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Maine's Last Great Inheritance Must Be Retained For the People: Message of Percival P. Baxter Vetoing the Charter of Kennebec Reservoir Company

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Maine's Last Great Inheritance
Must Be Retained For the People

MESSAGE
of
PERCIVAL P. BAXTER
Governor of Maine

VETOING
THE CHARTER OF
KENNEBEC RESERVOIR COMPANY

Delivered to
The Eighty-first Legislature
March 20, 1923



March 20th, 1923.

Mr. President, Senators and Representatives:

There has been placed before me for my approval or disapproval an Act that has passed both branches of this Legislature by overwhelming majorities. This Act deals with a subject of vital importance to the State of Maine, one in which I have taken a very active interest during the past seven years. As I shall later give you my formal disapproval of this Act I desire in person to present to you my reasons for so doing, and consequently have asked that this joint session of the Senate and House be convened.

The document before me is entitled: AN ACT to Create the Kennebec Reservoir Company and Define the Powers Thereof.

Under this bill a private corporation is given one of the few remaining great undeveloped water storage reservoirs in the State of Maine. This storage is located in the Dead River and its development is destined to take place in the near future. The question before this Legislature is, shall a great storage reservoir of inestimable value be deeded to a private corporation to be used for private gain, or shall the people of the State retain it for themselves until they are given the opportunity to decide whether or not it shall be developed by the people in the interests of the people?

To give you an idea of the value and extent of the proposed storage system I call your attention to the fact that the drainage area involved covers a territory of 500 square miles, an area larger than Androscoggin county, and twice as large as Sagadahoc county. The artificial lake to be created will be 24 miles in length and will cover an area of 21 square miles. The cost of the development has been carefully figured at \$1,200,000 and 14,600 additional water horsepower will be supplied to seven companies now developing power on the Kennebec River. If this horsepower is figured in kilowatt hours it appears that 10,950 kilowatt hours will be furnished these companies at the cost of one-third of a cent per kilowatt hour.

The value of the franchise which the Kennebec Storage Reservoir Company seeks to obtain from the State is enormous. Moreover, the Act before you provides that this franchise be granted for all time to come. It is true



that a clause in this charter provides that the State may take over the franchise on certain conditions. Such a clause is of but little or no value, however, in view of the opinion of the Supreme Judicial Court rendered in 1919, which holds that the State has no power to develop storage until an amendment to the Constitution shall have been adopted. From this it will be seen that the reservation referred to furnishes no adequate protection to the people's rights and once this charter is given away it can safely be assumed that the power companies will do their best to prevent the passage of any such Constitutional Amendment by this or succeeding Legislatures.

This Act presents to the 81st Legislature a clean-cut issue: shall private corporations be given the remaining rights that the people have in a great natural resource? Shall this and other valuable storage systems be given away forever, or shall the people themselves retain them?

There is but one answer. The people of the State of Maine never should part with any more of their inherent rights in the State's natural resources. These should be held in perpetuity for the benefit of the present and future generations.

The Dead River storage system today in its undeveloped state, at a conservative estimate, is worth several million dollars. As the value and uses for water power increase in the coming years it is difficult to over estimate the future value of this great system. I do not hesitate to say that should my signature be affixed to this bill the paper on which it is written immediately would be worth far in excess of one million dollars in cash to the gentlemen whose names appear therein.

It should not be overlooked that if the seven companies now operating on the Kennebec River will obtain 14,600 horsepower from this storage system, every undeveloped water power on the Kennebec, the noblest river in the State of Maine, immediately will be greatly enhanced in value on account of this charter.

