

# MAINE STATE LEGISLATURE

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



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

LEWIS A. BURLEIGH  
AUGUSTA, MAINE

February 27,  
1929.

Hon. William T. Gardiner,  
Governor,  
Augusta, Maine.

My dear Governor:-

I hope you may find time to read with some care the statement which I propose to make to the Committee on Public Buildings and Grounds tomorrow, advance copy of which I am enclosing for your personal use.

We have used all due diligence in the matter of perfecting a design for the Commemorative Entrance Gate to the State Park, and now have something which is completely satisfactory to the landscape architect and to Mr. Brown and myself.

So supremely important does it seem to the Commission to erect this Gate during the present year that we shall voluntarily ask the Committee to cut our \$12,000 Resolve for Maintenance and Improvements down to \$4000, for bare maintenance only. Adding \$20,000 for the entrance, the total of \$24,000 is still \$1000 less than the aggregate of the two resolves as originally introduced.

I have just received the final sketches, and if you would care to see them before I appear before the Committee, would be glad to come at any time after 2 o'clock tomorrow (Thursday), as I would like to bring along Mr. Parker to explain them. The hearing is at 3.30.

If I do not hear from you before two o'clock, don't bother to notify me, as I will know that you are unable to give the time.

Yours very sincerely,

*Lewis A. Burleigh*

LAB:ML

Encls.

NOV 6 1929

HEARING ON STATE PARK BILL, AND RESOLVES, BEFORE  
COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS  
FEBRUARY 28, 1929

Mr. Chairman and Members of the Committee:

There are three measures relating to the State Park to be heard this afternoon, and they are so intimately related that they are best treated in one connected statement.

For a proper understanding of these measures it is quite essential to glance briefly at the past history of the Park and of its development under the State Park Commission.

History of the Park from 1827 to 1911

By an Act approved February 24, 1827, the permanent seat of government was established at Augusta, and the Governor and Council were authorized to obtain a conveyance to the State of a suitable lot of land on which the public buildings might be erected. A small appropriation was also made for improvement and fencing of the lot, and its ornamentation with forest trees.

Pursuant to this Act, on June 6, 1827, Joshua Gage, Reuel Williams, and others, conveyed a thirty-four acre tract to the State with a reservation for a public road over the same. This road is today called State Street, the State House being located on its west side, while to the east is the twenty-acre tract, stretching from State Street to the right of way of the Maine Central Railroad Company, which is the subject of the measures now before you.

Near the eastern end of this tract, marked by a granite shaft, and forming the nucleus of a pine clad elevation overlooking the Kennebec, is the tomb of Governor Enoch Lincoln, erected shortly after his death on October 8, 1829.

During the Civil War, the Third Maine Regiment, which was raised in 1861 from the towns of the Kennebec, rendezvoused at Augusta, and the Companies as they were filled came in and encamped on this field, where they were daily drilled.

Until the purchase by the State in 1889 of the present commanding site on the western outskirts of the city, musters of the state militia were held on this area, then commonly known as the "Muster Field." On it, also, was located the baseball field of my younger days.

Creation of Park, and of Park Commission, in 1911.

Measured by modern standards, aside from the planting of the trees which form so noble a basis for our present and future work, no movement of consequence was made for the systematic development of this tract until the year 1911. In that year an act was passed creating it a public park, and vesting its supervision, direction and control in a commission of three to be appointed by the Governor and to serve without pay.

### Meager Legislative Appropriations.

For the years 1911 to 1916 inclusive, legislative appropriations aggregating \$6700 were made for the predecessors of the present commission, the largest for any one year having been \$2000, and the smallest \$500. The inadequacy of such amounts to make a substantial start toward the development of this 20-acre tract into a state park is sufficiently obvious to anyone who is at all familiar with the cost of this class of work. The bulk of the expenditures during this period were for gravel, grading, and filling, with minor expenditures for grass seed, repairs, and brown tail moth work. For the years 1917 and 1918 no legislative appropriations whatever were made.

The fact seems to be that up to the year 1919 neither the legislative nor the executive department were sufficiently sold on the idea of any real development to be willing to provide the necessary funds for that purpose.

