. Under the present commitment laws the superintendents of the institutions have no control or discretion over admissions.

The enactment of a law that would compel the city or town in which the patient has a legal residence to pay for the support of the patient in whole or in part would help relieve this situation. It would cost the city or town no more to raise this money as a part of its local tax than to raise it as a part of its State tax. It would prevent the commitment of some harmless patients. The greatest benefit, however, would come from placing the primary responsibility for the care of patients on the selectmen or city officials. It is a common practice for municipal officers to sign an "Inability Statement" and let the State pay the bills. But if part of the cost came from the municipal treasury, many more cases would be found where there were relatives liable under the law and able to pay for the support of patients.

Under this plan either the increase in insane patients would be checked, or the money received from relatives able to pay would relieve the State of a part of its burden.

Highways

In the past two construction seasons the Highway Commission has accomplished more improvement in the road service of the State of Maine than ever before. I believe that the work has been ample demonstration of the fitness of the Commission and the efficiency of the entire organization. The adoption of a four-year program may be regarded as a great step forward in planning improvements of our highway system. The

increased amount of surface-treated road in the past season has proved most acceptable and if the policy of affording such service is to continue it should be remembered that maintenance funds must be provided.

We have spent and are spending sums of money for good roads that are large in comparison to our resources, but good roads are a matter of vital concern to the State and we have a vast territory to cover. If our work is wisely planned and economically executed there should be no objection to the continuance of the work on a large scale. While no form of road surface may be regarded as permanent, expenditures for grading, drainage and realignment of highways are virtually matters of a permanent nature. With proper provision for the retirement of bonds it seems reasonable to proceed with the issue of those already authorized. It is wiser, however, to proceed at a steady rate each year rather than to have a great amount of construction one year and none the next. A steadily employed engineering force is of more value than one hastily assembled to be soon disbanded.

Road improvement must be paid for and the citizens of the State, by rejecting at a referendum vote an increase in the gasoline tax, have indicated that the desire for improvement is not so general as is represented by some enthusiasts.

There is no reason why our highways should not combine beauty with utility in order that those who travel by automobile, whether residents or visitors, may fully enjoy the country that we think the most beautiful in the world. Cooperation must be had from property owners on the roadside and it is time that progress was made in the regulation of outdoor advertising.

Trucks

Motor vehicles have supplemented to a marked extent our facilities for moving freight. It would appear reasonable to consider regulation and taxation for the large trucks using our highways. There are now established lines which compete actively with rail service but which are not subject to the same control and supervision nor to similar taxation.

Banking

The State Banking Department has shown a marked increase in efficiency during the last two years. The healthy condition of our banks and the increase in deposits are reassuring indications of prosperity. Four and a half million dollars added to savings deposits during the year is a gratifying record.

The laws regarding sales of securities should receive your attention that fraudulent practices may be more effectively checked.

Labor

It is quite generally conceded that Maine has not been affected by the present unemployment situation to as great an extent as many of the other states. We are, however, a State of many seasonal occupations and each winter we are faced by what might be termed a normal amount of unemployment; and to that surplus at this time must be added an appreciable number out of work because of the slowing down of many of our industries.

To assist in alleviating the conditions that many of our citizens have been facing, and which no doubt will continue during the next three months, the Executive Council transferred from the contingent fund to the appropriation of the Department of Labor and Industry an amount sufficient to carry on an unemployment service from the middle of November to the middle of March.

Through this service citizens of various central localities are being interested in an attempt to have every locality, so far as possible, attend to its own unemployment situation. Moving about the country in search of work is to be discouraged.

The results so far have been very gratifying. Local Free Employment Bureaus are being established and State, County and Local Committees formed to carry on this work, under the guidance of a Special Agent employed by the Department of Labor and Industry.

During the past three years the State and State Chamber of Commerce, in co-operation with the Federal Department of Labor, have operated a Public Employment Bureau in the City of Portland. The Federal Department has contributed very materially to the support of this Bureau but the State up to this time has not appropriated any fund for its maintenance.

The fact that approximately 16,000 industrial accidents are reported each year to the office of the Industrial Accident Commission and that an average of fifty-two each year are fatal emphasizes the necessity for work along accident prevention lines. Definite progress has been made by the industries themselves and the Department of Labor has assisted in encouraging such work.

In this regard it might be well to consider legislation looking to the control of the construction, installation, operation and importation of steam boilers.