There is another phase of this question that should not be overlooked, and that is the tremendous but yet unknown value that will accrue to a water storage project in the years to come through the development of electrical science. Certainly this value has not been overlooked by the far-sighted owners of electric developments, and that being so the representatives of the people also should take this into consideration before they part with something that they never can recall. No man can safely predict this great progress that is sure to be made in electrical development or the countless new uses to which it will be put. If

water storage and water powers are of real value to-day, what will they be worth to-morrow, if science advances as rapidly in the next 25 years as it has in the past? What will this value be in 50 years when your grandchildren are on the stage of life? No doubt you will all agree with me that the world has not begun to appreciate what can be accomplished by electric energy.

It is less than 25 years ago that the electric experts who were called in for consultation reported that it was not possible to successfully transmit electrical power into the city of Portland from the Presumpscot River Falls, only four miles distant. These experts were paid handsomely for rendering this valuable opinion. Any man who alleges that electricity within a period of ten years will not be used for purposes at present unthought of is not entitled to a hearing, for with electricity all things are possible. Will this Legislature be responsible for giving away not only the present but also the future value that lies in the great storage development that we are considering? What will the sons and daughters and the grandsons and granddaughters of Maine say if they look back to the year 1923 as the year in which the State's great storage systems were placed definitely under the control of private interests? Let the people of Maine look ahead even as the corporations are doing. I am astonished that scarcely a voice has been raised in protest in this Legislature against the passage of this bill. I shall not allow this matter to leave my hands without paying a well deserved tribute to those few far-sighted and courageous men who have stood bravely against the onslaught of corporate interests. These men ever will be remembered for their fearless action.

This message constitutes the turning point in the water power question in the State of Maine. If you grant this franchise, in my opinion you definitely and deliberately abandon the rights of the people in the water resources of the State. Should this bill become a law I predict that the water power question never again will be brought forward during the lives of any of the members of this Legislature. The granting of this franchise means that private corporate control of the water resources of Maine is the fixed policy of the State, and that the water power issue has passed into oblivion. The fight for the people's rights in Maine's water resources will be remembered as a lost cause. It, however, will not be forgotten that the people of Maine were deprived of their last remaining natural inheritance by an Act of the 81st Legislature.

The first agitation in behalf of the rights of the people in water storage and water powers began in the year 1909. It was actively revived in 1917 and from that time until

now it has been a live issue. Gradually the people of the State have awakened to its importance. It has been and is being discussed by our citizens in the homes, the shops and on the streets. The people are beginning to appreciate the fact that they have certain rights in the State's water resources. If you Legislators will give the people the opportunity to express themselves, I believe their answer will be sent back to you in no uncertain terms.

The 81st Legislature of the State of Maine holds the key to the future, for it and it only now has the power to allow the people of the State to vote on this vital issue. Unless this or some succeeding Legislature passes a Resolve submitting to the people a constitutional amendment that allows the State to create storage reservoirs, the people never will be able to avail themselves of what rightfully belongs to them.

There is a Resolve now pending before this Legislature that provides for the submission of a constitutional amendment to the voters of the State. For seven years I have consistently advocated such a Resolve and I am deeply interested to have this Legislature pass it. The people of Maine should be allowed to vote on this question and to decide it for themselves. The language of the constitutional amendment referred to has been passed upon by several representatives of the industries of the State, as well as by citizens who have no direct financial interest in them, and has met with their approval.

I realize that the industries of the State have developed our resources and give employment to thousands of our citizens. These industries by building up communities, have rendered a real service to the State and they should be given every proper encouragement. The State, however, always has treated them liberally, has given them almost everything that they have asked for and most of them have been very profitable. These industries, however, during the past seven years have stood firmly against the rights of the people and have refused to allow the people to have anything to say on the water power question. At the present session of the Legislature the lobbyists of private interests have been unusually active and diligent in working for those they represent and in my opinion these lobbyists are largely responsible for the spirit of conflict that now and then crops out in these halls. They will not hesitate to throw this Legislature into controversy with the Governor if in the confusion and distrust created thereby they can carry through this franchise that means millions to them.