Yet here is a park, the possibilities of which as a beautiful and dignified setting to our noble capitol building have been freely acknowledged by Governors Milliken, Parkhurst, Baxter, and Brewster, who have in succession shared the enthusiasm of our Commission when they came to fully understand its plans and purposes. If we could personally conduct the members of your committee over these grounds in the summertime, when their latent beauties can be fully appreciated, we should be confident of inspiring in you an equal enthusiasm.

### Appointment of the Present Commission.

In 1919 Governor Milliken appointed a new commission, of which Charles S. Brown, then Superintendent of Buildings, and myself, are by appointment and re-appointment still members. The third member is Charles E. Downing, who was appointed in 1924 to succeed Horace E. Bowditch, and re-appointed in 1928.

### Development of a Comprehensive Plan.

At the time of our appointment in 1919, the State Park was still little better than a rough pasture, its outstanding feature being those rows of noble trees. In 1920 the Commission determined to formulate a suitable and comprehensive plan for development, toward which we could build from year to year with such appropriations as should be made available. This obviously called for expert professional assistance.

In quest of information and ideas, two members of our Commission visited several New England capitols in the spring of 1920, and with the courteous cooperation of State officials inspected their Capitol grounds and investigated the subject of their development and upkeep. We found that much of the development work had been done under the supervision of Olmsted Brothers of Brookline, Mass., a firm of landscape architects of national reputation.

We returned to Maine with a fresh viewpoint and with, I trust, a larger vision of the splendid possibilities of this undeveloped tract, superior in natural advantages to most, and unexcelled by any, of the capitol grounds we had visited.



Desiring to supplement our information by the views of Maine citizens, we advertised and held a public hearing in the Council Chamber of the State House on April 30, 1920. There was a good attendance, and free interchange of ideas, some of which were of value to the Commission.

The Commission then employed Olmsted Brothers to lay out a comprehensive plan for the development of the Park, and toward this we have been building as fast and as far as funds have been provided. Naturally, during these ten years, there have been a few variations from, and as we hope, improvements upon, our original plan, the main features of which, however, have been consistently followed.

The representative of Olmsted Brothers, with whom the present Commission has worked during all these years, is Mr. Carl Rust Parker, who has had much experience as a landscape architect in Maine. He is thoroughly familiar with the climatic and other conditions attending such work in this State, and we are confident that under his skilled and intelligent supervision, and with reasonable legislative appropriations, we will eventually have a Park of surpassing beauty and dignity, worthy in every way of our great State.

The improvement work to date, as distinguished from maintenance, has consisted of grading and filling, seeding, the construction of gravel paths, of roads, and of a long drain, the planting of trees and shrubbery, and minor improvements around the Tomb of Governor Lincoln.

Resolve in Favor of the State Park Commission  
(Senate Paper #320)

In the Resolve introduced by Senator Martin in Favor of the State Park Commission we have asked for an appropriation of \$6,000 for the fiscal year ending June 30, 1930, and \$6000 for the fiscal year ending June 30, 1931. This is based on the following estimates:

For Year Ending June 30, 1930

Grading and Improvements in the vicinity of Governor Lincoln's Tomb -----	\$3500.00
Completion of re-surfacing the gravel walks -----	500.00
Maintenance -----	2000.00
	<u>\$6000.00</u>

For Year Ending June 30, 1931

Regrading the area in the lower or northeastern corner of the Park along Capitol Street, which slopes down toward the Maine Central right of way, and taking advantage of the natural contours to make it a rolling hillside, with one or two paths leading through it -----	\$2500.00
Cleaning out trees and undergrowth and construction of trails in southeastern corner of Park, especially the ravine section -----	1500.00
Maintenance -----	2000.00
	<u>\$6000.00</u>

As shown above, our Resolve calls for a total of \$12,000 for the two years. But on account of the comparatively large expenditure required for the construction of an entrance gate, as I will fully explain when I come to the consideration of the separate resolve providing for that feature, we are willing to postpone further improvements on the Park itself for the next two years, and ask you for maintenance only, namely, \$2000 for each year. We are voluntarily suggesting this reduction on the understanding that we are to be allowed the amount asked for in our Resolve for the Entrance Gate, which for reasons to be presently stated, we regard as of paramount importance at this time.

