

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninety-Second Legislature

OF THE

STATE OF MAINE

1945

DAILY KENNEBEC JOURNAL

AUGUSTA, MAINE

HOUSE

Thursday, January 11, 1945.

The House met according to adjournment and was called to order by the Speaker.

Prayer by the Rev. Mr. Hughes of Augusta.

Journal of the previous session read and approved.

Papers from the Senate

The following Bills and Resolves which were referred to the 92nd Legislature by the 91st Legislature came from the Senate, and upon recommendation by the Committee on Reference of Bills, were referred in concurrence to the following Committees:

Education

Bill "An Act relating to School Unions" (S. P. 29)

Judiciary

Bill "An Act Authorizing the Withholding of the Federal Income Tax" (S. P. 31)

Resolve Proposing a Constitutional Amendment Changing the Times of Meetings of the Legislature (S. P. 30)

Legal Affairs

Bill "An Act Creating a State Fire Marshall" (S. P. 32)

Bill "An Act relating to the Assessment and Collection of Taxes" (S. P. 33)

Bill "An Act relating to the Assessment and Collection of Taxes" (S. P. 34)

Bill "An Act Revising the Fire Prevention Laws" (S. P. 35)

Bill "An Act relating to the Assessment of Taxes on Real Estate" (S. P. 36)

Bill "An Act relating to the Assessment of Taxes" (S. P. 37)

Bill "An Act to Establish a South Portland Park and Recreation Commission" (S. P. 38)

Military Affairs

Bill "An Act to Aid Returning Veterans" (S. P. 39)

Bills and Resolves Requiring Reference

The following Bills and Resolves were received, and upon recommendation of the Committee on Reference of Bills, were referred to the following Committees:

Judiciary

Bill "An Act providing for Combining the Office of Clerk of the Law Court and Reporter of Decisions" (H. P. 16) (Presented by Mr. Payson of Portland)

Bill "An Act providing for the Printing and Distribution of Laws" (H. P. 17) (Presented by Mr. Welch of Mars Hill)

Resolve providing for the Restoration of State Trust Funds (H. P. 18) (Presented by Mr. Downs of Rome)

(Ordered printed)

Sent up for concurrence.

Legal Affairs

Bill "An Act relating to Alternative Method for the Enforcement of Liens for Taxes on Real Estate" (H. P. 19) (Presented by Mr. Payson of Portland)

(Ordered printed)

Sent up for concurrence.

Salaries and Fees

Bill "An Act Increasing the Salaries of the Members of the Industrial Accident Commission" (H. P. 20) (Presented by Mr. Payson of Portland)

(Ordered printed)

Sent up for concurrence.

State Lands and Forest Preservation

Bill "An Act Authorizing the Conveyance of 'Greenleaf Cemetery Lot' to the 'Milton Plantation Cemetery Association'" (H. P. 21) (Presented by Mr. Judkins of Woodstock)

(Ordered printed)

Sent up for concurrence.

Ways and Bridges

Resolve in favor of the town of Scarborough (H. P. 22) (Presented by Mr. Baker of Scarborough)

Resolve in favor of the town of Cape Elizabeth (H. P. 26) (Presented by same gentleman)

Resolve in favor of Medford Plantation (H. P. 23) (Presented by Mr. Burton of Milo)

Resolve in favor of the town of Atkinson (H. P. 24) (Presented by same gentleman)

Resolve in favor of the town of Milo (H. P. 30) (Presented by same gentleman)

Resolve in favor of the town of Milo (H. P. 31) (Presented by same gentleman)

Resolve in favor of the town of

Orneville (H. P. 32) (Presented by same gentleman)

Resolve in favor of the town of Sebec (H. P. 33) (Presented by same gentleman)

Resolve in favor of the town of Van Buren (H. P. 34) (Presented by Mr. Cyr of Grand Isle)

Resolve in favor of the town of Grand Isle (H. P. 35) (Presented by same gentleman)

