

MAINE STATE LEGISLATURE

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LEGISLATIVE RESEARCH

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SUMMARY REPORT

to

NINETY-FIFTH

LEGISLATURE

LEGISLATIVE RESEARCH COMMITTEE

From the Senate

Robert N. Haskell, Penobscot

Brooks E. Savage, Somerset

Frederick N. Allen, Cumberland

From the House

Harry M. Brown, Unity

William S. Silsby, Aurora

Romie L. Marsans, Monmouth

John P. Hayward, Jr., Machias

* Harry B. McKeen, Lovell

Linwood E. Palmer, Jr., Nobleboro

Jarvis L. Tyler, Farmington

Director

Samuel H. Slosberg, Gardiner

*Deceased

JANUARY 2d, 1951

To the Members of the Ninety-Fifth Legislature:

The Legislative Research Committee, in accordance with Chapter 392, Section 23, Paragraph XIII of the Laws of 1947, presents herewith a summary report to the Members of the 95th Legislature.

By means of joint orders passed by the 94th Legislature a total of seven specific problems were directed to the Committee. Six of them the Committee reports via reasonably specific suggestions. The seventh, suggesting basic research on wood waste utilization, was determined as beyond the financial resources of the Committee. The Committee also conducted continuing studies related to the Highway Fund problem and each of the subjects is covered in the summary report.

In the untimely death of Representative Harry B. McKeen of North Lovell, the Committee lost a valued member and one who had well demonstrated his intelligence and experience in legislative problems.

The Committee would also note the retirement of its senior member, Representative Harry M. Brown of Unity. At our concluding meeting in December, Harry Brown's attendance left unspoiled a record of perfect attendance at every Legislative Research Committee meeting since his original appointment to the Committee in 1943. His honest faithfulness deserves sincere legislative appreciation.

In accordance with statutory provisions, Samuel H. Slosberg of Gardiner was reelected director of the Committee. His unanimous reelection reflects the Committee appreciation of his faithful and efficient service.

LEGISLATIVE RESEARCH COMMITTEE

ELECTION LAWS

ORDERED, the Senate concurring, that the Legislative Research Committee be, and hereby are, directed to study all election laws. In no respect as limiting the scope of the study, the Committee is specifically instructed to study the use of check lists in elections, to study the application of such other methods as may be employed by other states in the accomplishment of accurate recording and counting of ballots, to study the qualifications of election officials with respect to general observance of election laws, and to study the desirability of limiting candidate activity in polling places. The Committee shall make such report or reports and such recommendations as it concludes and such report shall be made prior to the date of the convening of the 95th Legislature. (H.P. 1713)

The Committee has studied the election laws and held a public hearing giving all interested parties an opportunity to be heard. The evidence presented at the hearing was not indicative of any material inadequacy in our present law but rather to the lack of knowledge on the part of local election officials and lack of enforcement of the law when violations are known to exist.

The chief complaints had to do with the failure on the part of local election officials to post specimen ballots, properly seal all used ballots returned to the Secretary of State, failure to provide proper voting booths and guard rails. All these complaints point directly to the failure to enforce the present law or glaring ignorance of the law. We are not unmindful that the election officials are called upon only once or twice in two years to administer the law and are probably not provided, in some municipalities, with the necessary equipment and competent personnel.

It does appear, however, that the absent voting law could and should be amended to incorporate some of the features of Chapter 92 of the Private and Special Laws of 1943 which is the absent voting law applicable to members of the armed forces. Briefly, this act which was passed at a special session of the legislature in April of 1944 and is still in effect provides as follows:

Board of registration are empowered to place upon the voting lists the names of any members of the armed forces whom they judge to be constitutionally qualified. The selectmen of towns and the assessors of plantations may, on their own initiative, register persons whom they know to be qualified. Under the general law, anyone who wishes to register as a voter in a city must appear in person before the board of registration or the city clerk.

Members of the armed forces may apply for a ballot by writing a letter or post card to the clerk of the municipality of which he is a resident, or his parents, wife, or members of his immediate family may make such request for him. The general law provides that a person wishing an absentee or physical incapacity ballot must make application on a statutory form supplied by the clerk of his municipality. In cases where a voter in distant parts asks by letter for an absentee voting ballot, the clerk must, if the law is followed, send him an application which he fills out and returns to the clerk. If he lives in a city, the clerk must refer this application to the board of registration for approval. When approval is received, the ballot is sent to the applicant. He must then appear before a notary public or justice of the peace and execute same in the presence of such officer, then return the ballot to the clerk. This process consumes so much time that frequently the ballot is received after

the date of election and cannot be counted. We recommend that the absent voting law be liberalized, at least to the extent of permitting clerks to send the ballot and application upon written request; the application to be filled out and returned with the executed ballot. If the legislature feels that absent voting should be simplified, the application itself, at least in towns and plantations, might be dispensed with, substituting therefor, any request in writing on the part of the voter.