On this basis of adequate maintenance, exclusive of any improvements, \$2000 a year is absolutely essential. We cannot rely upon any such assistance from the State's Contingent Fund as we have occasionally received in the past to make out an insufficient appropriation.

Remember that this is a 20-acre Park; that this extensive area is to be seeded, fertilized, and frequently mowed; the gravel paths and roads must be kept up; the large areas of shrubbery kept trimmed and weeded; over 200 trees attended to (and tree work is expensive); and constant supervision exercised to protect the Park from injury. We should have two men constantly at work for six months of the year, and at times a larger force will be required.

It is to be remembered that as additional improvements are made, the expense of upkeep correspondingly increases, though when we have eventually completed our Park the annual expense of maintenance thereafter should not in my judgment average more than \$3000.

Now let us pass to the measure entitled

Resolve for the Erection of an Entrance Gate to the State Park  
in Commemoration of the One Hundredth Anniversary of the  
Laying of the Corner Stone of the State House.  
(House Document #290)

This Resolve as printed calls for only \$13,000. This, added to the \$12,000 which we originally asked for maintenance and improvements of the Park, makes a total of \$25,000. But as stated before, the Commission is willing to postpone other Park improvements for two years and add \$7000 of the \$8000 saved thereby to the \$13,000 called for by the Resolve for the Entrance Gate. The total for the two Resolves will therefore be \$1000 less than their aggregate amount as originally introduced.

Reason for Increasing Original Estimate.

The reason for increasing our figure on the Park Entrance from \$13,000 to \$20,000 is easily explained. In the first place, although an entrance gate has been from the start an important and integral part of our plans for the Park, we had no intention of asking for it at this time, but planned to proceed with the development of the Park and ask for this Entrance at a subsequent session. Accordingly, Senator Martin introduced the Resolve I have already discussed, calling for a total of \$12,000 for maintenance and improvements.

But shortly before the expiration of the time limit on Private and Special Legislation, Representative Williamson informed me that the year 1929 was the One Hundredth Anniversary of the laying of the corner stone of the State House, and it seemed to him and some other members of the Legislature and to our Commission that the State could in no more fitting way celebrate this event than by constructing a dignified and beautiful entrance to the State Park, situated directly across the street from the entrance to the State House, and in keeping with it and with the developments already made in our Park. It is manifestly the psychological moment for granting an appropriation for this long cherished purpose.

We lost no time in broaching the matter to the Governor, and Representative Williamson promptly drafted this Resolve, but the time was too short to give any adequate consideration to the character and cost of the structure. Based on a certain design, and with hurried estimates which were of necessity largely guess work, this Resolve calling for \$13,000 was introduced on the very day of the expiration of the time limit.

Meanwhile we immediately got in touch with Mr. Parker of Olmsted Brothers, and by phone, letter, and personal consultation have been working with him ever since in the production of a satisfying and permanent design, and the assembling of some real figures.

This design is radically different from our original hasty conception, and necessarily more expensive; but I feel quite confident that your Committee will agree with us that as this is to stand for all time as the State's commemorative Entrance Gate to what we hope will eventually be the most beautiful Capitol Park in New England, it is highly important to do it right.

Later I shall request Mr. Parker to explain the sketches which he has drafted, and to answer any questions you may care to ask.

Much more elaborate and sculptured designs might be worked out, costing upwards of \$50,000, but the Commission is as earnestly desirous of keeping the expenditure within reasonable limits as any member of this Committee can be, and as a matter of fact we much prefer the graceful, dignified and comparatively simple design worked out by Olmsted Brothers to any such excessive ornamentation. But if your Committee favors the proposition, and the design meets with your approval, you will not cripple us in our work or expect us to do the impossible by any reduction of the amount for which we have asked. It is perhaps worth noting that if this \$20,000 were to be divided between the 768,014 inhabitants of our State, it would amount to less than three cents per capita.