Resolve in favor of the town of Jonesboro (H. P. 25) (Presented by Mr. Hanson of Machiasport)

Resolve in favor of the town of Cutler (H. P. 36) (Presented by same gentleman)

Resolve in favor of the town of North Yarmouth (H. P. 37) (Presented by Mr. Lombard of Yarmouth)

Resolve in favor of the town of Yarmouth (H. P. 38) (Presented by same gentleman)

Resolve in favor of the town of Otisfield (H. P. 39) (Presented by Mr. Pratt of Windham)

Resolve in favor of the town of Harrison (H. P. 40) (Presented by same gentleman)

Resolve in favor of the town of Windham (H. P. 27) (Presented by same gentleman)

Resolve in favor of the town of Gorham (H. P. 28) (Presented by Mr. Russell of Gorham)

Resolve in favor of the town of Gorham (H. P. 29) (Presented by same gentleman)

Sent up for concurrence.

Orders

On motion by Mr. Lacharite of Brunswick, it was

ORDERED, that the following members be excused from attendance for the remainder of this week on account of illness:

Messrs. Knight of Clinton
Wright of Limestone
Brown of Unity

Orders of the Day

On motion by Mr. Brewer of Presque Isle, the House voted to take from the table the first tabled and unassigned matter on today's calendar, Joint Order relating to Committee on Aeronautics (S. P. 23) tabled on January 9th by that gentleman, pending passage in concurrence.

Mr. Ward of Millinocket, offered House Amendment "A" and moved its adoption.

House Amendment "A" read by the Clerk as follows:

House Amendment "A" to Joint Order (S. P. 23) creating Committee on Aeronautics.

Amend said Joint Order by striking out all after the word "concurring" in the first line and inserting in place thereof the following:

"That the Joint Rules be amended by inserting in the proper alphabetical place in the list of Committees in Section I the words "on Aeronautics"."

House Amendment "A" was adopted, and the Order as amended received passage in non-concurrence and was sent up for concurrence.

The SPEAKER: The House is now proceeding under Orders of the Day. There is a matter on which the House might act at this time, out of order and under suspension of the rules.

Passed to be Enacted

An Act Accepting from Percival Proctor Baxter the Conveyance and Deed of Gift of thirty-five thousand five hundred fifty-four (35,554) acres of land in townships three (3) range nine (9), three (3) range ten (10) and four (4) range ten (10) W. E. L. S. Piscataquis County, Baxter State Park, State of Maine (S. P. 44)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

The following papers from the Senate were taken up out of order under suspension of the rules:

From the Senate: The following Orders:

ORDERED, the House concurring, that the Joint Rules be amended by inserting in the proper alphabetical place in the list of Committees in Section I, the words "On University of Maine" (S. P. 49)

ORDERED, the House concurring, that a joint select committee to be designated "Committee on Post-War Planning" be appointed consisting of three on the part of the Senate and seven on the part of the House (S. P. 22)

Came from the Senate read and passed.

In the House, read and passed in concurrence.

The SPEAKER: The Chair at this time is ready to announce the

appointments of the House Committee on County Estimates, and the House Members of the Joint Standing Committee on the University of Maine, the Joint Standing Committee on Welfare, and the Joint Select Committee on Post War Planning. The Clerk will read the appointments.

House Members of Committee on County Estimates

- Messrs. Jacobs of Auburn
Dorsey of Fort Fairfield
Patterson of Freeport
Knight of Jay
Morrison of Winter Harbor
Hawes of Vassalboro
Emerson of North Haven
Perkins of Boothbay Harbor
Edwards of Oxford
Conant of Etna
Burton of Milo
McFee of Richmond
Tozier of Fairfield
Brown of Unity
Palmer of Charlotte
Stillings of Berwick

House Members of Joint Standing Committee on Welfare

- Messrs. Hawes of Vassalboro
Lackee of Addison
Harrison of Portland
Mrs. Lord of South Portland
Messrs. Thorndike of Bar Harbor
Corson of Hodgdon
Elliott of Corinth