I consistently have maintained that the people own

the lakes and storage reservoirs of the State. In times past the people owned many valuable water power locations, and great areas of timberlands. From time to time these have been alienated, and nothing now remains but the rights to water storage. Will the 81st Legislature at this critical moment sacrifice these rights when the whole nation is awakened to the importance of the fuel supply, for water is fuel translatable into terms of heat and power?

I consider it fortunate that this issue is presented at this time, for our citizens are more likely to understand it now that the need of heat and power daily is brought home to every householder and every industry. The shortage of coal has taught more than one lesson!

The passage of this charter by this Legislature would be nothing less than a betrayal of the trust imposed upon this Legislature by the people of the State. The plea of private corporations that the public will be benefited by the "development" of this storage is specious, for their development would be solely for their own private gain. It should be for the public interest.

It is interesting to note that the proposed dam in the Dead River system is to be located at one of the few places in the State where the State by owning both sides of the river actually owns a water power privilege. This is an additional reason why this Legislature should not part with the people's rights in this valuable location.

I want the people of Maine to develop their own storage reservoirs. The cost of doing so is trifling, when the advantages to be derived therefrom are taken into consideration. The development of industries and of water powers will be encouraged by the State's developing its own storage reservoirs and I never shall deed to a private corporation the control of the headwaters of the Kennebec River. Do not forget that he who controls the source, controls the river.

I could not go before the people of this State, who have chosen me their Governor, if I should approve the Act before you. When I took the oath of office I solemnly said, "I will faithfully and impartially perform to the best of my ability the duties incumbent upon me as Governor of the State of Maine." I cannot be false to this oath, no matter how great the pressure, and while I am Governor I shall act for all the people and shall not give away their great inheritance. Do not forget that your oath contains the same language as mine and imposes obligations equally as sacred.

It may be urged that Governors in the past have not

hesitated to transfer to private interests the people's rights, but a Governor in 1923 is better informed than were the Governors of the years gone by. Moreover, the people of Maine today are more enlightened than they were in the year 1868, when between one and two million acres of the finest timberlands that belonged to the people were given away on the empty promise that a railroad would be built into the wilderness of Maine. The year 1868 will ever be known as the year of the State Land Steal; and I hope the year 1923 will not be remembered by any similar calamity.

In refusing to approve the bill before me, I speak for three-quarters of a million people and their unborn descendants, all of whom you and I represent. I cannot believe that the 81st Legislature, knowing the facts, and it does know them, deliberately will alienate forever the land and the water which the Almighty placed here for the benefit of all the people. Should this be done, a cry of protest will be raised from Kittery Point to Quoddy Head; thence it will roll on with ever increasing volume to far away Fort Kent, and not a city, town or plantation in the State that will not hear it.

It may be that in 1868 no one protested against the rape of the State's timberlands, it may be that no one foresaw their value or realized that an innocently worded Act meant the sacrifice of the princely inheritance of millions of acres of fine timberland and many noble water powers. To-day the eyes of this Legislature are opened wide and so are the eyes of the people.

I urge you not to be misled by false arguments. I urge you to stand squarely for the people's rights. There is but one course; refuse to pass this Act and then give the people of the State the right to vote upon a constitutional amendment. Let the people decide this question for themselves.

A formal veto message will be submitted to the Senate immediately after the adjournment of this joint convention.

MAINE STATE PRISON

Of The



A Survey
Of The Inmates

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A SURVEY
Of The Inmates
Of The
Maine State Prison

Including

Their Education

Their Religion

Their Marital Status

Their First Delinquency

Their Nativity

Their Occupation

Their Home Condition

Based on a study of 282 Inmates to the last day of February, 1943, but excluding 54 men serving Life terms within the institution.

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Foreword

This survey has not been conducted and is not published with the intention of showing the public what a bad bunch of boys we have at the Maine State Prison. Quite the opposite. Its primary purpose is to show at what social disadvantages a great majority of these men have been placed almost since life's outset. Each table is dependent upon the other and aids to make the picture complete. A lack of early religious training, followed by an education which ended all too soon, and, finally, little if any vocational training --- these three apparently form a combination which paves the way to the Maine State Prison.