#### How the Design Fits into the Beautiful Central Vista.

At present I merely wish to call your attention to one of the finest features of our Park, and to show you how the proposed entrance harmonizes with it and adds to its beauty. If you will come here next summer and stand at the front entrance of the State House you can look straight down the Park to the hills across the river, through a green carpeted vista bordered on



either side with a double row of stately trees. Or if someday you will cross the river and ride down through the grounds of the State Hospital, you can look west through this vista which leads in a straight line directly to the front entrance of the State House.

The Commemorative Gate is to be located in and form a part of this vista, which will be preserved in its integrity. The steps leading from the Gate will proceed straight down a short distance to a landing, and then swing to the right and left and by graceful curves lead to the gravel paths in the center of the two double rows of trees which I have mentioned as bordering the vista on either side.

To further emphasize the value of this vista, and the propriety of the present design for the Entrance Gate, I wish to add that some day we hope to see a fine War Memorial erected toward the easterly end of the vista. Not far from Governor Lincoln's Tomb the land takes a sharp drop, which affords an ideal location for the erection of a memorial shaft perhaps 60 feet in height. The easterly face of its stone foundation might culminate in a parapet, with steps on either side leading down toward the river.

In February, 1921, at the request of our Commission, Olmsted Brothers prepared a very beautiful model of a war memorial in the location suggested, with the adjacent trees, shrubbery and paths splendidly arranged to fit into the design. This was on exhibition at the State House during the legislative session, and was much admired. We presented a resolve asking for an appropriation to pay the overhead expenses of a State-wide campaign for funds to erect this memorial by popular subscription. The Committee on Military Affairs were unanimously in favor of an appropriation of \$5000 for that purpose, but Governor Baxter could not see his way clear to approve the expenditure at that time.

I feel confident that some day such a structure will add the crowning glory to the vista of which this beautiful memorial entrance for which we are now asking will form an integral part.

I pass now to the third and final measure which is before you for consideration, namely, the Bill entitled

"An Act Amendatory of, and Additional to Existing Legislation  
Relating to the State Park, and to the  
Superintendent of Public Buildings"  
(House Document #346).

The purposes of this bill are three-fold:

First Purpose: To Restore Commission's Previous Right  
to Control Expenditure of Park Funds.

1st: To restore to the Commission the exclusive right to control the expenditure of all monies appropriated or donated for the Park, subject, of course, to audit by the State Auditor in the manner now provided by law.



Notice that I say "restore," because the original Act of 1911 and every subsequent legislative Resolve appropriating money up to 1919 placed its expenditure under the "direction" or "supervision" of the State Park Commission. But in 1919, the Legislative Resolve provided that the expenditure of the money should be "under the direction of the Governor and Council," and in order not to raise any questions along that line, in drafting subsequent resolves the Commission itself, until this year, has inserted that phraseology.

But if the Commission is competent, and can be trusted to direct its own expenditures, the clause can serve no useful purpose. So many other matters demand attention at Council meetings, that the members of that body can give but scant attention to State Park affairs. To impose upon the Commission the duty of keeping them constantly informed of its plans and purposes, and the details of the work, is placing an unnecessary burden upon the Commission, and an unnecessary duty upon the Councillors. If the clause really amounted to anything it would mean that not infrequently State Park matters would have to be postponed from one Council meeting to another, with consequent delay in the work, and annoyance to all concerned.

The practise has been for the Council to pass a general order, authorizing the Commission to proceed with the expenditure of its appropriations, which is precisely what they would do under the present bill. I may add that we have personally explained this matter to Governor Gardiner, and I have no reason to doubt that he agrees with our position.

The restoration to the Commission of its direct supervision and control of expenditures will leave it free to prosecute the work with that informal and cordial co-operation with the Governor regarding its general plans and purposes which has always existed.

The substantial nature of this executive co-operation has at times been strikingly demonstrated.

For instance, while groping for a permanent and adequate plan in 1919 and 1920, the appropriation would have lapsed and the work would have been correspondingly delayed had not Governor Milliken been so greatly interested that \$4000 from the Contingent Fund was made available to the Commission in 1920.