In the case of members of the armed forces, no oath is required. They may execute their ballot, sign their name and voting residence in a place provided for the purpose on the ballot envelope, have a commissioned or non-commissioned officer sign the ballot envelope certifying that the signature is that of the voter. We find that the present law requiring the voter to execute his ballot in the presence of the clerk, justice or notary public is very widely violated. Quite a wide-spread custom seems to have developed whereby a number of physical incapacity and absentee ballot envelopes containing marked ballots are brought to the office of some person empowered to administer oaths and the jurat there executed in absentia. If the legislature wishes to extend the express waiver of the oath requirement which now applies to persons in the armed service to the general law, the necessity for the services of a notary public or justice of the peace might be dispensed with.

The general law provides that the voter must first show his unmarked ballot to the officer, then mark it in his presence but without his seeing how it was marked and without communicating to him how he voted or intended to vote. This provision precludes blind people who are unable to get to the polls for voting. If they voted at the polling place, two ballot clerks of opposite political parties would, at the blind voter's request, mark the ballot for him according to his instructions. No such provision exists where the blind voter, because of some other physical infirmity, cannot get to the polls.

The present general law provides that an absentee or physical incapacity ballot may be received by the clerk through the mail at any time up to the hour of the closing of the polls whereas an absentee or physical incapacity ballot, if delivered in person or through an agent, must be received at least twenty-four hours before the opening of the polls. It is believed that there are substantial violations of this provision. It is recommended that, at least in case of physical incapacity, the ballot may be received at any time during the day of election.

In view of evidence submitted to the Committee in matters of the failure to comply with and enforce our present law, we recommend that the Secretary of State conduct classes of instruction at such points throughout the state as he may deem practicable to the end that local election officials may attend such classes with a minimum of travelling and thereby receive competent instruction as to their duties.

We also recommend that wherever local law enforcement officials neglect or fail to prosecute for violations of the election laws, the Attorney General conduct an independent investigation of such charges and when he deems it advisable, prosecute the alleged violators. We recommend that the 95th Legislature appropriate and allot to the Department of State and the Attorney General's Department the funds necessary to finance a program of education and enforcement.

STATE INFIRMARIES

ORDERED, the House concurring, that the Legislative Research Committee be instructed to study the advisability of the establishing of an infirmary or infirmaries for the care of the aged and infirm of the state; and be it further ORDERED, that the Committee report the results of their study to the 95th Legislature. (S.P. 697)

The 94th Legislature considered an act that would have established a five-man commission to study the proposition that the state should undertake the construction and operation of state infirmaries for the aged. The bill carried an appropriation provision of \$5,000 and late in the session the bill was indefinitely postponed and the Research Committee as indicated in the above joint order was directed to study the problem.

Commissioner Greenlaw and the Superintendents of the Augusta and Bangor State Hospitals, Doctors Sleeper and Pooler, gave generously of their time in the Committee study. At a well attended public hearing held on April 25th, 1950, the Municipal Association representatives and the Institution people made a careful presentation of the problem after a visit to the Augusta State Hospital served to acquaint the committee members with some of the basic facts involved.

The Municipal Association people supported the idea with the argument that since many communities have non-mental infirmary cases that require boarding care at town expense, the town would likely find it less expensive to have these cases cared for in an infirmary-type of institution operated by the state. They pointed out that with an increased percentage of population in the more elderly group, this problem of theirs was of increasing significance and indicated it to be more and more difficult to find adequate boarding homes for their elderly and infirm citizens where care was a town problem.

On the other hand, the Institution representatives were firm in their statements that at both Bangor and Augusta there were very few patients who could be classified as non-mental infirmary cases. This direct evidence seemed to correct a prior belief of the Committee that the state did have many such cases in the two mental hospitals. Our observation at the Augusta State Hospital seemed to substantiate the evidence presented by Doctor Pooler and Doctor Sleeper. A direct quote from Doctor Pooler is this, "The general public seem to believe that our mental hospitals at Bangor and Augusta have non-mental patients who should not be in a mental hospital. That is not true. All of them need mental treatment."