This survey is intended as a silent, but, we hope, an effective entreaty to the general public to recognize this condition --- with a view to stopping the procession considerably short of what today is apparently its only destination --- this institution or others similar in nature.

John H. Welch
Warden

Education

The first important message to be gleaned from the 1943 survey is this --- that the higher the education, the less likelihood there is of a person being sentenced to the Maine State Prison. Of 282 inmates now serving sentences, only 7 have graduated from college. This represents 2.48 percent of the population. Six undergraduates bring the total of men who have attended college to 13, which is 4.60 percent of the total enrollment exclusive of the men serving life sentences.

The majority of the inmates (181 or 63.433 percent) stopped going to school short of High School. Of this number, 12 had no education at all, 49 more ceased attending before they reached the seventh grade. The largest educational level among the inmates is the 8th grade, which was attained by 78. The summary:

No Education	..	12		
Grade 1	..	5		
Grade 2	..	5		
Grade 3	..	2		
Grade 4	..	7		
Grade 5	..	12		
Grade 6	..	18		
Grade 7	..	24		
Grade 8	..	78		
Grade 9	..	18		
TOTAL		181	or	63.433 percent
1st High	..	26		
2nd High	..	23		
3rd High	..	24		
4th High (Graduates)	..	15		
TOTAL		88		
Recapitulation				
Graduates	..	15	or	5.31 percent
Undergraduates	..	73	or	25.88 percent

College				
Graduates	..	7	or	2.48 percent
Undergraduates	..	6	or	2.12 percent
TOTAL		13	or	4.60 percent

GRAND TOTAL

Inmates	..	282		
Percentage	..	99.223		

NOTE: Many of the High School educations listed were received at the State School for Boys at South Portland, terminated when the students were discharged from that institution.

RELIGION

If the lack of education is evident in the preceding paragraphs, the lack of early religious training stands out even more predominately. In order to have the survey correspond with surveys of a similar nature, we have listed a certain group as Catholic, another Protestant. The terms Catholic and Not Catholic would undoubtedly be far more accurate. In interviewing, we have been very careful to ask each man claiming to be a Protestant just what denomination he belonged to and how frequently he attended church "on the outside". So few of them claimed any particular denomination that the listing of Catholic and Protestant is merely an attempt to show how many Catholics are in the prison and how many of the inmates do not attend the Catholic church. The summary:

Protestant	..	152	or	53.9 percent
Catholic	..	114	or	40.4 percent
Christian Scientist	..	1		
Greek Orthodox	..	3		
Jewish	..	4		
Jehovah Witnesses	..	2		
No Preference	..	6		
Recapitulation				
Catholic	..	114	or	40.4 percent
Non-Conformists	..	152	or	53.9 percent
All Others	..	16	or	5.6 percent
TOTAL		282	or	99.9 percent

Previous Delinquency

Only 65 of the 282 men surveyed in the Maine State Prison as of February 28, 1943 had never been in trouble with authorities before. The other 217 had previously been arrested, 13 of them had received probation, the rest, the rather staggering total of 204 had either been in Jails, Houses of Correction, State Schools, State Reformatories, Federal Reformatories and Federal Prisons and States Prisons previous to present sentences. Many of them had been in three different types of institution. Ninety-nine, or 35.10 percent have previously served sentences in this, or other prisons. The delinquency summary:

No Previous Record	-	-	-	-	65
With Previous Record	-	-	-	-	217
TOTAL					282

Previous Sentences in Other Institutions 204, divided as follows:

Prisons Alone	-	-	-	-	-	33
Jails Alone	-	-	-	-	-	36
Houses of Correction	-	-	-	-	-	3
Jails and Prisons	-	-	-	-	-	22
State School Alone	-	-	-	-	-	9
Reformatories Alone	-	-	-	-	-	23
State School, Jail and Prison	-	-	-	-	-	1
State Reformatories and Prisons	-	-	-	-	-	17
State School, Reformatory and Prison	-	-	-	-	-	14
State School and Prison	-	-	-	-	-	1
State School and Reformatory	-	-	-	-	-	18
Jail and Reformatory	-	-	-	-	-	14
State School, Jail and Reformatory	-	-	-	-	-	2
Jail, Reformatory and Prison	-	-	-	-	-	11
TOTAL						204

NOTE: The above table is drawn up to show the route by which the man reached the Maine State Prison to begin their present sentences. Present sentences do not figure at all in this table.

Recapitulation

Previously confined in one type of institution	104
--	-----

Previously confined in two types of institution	72
Previously confined in three types of institution	28
TOTAL	204
Number with previous prison record - - -	99

DEGREE OF PRISON DELINQUENCY

Each inmate in Thomaston is "working" on the particular sentence which he is doing at the moment. Bearing this in mind, there are:

183	working on their first prison sentence.
60	working on their second prison sentence.
18	working on their third prison sentence.
15	working on their fourth prison sentence.
2	working on their fifth prison sentence.
3	working on their sixth prison sentence.
1	working on his ninth prison sentence.

SOCIAL DISEASES

A marked reduction in the number of venereal diseases among the inmates is noticeable in the survey. This survey includes the lifers. Out of a total of 338 inmates only 12 have any type of venereal disease whatsoever. This number, slightly above 3.5 percent, is without doubt one of the best records in penal institutions in the country.

MARITAL STATUS

Approximately one half the inmates are single men. The other half either are married or have been. Significant is the fact that only 25.01 percent are married at the present time, many of the others terminated through the medium of the courts and still others brought to a close by mutual agreement. The marital chart is as follows:

Married	71	or	25.01 percent
Single	139	or	49.20 percent
Widowed	13	or	4.6 percent
Divorced	28	or	9.92 percent
Separated	31	or	10.63 percent
TOTAL	282		99.36 percent

Trades, Occupations And Professions

The table about to follow is probably the least accurate of any in this survey. We have no opportunity in our industrial setup to check on the accuracy of the occupations listed. The statement as to Unskilled Labor is however, very nearly the actual figure. The summary:

Laborers, No Trade and Unskilled 142 or 50.354 percent

(Includes Farm Laborers)

Hotel, Restaurant, Hospital Workers	7
Mill and Factory Workers	11
Shipfitters	2
Artists	1
Farmers	6
Pipefitters	2
Seamen	6
Blacksmiths	2
Masons and Bricklayers	3
Woodsmen	3
Fishermen	2
Watchmaker	1
Carpenters	2
Welders	2
Ministers	1
Clerks	3
Lathe operator	1
Agents-Salesmen	2
Shipyard (general)	1
Bus Line Operator	1
Tinsmith	1
Bookkeepers	2
Cobblers	3
Mechanics (motor and auto-body)	8
Butcher	1
Hoopmaker	1
Painters (including sprayers)	10

Electricians-Helpers	4
Advertising	1
Molder	1
Pattern Maker	1
Accountants	2
Cooks-chefs	14
Store Manager	1
Barbers	6
Engineer's Asst.	1
Foundry workers	3
Machinist Helpers	5
Firemen	1
Musician	1
Upholsterer	1
Engraver	1
Physician and Surgeon	1
Broker	1
Metallurgist	1
Typewriter Mechanic	1
Boilermaker	1
Weaver	1
Textile worker	1
Soldier	1
Printer's Apprentice	1
Butler	1
Innkeeper	1
Mechanical Draftsman	1
TOTAL	282