In the fall of 1920 his successor, Governor Parkhurst, personally accompanied the Commission all over the grounds, was deeply interested in its plans, and on Nov. 1 of that year wrote that he would be glad to endorse the proposed appropriations aggregating \$30,000 for the 2<sup>1</sup>/<sub>2</sub>-year period ending June 30, 1923.

Two months later the Governor died. The Budget Committee of 1921 cut the requested appropriation in two, Governor Baxter further applied the axe, and the Commission emerged with a total appropriation of \$5000 instead of the \$30,000 which Governor Parkhurst had been ready to endorse. But Governor Baxter in his turn became very much interested in the work, and during his administration the meager legislative appropriations were supplemented from the Contingent Fund to the extent of \$7284.32.

May I add that while we have been grateful for this assistance, in my judgment it would be far better for the Legislature to give us the same amount of money by direct appropriation. Of course it does not make a cent's difference to the State from which of its pockets our money comes, but it does make an important difference to the Commission to know definitely the amount of money on which it can plan.

Second Purpose: To Harmonize Two Conflicting Statutes.

The second purpose of this bill is to straighten out a muddle in existing legislation relating to the State Park Commission and to the Superintendent of Public Buildings.

By Chapter 117 of the Public Laws of 1923 the duties of the Superintendent of Public Buildings were enlarged by placing in his charge several state properties over which he had previously had no control. Among the properties so enumerated was the State Park. This was apparently inconsistent with the law creating the State Park Commission. In practice, however, this worked no inconvenience while Mr. Brown was Supt. of Public Buildings, because he was also by direct appointment a member of our Commission. But during Colonel Dustin's administration as Supt. of Public Buildings, although our personal relations were always cordial, some annoying little questions arose concerning the relative rights and duties of the State Park Commission and the Supt. of Public Buildings, and concerning the approval of bills for State work. It was even considered necessary to procure the opinion of the Attorney General in some of these matters.

We have settled this definitely in the present bill by making the Supt. of Public Buildings ex-officio a member of the State Park Commission, and by providing that other laws relating to the duties of the Supt. of Public Buildings shall not extend to the State Park.

Third Purpose: To enable the Commission to Establish Necessary Regulations.

The third purpose of the bill is to give the Commission the right to establish rules and regulations for the protection of the Park, and of the monuments or structures erected thereon.

These rules must be approved by the Governor and Council, certified as to legality by the Attorney General, and published for two weeks in the State paper, before becoming effective. Penalties are imposed for violation, and the Municipal Court of Augusta and all higher courts in Kennebec County are given jurisdiction.

Additions to Original Draft

Since drafting this bill, as a result of a consultation with the State Auditor, the phraseology of one sentence has been changed to a form which he thinks adequate to cover the matter of auditing the Commission's expenditures. Also, at the suggestion of Mr. Thomas, who was formerly connected with the Supt. of Public Buildings Department, and with the approval of the present Superintendent, the following additions have been made:

By inserting the provision that "all equipment of the State in charge of the Supt. of Public Buildings, which is adapted for use on the State Park, shall be available, free of charge, to said Commission." Also, by adding to the State properties of which the Supt. of Public Buildings has charge the John Paul Jones Memorial Park at Kittery. Also, by providing that instead of personally attending visitors to the State House as the statute now requires, he may do so personally or by substitute.

I am leaving with the Committee a printed copy of House Document #346, with typewritten inserts showing just how these changes come in. I have also prepared for the use of the Committee, in case they report favorably, a new draft of the Bill, new drafts of the Resolves, and, merely by way of suggestion, of course, of the accompanying statements of facts.

Suggested Statement of Facts for Resolve in Favor of State Park Commission.

The Statement of Facts suggested for the "Resolve in Favor of the State Park Commission," reads as follows:

"This Resolve as originally introduced called for an appropriation of Twelve Thousand Dollars, namely, \$6000 for each of the two fiscal years, but in view of the amount required for a commemorative entrance gate under the Resolve subsequently introduced for that purpose, the State Park Commission voluntarily offered to postpone for two years other development work upon the Park, and reduce their appropriation under the present resolve to bare maintenance requirements, or Two Thousand Dollars for each of the two fiscal years.