The Committee is well satisfied that the establishment of state infirmaries would make little or no difference in the case loads of the existing mental hospitals. On the other hand, we are equally well convinced that a generous state supported by willing and generous tax payers might well embark upon an extensive state infirmary program. Much real hardship might be relieved but like all of the advances in the over-all public welfare programs, the original capital cost and the continuing operating cost would add up to sums that the committee believes would be well beyond the present financial ability of the State of Maine. Original costs of the facilities would amount to at least \$2,500 per patient, or, for total capacity of 1,000 beds, a capital outlay of not less than \$2,500,000 with annual operating expenses amounting to at least \$200,000 per year. Serving to reduce this annual cost to the state would be whatever sums might be paid to the state by the municipalities but here again a realistic projection would visualize a successful municipal effort to have the program, eventually, supported entirely by the state. Thus, while acknowledging the desirability of this ambitious program, the Committee cannot recommend it as one that should have serious consideration at a legislative session where the major problem is to find income to support existing state services.

STATE OPERATED MOTOR VEHICLE INSPECTION STATIONS

ORDERED, the House concurring, that the Legislative Research Committee make a complete study of the advisability of State owned and operated stations for the inspection of motor vehicles, and that said Committee shall report its findings in full to the 95th Legislature. (S.P. 475)

By joint order of the 94th Legislature the Committee was directed to study the advisability of state-owned and operated stations for the inspection of motor vehicles. A well attended public hearing was held at the State House on October 18, 1949.

An objective proposal was submitted by a supplier of inspection equipment in which the merits of state operation of inspection stations was presented. The representative of the company proved a good case for the use of the rather complete testing equipment visualized for Maine. His presentation of the case for state-owned inspection stations convinced the committee that such a system might well result in more thorough inspections, the cost of which would be reflected in increased inspection fees.

Mr. Goss, Secretary of State, and top state official responsible for motor vehicle law inspection, told the committee that in his opinion all but a few of the state licensed inspection stations did an honest job in their work and that while additional state personnel, checking inspection stations, might improve the work of the stations, he did not think that a state owned and operated system would be practical in Maine.

Mr. Weed, Motor Vehicle Division Director, said that of the 1404 stations now licensed, not more than 75 were doing substandard inspection work. Answering a direct question, he told the Committee that while a state-owned system would likely turn out a more complete inspection service, he doubted that Maine people would like it.

Both Mr. Dewinter, State Police Safety Head and Chief McCabe said that in their opinion there would be little gain in overall highway safety objective that would accrue from a state-owned system.

In summary, the Committee concluded that while undoubtedly desirable from a technical inspection viewpoint, the demonstrated need, at this time, particularly with respect to highway safety problems, does not seem to justify a recommendation that the state establish a state-owned inspection system, on the other hand, we do recommend to the Legislature their careful consideration of Mr. Weed's suggestion that a more adequate appropriation provision for checking inspection station performance would greatly improve the operation of the existing inspection stations.

STATE MINIMUM WAGE LAW

ORDERED, the Senate concurring, that the Legislative Research Committee be instructed to study the need for minimum wage legislation; and be it further ORDERED, that the Committee report the results of their study to the 95th Legislature.

By this joint order of the 94th Legislature the Committee was directed "to study the need for state minimum wage legislation." Covered by the minimum wage provision of Federal statutes are the employees of Maine employers who are engaged in interstate commerce. This group of covered employees includes substantially all Maine industrial workers. Thus the problem is limited to those employees who are not subject to the minimum wage provisions of federal law. This group could have the coverage of minimum law provisions by the enactment of a state minimum wage law. Retail establishments, hotels, restaurants, laundries and similar intra-state business enterprises are those which would be covered by a legislative enactment of a state minimum wage law. A public hearing was conducted on the question at the State House on October 27, 1950.

The representative of the state C.I.O. group told the Committee that a majority of the states do have minimum wage provisions written into state statutes and while a majority among Maine employers do pay wage rates equal to or in excess of reasonable minimum provisions, there are a few Maine employers who now fail to pay minimum standards. He explained the workings of a state wage board provision and compared it with statutory minima which might be established by the legislature. He expressed the thought that the minimum wage should be \$1.00 per hour but whatever figure was established it should not be less than the provisions of federal law.

The state A.F. of L. representative supported the need for a state minimum wage law and pointed out prior action of the Maine Legislature with respect to the sardine industry. This proponent favored the wage board type of legislation whereby industry by industry determination could be made.

The Associated Industries and the Hotel group presented opposition to a state minimum wage provision. They pointed out the hardships imposed upon smaller industrial units by the federal minimum wage provisions and doubted the need for state enactment, reciting the general claim of Maine industrial employers that high freight rates serve to make difficult the competitive position of Maine industry and thus any type of legislation seeking to liberalize wage payments must be of detriment to Maine employers. An operator of one of the larger hotels pointed out the difficulty of determining wage minima in an employee group receiving at least a part of their compensation in gratuities from guests. Other representatives of industry pointed out the difficulties in meeting minimum wage provisions among the older workers and the physically handicapped workers.