House Members of Joint Standing Committee on University of Maine

- Messrs. Jordan of Saco
Bowker of Portland
Lee of Dover-Foxcroft
Gowell of Poland
Collins of Caribou
Haskell of Bangor
Carpenter of Augusta

House Members of Joint Select Committee on Post War Planning

- Messrs. Lackee of Addison
Dorsey of Fort Fairfield
Morrison of Rumford
Miss Deering of Bath
Messrs. Gay of Damariscotta
Wells of New Gloucester
Carpenter of Skowhegan

The SPEAKER: The House may be at ease pending receipt of additional papers from the Senate.

House at Ease

10:40 A. M.

Called to order by Speaker Barnes.

A message was received from the Senate, through its Secretary, proposing a Convention of both branches of the Legislature to be held forthwith in the hall of the House of Representatives, for the purpose of extending an invitation to His Excellency, the Governor, to attend the Convention and make such communication as he may be pleased to make, and for the further purpose of administering the oaths required by the Constitution to enable the Honorable James L. Woodbury to enter upon the discharge of his official duties as Executive Councilor.

On motion by Mr. Ward of Millinocket, the House voted to concur with the Senate in the proposal for a Joint Convention, and the Clerk was charged with and conveyed a message to the Senate, informing that body that the House concurred in the proposition for a Joint Convention of both branches of the Legislature.

The Clerk subsequently reported that he had delivered the message with which he was charged.

The Senate then entered the hall of the House, and a Joint Convention was formed.

IN CONVENTION

The President of the Senate, the Honorable George D. Varney, in the Chair.

On motion by Senator Clements of Waldo.

ORDERED, that a Committee be appointed to inform the Honorable James L. Woodbury, Councilor-elect, that the two branches of the Legislature are in Convention assembled for the purpose of administering to him the oaths required by the Constitution to enable him to enter upon the discharge of his official duties.

Which Order was read and passed, and the Chairman appointed Senator Clements of Waldo to escort the Honorable James L. Woodbury, Councilor-elect, to the Convention Hall.

Whereupon, the Councilor-elect, the Honorable James L. Woodbury, attended by Senator Clement, entered the Convention Hall, and proceeded to the rostrum, and in the presence of both branches of the Legislature, in convention assembled, before the President of the Senate, took and subscribed the oaths required by the Constitution

to qualify him to enter upon the discharge of his official duties, after which Councilman Woodbury retired to the Council Chamber.

On motion by Senator Owen of Kennebec, it was

ORDERED, that a Committee be appointed to wait upon his Excellency, Governor Horace A. Hildreth, and inform him that the two branches of the Legislature are in convention assembled, ready to receive such communication as he may be pleased to make.

The Chairman thereupon appointed as members of that Committee:

Senators: Owen of Kennebec
Cleaves of Cumberland
Savage of Somerset

Representatives:

Jacobs of Auburn
Brewer of Presque Isle
Williams of Clifton
Bowker of Portland
Ela of Anson
Crosby of Farmington
Boutin of Lewiston

Senator Owen, for the Committee, subsequently reported that the Committee had discharged the duties assigned it, and the Governor was pleased to say that he would forthwith attend the Convention.

The report was accepted and the Committee discharged.

Thereupon, Governor Horace A. Hildreth, accompanied and announced by Honorable Harold I. Goss, Secretary of State, and attended by the Executive Council, entered the Convention Hall, the members rising and applauding.

The **CHAIRMAN**: Ladies and Gentlemen of the Convention: The Chair presents His Excellency, the Governor.

Governor Hildreth addressed the Convention as follows:

Mr. President and Members of the 92nd Legislature:

I transmit herewith the budget of the State government which presents a complete financial plan for each fiscal year of the coming biennium. For easy comprehension, the figures referred to here will be in round numbers.