"This amount is absolutely essential to proper upkeep of this twenty-acre Park, which is essentially a part of the Capitol grounds. This tract, with its fine possibilities, has already been developed to the point where it is a credit to the State, and to its completion by future legislative appropriations the State may well consider itself to be committed.

"The total amount called for by this Resolve and the Resolve in favor of the Commemorative Entrance Gate is One Thousand Dollars less than the aggregate amount of the two Resolves as originally introduced."

Suggested Statement of Facts for Resolve for Entrance Gate.

The statement of facts suggested for the Resolve for the Erection of an Entrance Gate Reads as follows:

"On July 4, 1829, the laying of the corner stone of the State House was observed with unusual ceremonies and festivity. At ten o'clock on that date a procession was formed at Palmer's Hotel consisting of the Grand Lodge of Maine, the governor and council, secretary of state, commissioner of public buildings, distinguished guests, and a large concourse of citizens of Augusta and neighboring towns. The procession moved under the escort of the Augusta Light Infantry, Capt. Rufus C. Vose, to Capitol Hill, where the corner stone of the State House was laid with imposing Masonic ceremonies.

Under the stone were deposited the Constitution of the State; various publications of the day; the coins of the country; and a plate with the following inscription:

'STATE OF MAINE  
On the fifty-third Anniversary of the  
Independence of the United States,  
THIS CORNER STONE  
Of a building to be erected for the accommodation of the  
LEGISLATURE AND EXECUTIVE DEPARTMENTS  
of the Government, is laid by the  
GRAND LODGE  
In presence of Enoch Lincoln, Governor  
ANDREW JACKSON,  
President of the United States,  
JOHN C. CALHOUN,  
Vice President.  
JOHN MARSHALL,  
Chief Justice.'

"The present entrance to the State Park is not in keeping with the dignified and beautiful capitol building and park. For several years the plans of the State Park Commission have called for the erection of a new entrance when funds were available.

"It is fitting that the one hundredth year of the state capitol building at this spot should be commemorated in a lasting manner. The proposed entrance serves to celebrate the anniversary and to beautify the capitol and park.

"At the time of the introduction of the original resolve, no final design had been worked out. This has since been done by landscape architects under the direction of the State Park Commission, and there was submitted to the Committee a dignified and beautiful design which is in keeping with the present entrance to the Capitol, and is an integral part of the fine central vista, extending therefrom between rows of stately trees to the easterly limits of the Park.

"The sum of \$20,000 is required for the construction of this entrance. The State Park Commission has offered to postpone other development work on the Park for two years and reduce their appropriation to bare maintenance requirements in order that this commemorative entrance may be erected at this time. The total amount called for by this Resolve and the Resolve in favor of the State Park Commission in its new draft is therefore \$1000 less than the aggregate amount of the two resolves as originally introduced."

Completion of the Park Improvements is Apparently a Fixed Legislative Policy.

In conclusion, let me say that the Commission has struggled along with painfully inadequate appropriations, sometimes even to the point of insufficiency for bare maintenance purposes, and it has taken us ten years to do work which could have been accomplished in four years with two adequate appropriations.



But we have at least gradually developed a Park which already, from State Street as far as Governor Lincoln's Tomb, is, we feel, a credit to the State. And its status is that of an undertaking to the completion of which the State may well regard itself as committed, the only question being as to the amount of each legislative appropriation.

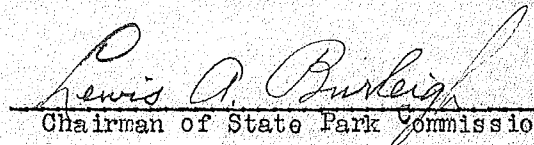
Now, to recapitulate just what we ask for:

1st: The Resolve in favor of the State Park Commission (Senate Paper #320) in its new draft, calling for an appropriation of \$2000 for each of the next two fiscal years.

2nd: The Resolve for the Erection of a Commemorative Entrance Gate (House Document #290) in its new draft, calling for an appropriation of \$20,000.

3rd: "An Act Amendatory of, and Additional to, Existing Legislation Relating to the State Park and to the Superintendent of Public Buildings," (House Document #346) also in a new draft.

Respectfully submitted.

  
Chairman of State Park Commission.