Crimes For Which Committed

The crimes listed below are listed primarily to show the tendency of the individual committing them; for instance, the intent to commit a certain type of crime is listed along with other crimes of a similar nature. The whole group is listed in one of two types --- Crimes Against the Person and Crimes Against Property. An increase in Crimes Against the Person is noted this year with Sex Crimes easily leading the list with the rather staggering total of 84 cases, or 29.787 of the total enrollment excluding lifers. The summary:

CRIMES AGAINST PROPERTY

Breaking, Entering and Larceny and the Intent	57 or 20.21 percent
Forgery and Forgery and Uttering	20
Arson and Accessories to Arson	15
Car Larceny and Associated Crimes	20
Being a Common Thief	1
Embezzlement	5
Breaking and Entering to Embezzle	1
Burglary	1
Obstructing Railroad Track	1
Receiving Stolen Property	1
Breaking and Entering to Commit Felony (note)	5
Escapes and Acts Furthering Them	8
TOTAL	135 or 47.8 percent
Miscellaneous	
Attempted Bribery	1

CRIMES AGAINST THE PERSON

Assault with Dangerous Weapon	2
Sex Crimes and Attempts to Commit Them	84
Assault and Battery	1
Manslaughter	8
Larceny from the Person	8
Assault and Robbery and the Intent	8
Robbery and the Intent	29
Assault to Kill	6
TOTAL	146 or 51.77 percent

NOTE: These crimes are listed as Against Property, although possibly at least some of them belong in the list of Crimes Against the Person. They represent cases where men have broken into residences and the motive has not been altogether clear, the opportunity having been present for the commission of both types of crime.

SURVEY OF HOME CONDITIONS OF PARENTS

Most startling survey of all was the survey of the parents of inmates, based on information given when they first entered the institution. Of the 282 inmates surveyed, in only 67 homes or 23.75 percent were the parents living together and maintaining a home. The rest were minus one parent for a variety of reasons, including, of course, death of one parent, divorce and separation. In 111 cases or 39.36 percent, one of the parents was missing from the home, in 91 cases, or 32.269 percent, both parents were removed from the sphere of influence and in 13 cases, or 4.609 percent there was not sufficient information available to align the particular inmates in any of the above columns. Some of it, of course, was due to the reluctance of the inmate to give any information about his parents. The summary:

Parents living together and maintaining a home	67 or 23.75 percent.
One parent missing from parental setup	111 or 39.36 percent.
Both parents missing from parental setup	91 or 32.269 ..
Status uncertain	13 or 4.609 ..
TOTAL	282 or 99.988 ..

NOTE: Naturally the age of some of the inmates would tend to be responsible for part of the large percentage of inmates with only one parent. The whole figure, however, is startling. In at least 34 of these cases, separation or divorce was the reason given for the lack of one parent in the home.

First Delinquency

There was a marked tendency to commit crime in early ages by the 282 inmates included in the survey. By far the largest bracket of first delinquency is from the ages of 9 to 20 inclusive --- in other words crimes committed by youths who had not attained their majority. The summary:

Age 9	2		
Age 10	3		
Age 11	2		
Age 12	10		
Age 13	5		
Age 14	13		
Age 15	13		
Age 16	12		
Age 17	15		
Age 18	17		
Age 19	11		
Age 20	14		
	117	or	41.489 percent
Ages 21-30	84	or	29.787 percent
Ages 31-40	42	or	14.893 percent
Ages 41-50	24	or	8.51 percent
Over 50	15	or	5.3 percent
TOTAL	282	or	99.979 percent

19 of the inmates are recidivists in sex crimes.

NATIVITY

In one respect, the State of Maine differs radically from the majority of her sister states. There is no organized crime in Maine. Nearly seven out of ten men who are committed here are born and raised in the State. Many more cannot be listed as Maine natives, but they came here at an early age and are definitely residents and were residents during the formative stages of their lives. Canada, with 16, leads the foreign population. There are 3 from Italy, 1 from Poland, 2 from Greece, 1 from Lithuania, 1 from England and 1 from Hungary. The rest of the 282 are residents of the United States.