National Guard

The units of the Maine National Guard have received on the average an extremely high rating from the officials of the War Department. The spirit of the officers and men of our National Guard is to be highly commended. This accomplishment has been made in spite of the very serious handicap of inadequate armory facilities that exists in all but two of our

communities having National Guard Units. If we are to expect the best results from our National Guard we should provide better armories. In some of our communities we have not the proper facilities for the care of Federal property loaned to the State for training purposes which totals in all a value of over \$3,000,000.

Under existing law if a municipality completes an armory the State will contribute one-half the cost up to a limit of \$50,000. Although this provision has been in effect since 1919 it has never been taken advantage of and it does not appear adapted to meet the situation. I think consideration may well be given to some policy whereby funds might be gradually accumulated for the construction of State owned armories.

World War Records

Two years ago attention was called to the subject of World War Records and the hope expressed that the Legislature would make possible the printing of these records, included in the reports of the Adjutant General's Department covering the War period. A resolve was passed favoring this proposed publication.

The work is practically completed and in a short time Maine's record in the World War will not only be preserved in permanent form, but the volumes will be made available to all desirous of owning them.

State Highway Police

While the current appropriations for the maintenance of the State Highway Police do not permit a sufficient number of patrolmen to meet all the expanding demands for service, the force is maintained at a high degree of efficiency. The present arrangement whereby the Adjutant General serves also as Chief of the Highway Police seems to be most satisfactory, and I believe should be continued.

Agriculture

There appears no necessity for additional legislation or increased funds for agricultural work, but the importance of agriculture to our people should cause constant vigilance as to opportunities for service. Upon successful farming depends the existence of the smaller communities that have made Maine a great State.

Crop and live-stock products for 1929 totalled in value \$119,000,000 and for 1930 these values, based upon sales and estimates of products on hand, should reach \$94,000,000. In these two years Maine has swung clearly into the lead as a potato producing state and has for 1930 a production

that exceeds by 16,000,000 bushels the production of any competitive state.

The principles of the Agricultural Marketing Act and the consequent setting up of the Federal Farm Board have been explained to Maine farmers, and operators in several commodities have evinced considerable interest. It is certain that, if at any time the program of the Board shall offer advantages to Maine Agriculture, our farmers will be informed and ready to participate, through the Extension Service of the University of Maine, as the Agricultural Marketing Act provides.

Forestry

The law giving the governor authority to suspend the fishing and the hunting season, for reason of drought in the entire State, without exceptions, does not accomplish the intent of its purpose, and places a hardship on some localities and camp owners. I suggest that the law be amended, giving authority to close the woods to the public as well as to suspend fishing and hunting, in any or all sections, counties or water-sheds, as the emergencies of the locality may require.

The figures showing the financial loss caused by forest fires in organized towns for the season of 1930 prove conclusively that the present system for forest fire protection in organized towns could be improved. The Forest Commissioner has begun a wise system of establishing forest fire districts in cooperation with selectmen similar to the system now used within the Maine Forestry District.

Inland Fisheries and Game

The last two years have been a period of great accomplishment in the Department of Inland Fisheries and Game. The Department has amply demonstrated what can be done with adequate finances and vigilant administration. Not only has the Department as a State agency increased its usefulness but there has been brought to the realization of our citizens the importance of conservation work, and the efforts of the Department have met with a splendid popular response.

Enlargement of hatchery facilities in feeding stations and an addition of about 700 pools to the system means that the hatchery output for next year will be more than doubled. New methods of disease control and fish feeding have cut expenses and loss of fish to a minimum. Ten fishways have been built or improved, in many instances through the cooperation of industrial concerns.

The warden service has been vastly increased in efficiency and has secured good cooperation with the public. Uniforms, adequate equipment, and the maintenance of a school for wardens have been contributing factors.

A beginning has been made with definite steps for game conservation and encouragement of game breeding.

Maine has approximately 439,000 acres of wild life sanctuaries, all established since 1917. While these are designed primarily for deer, moose, grouse and other desirable game, they of course afford refuge for predatory animals as well and we must face the necessity for control of the destructive species.

Water Pollution

There will be available shortly a report on pollution conditions in certain waters of the State, made possible by some of the industries, and in the work of which the State Department of Health has cooperated. This will be of value in the study of a plan to preserve the purity of our inland waters as a matter of health as well as for our important recreational industries.