The preparation of a budget covering a period which ends two and one-half years hence is, under any circumstances, difficult. In the middle of a war, with the date of termination entirely unpredictable but knowing it will inevitably have a momentous effect upon our econ-

omy, accurate estimates of revenues and expenditures become even more than ordinarily hazardous. With this in mind, consideration was given to recommending the adoption of a budget for one year only as has been done in other States. It was decided, however, to recommend a budget for the usual biennium but with the definite understanding that a special session will be called to revise the budget if it seems necessary.

Sound financial planning requires that estimated expenditures be within available revenues. Sound administration keeps actual expenditures within the estimates. At the outset, it should be very clear that the budget presented shows only a modest excess of estimated revenues over estimated expenditures. Accordingly, the Legislature should not adopt the proposed budget and also enact measures calling for substantial additional expenditures unless it provides additional revenue. The Legislature, of course, may change the proposed budget in any way it deems desirable but the total estimated expenditures must be kept within reasonable estimates of income or the administration is left no alternative other than a veto. If the Legislature so provides for adequate operation of the State's business, I would like it equally clear that the various departments and agencies will operate within the amounts provided.

The budget contemplates expenditure of \$37,285,000 in the first year and \$40,768,000 in the second. These totals include the unemployment compensation fund, the expenditure of proceeds of bond issues and various special revenue funds, which are already covered by existing legislation and require no action by this Legislature. Specific action by the Legislature is required only to put into effect the financial program relating to the General Fund and the Highway Fund.

To authorize these total expenditures of \$78,000,000, for the biennium it is necessary for the Legislature to appropriate only \$29,170,000 for the General Fund and \$17,907,000 for the Highway Fund. These amounts represent only 60% of the total expenditures. This discrepancy is caused by the practice of earmarking various revenues for specific purposes. I strongly recommend to you the adoption of legislation

which will simplify our financial structure by having many of these revenues, now earmarked, added to the General Fund.

General Fund

The budget for the General Fund projects expenditures of \$22,115,000 in the first year and \$22,624,000 in the second year, leaving an excess of estimated revenues over expenditures of \$329,000 and \$134,000 respectively.

For the past four years, General Fund revenues have been increasing. Restricted governmental activities, deferred maintenance, and fewer demands for general relief have greatly reduced expenditures. These factors are largely responsible for the current surplus. Revenues will not remain at present peaks indefinitely. By spending all our present swollen revenues for governmental functions intended to be permanent, we may be creating future tax problems if our economy returns to prewar levels. I have already called your attention to the wisdom of protecting our surplus. Its preservation might constitute the means by which we could get through a brief but difficult transition period from war to peace without the necessity of imposing additional tax measures on our people when their individual incomes might be at their lowest point for some time.

In the present budget, liquor revenues are estimated at \$6,700,000 for each year of the biennium. This is approximately the amount received from liquor in the fiscal year ended June 30, 1944, which was the highest year in the history of the commission. This estimate probably represents the maximum amount we may hope to obtain from this source in this biennium rather than a conservative minimum. Increases in other revenue estimates to finance new proposals will be equally difficult to satisfy. Should these estimates not be attained, any consequent deficit must either come from unappropriated surplus or be provided for by a special session of the Legislature.

Estimated Operating Expenditures

The largest single increase in expenditures recommended which requires new legislation is for raising the minimum salary of teachers to \$900 per year instead of the present \$720. While \$900 still represents

a low minimum salary, it has not seemed possible to go beyond this figure within budgeted revenues. This will require three-quarters of a million dollars per year. School superintendents too are entitled to salary adjustments proportionately to increases granted teachers but with the State increasing its contribution for teachers' salaries more than three-quarters of a million dollars per year, the towns themselves should accept the responsibility for raising the salaries of this numerically smaller group.

An increase of almost a million dollars each year is projected to continue aid to dependent children and the aged at current levels of individual payments while providing for anticipated increases in the number of individuals requiring assistance.