Miss Martin, Maine Commissioner of Labor and Industry, supported the contention that Maine should have an adequate minimum wage law. Her first argument was that we now have federal law provisions in the wage field because of state failure to provide for minimum wages. She indicated a belief that adequate state minimum wage laws represented protection for the state against federal laws. She was firm in the conviction that no single worker should be expected to live in decency with a wage rate lower than \$31.00 per week and such substandard wages represent an unsound economic condition. She was firm in the conviction that any employer unable to pay minimum wages should no longer continue his enterprise.

The Commissioner explained the Statutory Rate, the Wage Board provision and a combination of the two systems. She doubted affirmative action

of a Maine Legislature wherein wage determination powers would be delegated to a state wage board. The estimated administrative costs would be approximately \$25,000 per year.

The Committee recognizes that insofar as the public hearing was concerned, the preponderance of expressed opinion was in opposition to the state minimum wage law. On the other hand, both Miss Martin and the representatives of the two major labor groups presented valid arguments in support of the proposition of a state minimum wage law.

The Committee had available the minimum wage data of each of the states that have such provisions and while the matter is a difficult one to resolve in any manner other than normal legislative determination, a majority of the Committee is not convinced that any substantial hardship exists among Maine workers that could be corrected, to any appreciable degree, by the enactment of a state minimum wage law.

PERSONNEL LAW

ORDERED, the Senate concurring, that the Legislative Research Committee be, and hereby is, directed to study the full scope of the personnel law, including the administration thereof; and be it further ORDERED, that a report of such study, together with any recommendations to either amend the personnel law or to install a civil service law for state employees, be submitted to the 95th Legislature. Such study shall take into consideration such conclusions as may be drawn from the results of the reclassification and compensation survey as provided by Legislative Document 1227. (H.P. 2122)

There will be available to each member of the Legislature the comprehensive report of the reclassification and compensation survey. This report the Committee suggests as one deserving the careful study of each member of the 95th Legislature. With respect to this joint order the Committee has carried on continuing studies, assisted by the Personnel Board, the Employee representatives, department heads and the independent group that has been carrying on the wage study among state employees.

To recite in detail the summary conclusions of the Committee would be to duplicate other material that will be available to the Legislature. The Committee is unanimous, however, in these conclusions:

1. The problems presented by the administration of the Personnel Law involving some 7000 state employees is a difficult and complex task and no law, however perfect in design, can ever have such perfection in administration as to be entirely satisfactory to a Governor, each member of the Legislature, all of the Department Heads and each of the employees. That degree of perfection is rarely, if ever, accomplished in non-political ventures employing not 7000 people but as few as seven good and loyal employees. Those who claim perfection in personnel problems are either ignorant of the true conclusions of employees or blindly hopeful in their paternalistic satisfaction. This, by itself, is both sound and good, for it demonstrates an employee conviction that he is accomplishing for his employer more than is reflected in his pay check or in those things that make up his general working conditions.

2. So far as the Personnel Law is concerned, the Committee is convinced that the statute is good law and we note no requirement of substantial amendment.

3. So far as the administration of the law is concerned, the Committee is equally firm in the conviction that substantial improvement could be made. The comment we note without reflection upon those who are currently administrating the department. Each of the three members of the Board is well qualified and within the limits of the department appropriation the job is being well handled. However, a payroll of some \$19,000,000 involving some 7000 state employees is being administered on a budget of \$36,000 per year with eleven employees! To note a few comparisons is this comparative tabulation expressed in the Personnel Department appropriation per \$1,000 in state payroll:

Maine	- \$1.82
Connecticut	- 3.75
New York	- 4.65
Massachusetts	- 5.50
Rhode Island	- 9.60

Among the nearby states that are comparable, Rhode Island appropriates \$153,785 with 45 employees to administer a yearly state payroll of \$15,504,000. From this as a high the tabulation drops to the Maine

appropriation of \$36,283 with 11 employees administering a payroll of \$19,032,000.

The Committee, in summarizing their conclusion that there is nothing to be gained by Personnel Law amendment repeats the statement of Chairman Getchell of the Board when he said that the Legislature should soon either abandon the Personnel Law or give to it sufficient appropriation support to permit reasonable operation. Abandonment of civil service provisions in favor of political favoritism in state employment would be unthinkable and thus the committee hopes for legislative support for more nearly adequate support for this important phase of state government responsibility.