Pension of State Employees

In 1919 a law was passed providing pensions for State employees after twenty-five years' service, on the recommendation of department heads or institutional managers, subject to the approval of the governor and council. It has been the custom to make biennial appropriations, estimated to cover the requirements that might arise under the provisions of this act. In view of the large increase in the number of State employees, this provision will become of great importance in a few years. It is well to give early study to the matter and consideration as to the advisability of a more definite law or to some plan of contributory pension such as adopted in the case of teachers.

Personnel

Visits have been made to all of the State departments and almost all of the institutions, for the purpose of familiarizing myself with their work. The State has reason to be proud of the men and women in its employ. In order that a high standard may be maintained it seems that the time has been reached for such a system of personnel control as is suggested in the Survey of our Government. I have endeavored, with the assistance of an informal committee of other State employees, to make some classification for the purposes of salary standardization, but such work to be effective needs much time and study. A good principle for any department to follow seems to be that of a minimum number of employees but with adequate pay. There should be fairness in selection, uniformity in pay in the various departments and well defined opportunities for promotion. A great deal of time is wasted now in the various departments in receiving applicants for work. This duty could very profitably be centralized.

This is not a favorable season to consider the matter of salary increases, but it seems one of importance. I believe the Legislature of 1927 acted very properly in increasing the compensation of the senators and representatives. In those other salaries which are fixed by law certain inequalities stand out. The statutory salary of the State Auditor is not large in consideration of his responsibilities. That of the Commissioner of Agriculture, the State Librarian, the Commissioner of Inland Fisheries and Game, the Superintendent of Public Buildings, and the Director of Sea and Shore Fisheries seem lower than the usual scale. If the office of Treasurer of State should cease to become a part-time office the salary would be too low.

I may with propriety speak of the Governor's salary, as it applies to terms subsequent to the present one. It would seem reasonable to place the salary in the same scale as that of the members of the Public Utilities Commission and the Justices of the Superior or even the Supreme Court.

Reorganization of the Judicial System

One of the most important acts of the last Legislature was the passage of a law reorganizing the higher courts.

The Superior Courts of Cumberland, Penobscot, Kennebec and Androscoggin Counties were combined to form a Superior Court with state-wide jurisdiction, which took over the *nisi prius* work formerly done by the Supreme Judicial Court, and also had conferred upon it concurrent jurisdiction with the Supreme Court in equity and in matters of all extraordinary remedies. The change required the appointment of three additional Superior Court Justices. On the other hand, the number of Supreme Court Justices was reduced from eight to six and the number of Law Terms increased from three to eight annually.

The change was designed to increase the efficiency of the judicial branch of our government and especially to do away with unnecessary delay in the final decision of cases brought before the court of last resort.

It has often and truly been said that "to delay justice is to deny justice," and while the machinery of court procedure moves slowly at best, a marked improvement because of this reorganization is already apparent in this respect.

In 1929, the Supreme Judicial Court, sitting as a Law Court, heard and finally disposed of one hundred and eight cases. In 1930, although the number of justices had been reduced as stated, one hundred and thirty-two cases were heard and decided. When the Law Court convened on December 2, 1930, there were but nine cases which had been argued before it in which opinions had not been written, notwithstanding the fact that during the preceding sixty days, thirty-five cases had been so argued.

On the other hand, the work of the nisi prius courts has been carried on in a way which has merited and received praise not only from the members of the Bar but from litigants and other citizens who have come in contact with that work.

The additional expense incurred by the State because of the change has been trivial compared with the saving to individual taxpayers who have business before the courts.

The advantage of the new arrangement is that a great co-ordinate branch of government has been modernized and made responsive to the public needs.

The opportunity is now presented to follow this accomplishment with a reorganization of the municipal courts, which have been created from time to time by different special acts without uniformity or system. Present day facilities for travel permit a reduction in the number of courts allowing more adequate compensation in those remaining without additional expense to the counties. In connection with such a change better provision can be made for the handling of cases of juvenile delinquency.

Reorganization of the State Government

In the inaugural two years ago it was said, "All the State's activities should be under constant survey for any possible consolidation that might make for efficiency and economy." I had neither the time nor the technical ability to make a complete survey, but learned of the work of the National Institute of Public Administration which is qualified for such a task to a degree which is generally conceded to be unequalled. Their services cost money, the Legislature was not in session and the sum seemed too large to take from the contingent fund. I therefore solicited and received an unrestricted gift of \$20,000 from the Spelman Fund, the trustees of which are interested in the technical aspects of government. You are well aware of the resulting survey which was conducted here, and you have already given considerable study to the contents of the report.