Budgeted institutional costs are larger to allow full staffs, to cover maintenance work which has been deferred because of the war, and to meet greater operating costs caused by capital expenditures authorized by the Legislature last September.

Provision for State personnel returning from the military service and for the restoration of depleted staffs in State departments at present higher salary levels also notably increases total expenditures.

There is a much larger excess of revenues over expenditures in the first year of the biennium than in the second. Legislative costs are reflected in the second year. More nearly normal teaching staffs calling for larger expenditures in the Education Department and probable increases in welfare loads also weight that year.

I propose that \$500,000 of this excess in the first year be applied to complete the program for the eradication of Bangs' Disease which it is hoped will avoid further bond issues for this purpose.

Budget recommendations to meet the foregoing needs increase expenditures to a level approximately \$2,000,000 over estimated expenditures for the current fiscal year.

Surplus

In addition to the regular operations of State government, there are certain capital expenditures and other non-recurring charges which need not be financed from current revenues but may very properly be taken from accumulated surplus.

One such deserving request is the payment of \$629,000 to the Univers-

ity of Maine. This is the amount by which previous Legislatures have failed to provide appropriations prescribed by the mill tax act enacted in 1929. This act committed the State to the policy of making available to the University annually an amount equal to one mill on the State valuation.

The operation of State-owned cars instead of the payment of mileage for privately owned cars, in those cases where it is practical, would apparently save the State approximately \$75,000 a year. This would call for the investment of \$100,000 to purchase automobiles and would seem good business.

We know that the State might overnight be obligated substantially for welfare costs; we know that substantial amounts have been necessary in the past biennium for institutional emergencies; we know that unless pending Federal legislation is enacted the expenditures required for State Guard purposes may be substantially increased. Because the cessation of hostilities may well bring other abrupt changes in State finances, provision to meet such of these contingencies as may arise by increasing the State Contingent Account from \$300,000 to \$450,000 annually would seem good judgment. Such a policy has been recommended by the Budget Officer and can be accomplished by allocating the funds heretofore set up as an Institutional Emergency Fund to the Contingent Account. This would give a desirable elasticity to meet rapidly changing conditions.

There is at present an authorization by a previous Legislature to issue bonds for a State office building. I suggest that this authorization be changed to permit the advance of funds for this purpose from the General Fund if any monies are available. It is not good business to issue bonds if funds already on hand may be substituted.

We have just received a report from the Maine Development Commission which summarizes many proposals for capital expenditures. This report is worthy of your study. However, it must not be forgotten that capital expenditures mean increased operating expenses. Like getting married, it isn't the initial cost but the upkeep that is expensive. At a later date I may submit to you a capital budget message dealing with this phase of State finances.

Highway Fund

I have already pointed out to you that the war situation has limited manpower, material and highway income and that as soon as men and material are available unusually large allowances should be spent for maintenance work. The budget recommends large increases for maintenance, but otherwise continues the present curtailed program. Estimates indicate that this program can be carried out within current revenues and present unexpended balances. While this program makes no additional provision for any road construction, special resolves, or maintenance of unimproved roads, present unexpended balances will permit the expenditure of almost \$2,000,000 for these purposes.

In addition to the known immediate needs for maintenance, required bond retirement and administration which are provided for from current revenues and unexpended balances, this legislature should also formulate a program for new road construction to be effective when and if funds are available. Clearly there must be a balanced highway program in Maine with a fair share of highway development in rural areas. Federal Funds for new construction work will not be available until the official termination of the war. Present computations indicate that approximately \$7,500,000 of State Funds would be required to match Federal Funds which possibly might become available during the biennium.

For this purpose, we may safely use \$4,100,000 of the surplus expected to be on hand June 30, 1945. Should revenues approach prewar figures in the second year this amount may increase to \$5,300,000 during the biennium. This would leave \$1,090,000 for working capital and catastrophes.