The Survey continued in a more extensive way the work of our own legislative committee of 1921-22. Most of the problems of that day are still with us and many of them have become more acute. The Survey makes criticisms and offers remedies. It is for us to make the most of them. We are at least in possession of a comprehensive handbook to aid us in the understanding of our governmental agencies, which I am frank to say up to this time have seemed almost too complicated for the average citizen to comprehend. The fundamental recommendation of the Survey is that of consolidation or reduction in the number of separately functioning agencies of the state government. Under the present system fiscal control or any

other sort of intelligent control is extremely difficult, if not impossible. We have at present over forty active governmental agencies, most of them quite independent of the rest of the state government. The task of coordinating their activities, which may in theory be a part of the governor's job, is virtually an impossible one. Even if a governor could devote all his time to the task his work would not be thoroughly effective because of the lack of continuity in service.

Since becoming Governor I have become increasingly aware of the lack of effective executive control. The Constitution provides, "The supreme executive power of the state shall be vested in a governor." It would seem that such great responsibility as the governor was apparently meant to be entrusted with, should be accompanied by the authority which he needs in order to really govern. It can be said of the government of many states that the arrangements in force represent no coherent system, but are the results of more than a century of attempted adaptation, resulting in a loose aggregation of agencies which have never been correlated, and which therefore cannot be centrally directed or controlled in any effective way. The movement for consolidation and reorganization has been almost nationwide, and more than half of the states have found it wise to modernize their governments in some measure. The extent to which Maine should reorganize her government is for her citizens to determine and you now are in a position and charged with the responsibility of speaking for them. A government to be of value must be stable, to be serviceable must be adapted to changing conditions. Our forefathers foresaw the possibility of increasing governmental activity, though they could hardly have dreamed of its present extent, and the Constitution expressly pointed out that free governments are founded in the authority of the people, who therefore "have an unalienable and indefeasible right to institute government, and to alter, reform, or totally change the same." The increase in our expenditures, which is proportionally outrunning the increase in our taxable property, is sufficient reason for coming to the conclusion that the time has arrived when we can no longer afford to delay putting our house in order. We should make every effort to secure more efficiency, or more value for our tax dollar. Coordination in our central government and cooperation from our local governmental units are necessary if our health and welfare and institutional work especially are to develop in any more constructive way than by merely increasing.

Whatever the results of the Survey as expressed in terms of legislation enacted at this session, my part in these changes will take place during the transition period only, and it may be several years before the final benefits can be appraised, but I believe that if thorough financial reorganization is adopted we will have accomplished a great improvement in the basic struc-

ture of our government and consequent economies in substantial measure.

To help in bringing the whole matter before the public and in deciding what legislation to recommend, a citizens' committee and later an executive committee were appointed. Some of the conclusions of that committee have been published, and a final report will be made shortly submitting a draft of an administrative code embodying changes recommended. It is believed that a plan will be presented which will meet with your approval in the main. It is my intention to address you later at greater length on the subject of reorganization. Meanwhile I will be glad to confer with you and to receive your suggestions. Expressions of opinion so far received from members of the Legislature would indicate very strongly your cooperation in the important task of seeking to improve our government. For best results we must proceed to our deliberative action free from personal or political consideration. I believe that Maine legislators are sufficiently progressive to attack this large problem energetically and in a large way, and that we may hope to perform a notable service to our State.

Conclusion

The State of Maine is by nature rugged and her people are conservative. We cannot look for fabulous expansion but we may hope for an evenly distributed and increasing prosperity. Perhaps after all our way is best, without the great extremes of riches and poverty, with a land of slow but permanent growth where banks are not failing and where the problem of unemployment does not rise to consume our industrial life. Let us continue to value stability, sobriety, industry and justice.

It is the duty of the Legislature to see that no penny of the public funds is superfluously designated. It is the duty of the Executive in administering the laws, to see that the purchasing power of the public funds is at the rate of one hundred cents for every dollar, so that citizens do not bear a crushing burden of taxation. Problems of social science must be faced and solved in such a manner that with the passing of time they become less instead of greater. Governmental policies must be followed with the realization that the ultimate aim is to bring to as many of our citizens as possible, in the present and in the future, the largest opportunities for self-development in life.

Respectfully submitted,

WM. TUDOR GARDINER.