Should the legislature see fit to re-issue bonds equal to the amount of bonded indebtedness retired during the biennium, the total amount available for a construction program would become \$8,700,000. In view of the fact however that only 9 states in the Union have a greater per capita debt service charge than Maine (largely on account of outstanding highway bonds) again I repeat that there is considerable question as to the wisdom of re-

issuing bonds. Certainly if it is done at all there should be no re-issue of highway bonds in any year to a greater amount than the total amount of bonded indebtedness of the State retired in that year. Only a true emergency would seem to justify increasing the total bonded indebtedness of the State.

The establishment of policies as to the re-issue of bonds and the wise distribution of such funds as are available among the demands for matching Federal Funds, for returning to previous methods of allocation, or for a coordinated feeder road program presents problems that will call for your most earnest consideration.

Other Funds

Inasmuch as in most cases, other funds are governed by now existing statutes, they call for little comment here. There is, however, the matter of refinancing in connection with two of our toll bridges which should be studied by this Legislature.

In the first year of the biennium, the outstanding 4% bonds of the Waldo-Hancock Bridge will be callable. In the second year of the biennium, a million dollars of 4% Kennebec Bridge Bonds will be callable. There is little doubt that both issues can be refunded at a much lower rate of interest. I recommend the adoption of some plan for this refunding.

I desire to express to the Legislative Budget Committee of Senator Owen, Messrs. Jacobs, Boutin, and to Mr. Julian A. Mossman, our Budget Officer, and his associates my sincere appreciation for the excellent work rendered in helping to prepare this budget. This Budget is presented two weeks earlier than in previous years and this should facilitate the work of the Legislature by allowing appropriation hearings to commence much earlier than usual.

In conclusion, I place this Budget in your hands knowing that it will receive your careful study and consideration and that as a result of your deliberations and findings our State financial structure for the next biennium will rest on a solid foundation.

At this time I have to read a correction which did not come in time to get into the original budget message which I have just read

to you. The correction is as follows:

Both in my inaugural address and in the budget message just delivered I stated that three quarters of a million dollars a year had been made available in the budget to raise the minimum salaries of teachers from \$720 to \$900 a year. These recommendations were based on information supplied your Budget Committee and me by the Commissioner of Education.

Twenty-four hours ago and after the budget message had gone to press the Commissioner of Education informed me that an error had been made in his department in estimating the number of teachers in the State to be subsidized and that the recommended three-quarters million dollars instead of raising teachers' minimum salaries to \$900 would provide minimum salaries of only \$850.

This error in computation is of course highly regrettable but I have no hesitancy in recommending that the State make available additional funds to raise the minimum salary of teachers in Maine to \$900. I believe this can be done by revising the budget estimates I have just submitted without involving any tax problems.

At the conclusion of the address the Governor and Council withdrew, amid the applause of the Convention, the audience rising.

The purpose for which the Convention was assembled having been accomplished, the Convention was dissolved, and the Senate retired to its chamber, amid the applause of the House, the members rising.

In The House

Called to order by Speaker Barnes.

Paper from the Senate, out of order and under suspension of the rules.

From the Senate: The following Order:

ORDERED, the House concurring, that when the Senate and House adjourn, they adjourn to meet on Tuesday, January 16, 1945, at four-thirty in the afternoon.

Came from the Senate, read and passed.

In the House, read and passed in concurrence.

The SPEAKER: The Chair at this time is ready to make appoint-

ments of the House Members of the Joint Standing Committee on Aeronautics, the Senate having passed the Order. The Clerk will read the appointments.

**House Members of Joint Standing
Committee on Aeronautics**

Messrs. True of Rangeley
Rollins of Greenville
Collins of Caribou
Carpenter of Augusta
Cobb of Bangor
Meloon of Portland
Gross of Jefferson

The SPEAKER: The House is still proceeding under Orders of the Day. Is there any further business to come before the House? If not, the Clerk will read the notices.

On motion by Miss Deering of Bath,

Adjourned until Tuesday, January 16th, at four-thirty o'clock in the afternoon.