WOOD WASTE UTILIZATION

ORDERED, the Senate concurring, that the Legislative Research Committee be, and hereby is, directed to study the utilization of wood waste and the development of new products therefrom; and be it further ORDERED, that the results of such a study be reported to the 95th Legislature.

The Committee regrets that meeting the terms of this Order represents a task well beyond the modest appropriation of the Committee. By the expenditure of a substantial sum, the Committee could have employed research consultants but appropriation limitations would have restricted this effort to a study of what have been the results of the millions of dollars that have been invested in research on this wood waste utilization problem.

We have assembled a long list of references which summarize the published work of both public agencies and private individuals and corporations in this particular research field.

Our summary comment, therefore, is that a technical study such as this Order involves, cannot be undertaken by the Legislative Research Committee as it is currently established. We also doubt the financial ability of the State of Maine at this time to undertake basic research of this nature. Such basic research, it seems to us, should be financed and directed by the private industry directly interested in the wood problem of wood waste utilization.

YOUTH PROBLEMS

ORDERED, the House concurring, that the Legislative Research Committee be, and hereby is, authorized to investigate and study youth problems, including all factors of delinquency and rehabilitation of delinquent minors; and be it further ORDERED, that the Legislative Research Committee shall file a report with the 95th Legislature, together with any proposed legislation necessary to carry such recommendations into effect. (S.P. 698)

The Committee has completed a study of youth problems, with special emphasis on what is commonly called delinquency and the rehabilitation of delinquent minors.

The Committee has broadly divided the subject into two categories: prevention and cure. These two categories are not clearly separate and any discussion of one leads to discussion of the other. The problems of one necessarily overlap the problems of the other.

Nationally, about 2% of our youth are classified as delinquent and about 1% are subject to institutional commitment. Maine, fortunately, does not have a grave delinquency problem and the recommendations of this committee are aimed not only at delinquents, as such, but also at those who, for one reason or another, would without guidance and help fall within the juvenile delinquency group.

No legislation as such can cure the delinquency problems of youth. The causes are complex and varied and people not only disagree as to the definition of delinquency but there is no uniformity of opinion as to the causes. The number of people interested in the problem are many and the number of articles and books written on the subject is prodigious. The committee is convinced that there is no one easy answer. It can only point out certain conclusions and recommend certain procedures that may be helpful.

The primary source of delinquency appears to lie in the home. A child needs attention, guidance, security and love and these can best be given by the parents within the home. Groups and organizations, whether public or governmental, can at best only advise and guide. They can never take the place of a child's first need - understanding and loving parents. Unfortunately, case histories of youth in trouble show a long line of broken and unstable homes and irresponsible parents. Whatever can be done to strengthen the home will go far to alleviate and cure the causes of delinquency.

The next line of defense against delinquency lies within the confines of our local communities. We are a rural state with no large cities with congested populations. We do not have organized crime as such and the great majority of those who violate our criminal laws are of the amateur variety. Due to our small population and large territorial area we are not financially in a position to engage specialists in the various fields of welfare, education and recreation. We must attempt to solve the problem of delinquency on the local level. Each community knows the problems besetting its own community better than either state or governmental agencies. To provide recreational facilities, to eliminate factors that breed crime, to provide adequate educational opportunities are the responsibility of local units. Aided by churches, police groups, educators and other civic-minded groups a great deal can be accomplished to stamp out the factors that create delinquency and to aid those of our youth who need a guiding and helping hand. The home first and the local communities second are the two important lines of approach to curb delinquency.

The Committee recommends that in the correctional and rehabilitation field, whether before or after delinquency has occurred, the state can offer constructive assistance through an adequate and effective state-wide probation system and if possible the creation of a domestic relations court system. It appears that the system of probation, as it now exists in Maine, is not satisfactory. Probation officers, with the exception of those in Androscoggin and Cumberland Counties, are part-time officials and have a work load that is not consistent with efficient work. Their salaries are inadequate and there is no overall guidance and leadership in handling the problems involved.

A state-wide probation service appears both feasible and advisable to the committee. It should apply to adults as well as juveniles and would give the state a complete and comprehensive coverage of all areas. The legislature would determine how such a probation system would be established, whether as a separate independent agency or within a now established state agency or within a court system. The agency would set the policy and program for the service to be carried out by a qualified director and probation officers. If the probation officers in office now would meet the qualification required by the agency, they should be brought into the system. It would be the main function of the service to investigate the facts prior to court hearing and then supervise and rehabilitate the delinquent after court hearing to the end that he would be aided in his desire to assume his responsibilities as a citizen of the community and state.

The committee would point out the following advantages of probation of the adult over imprisonment and the advantages of probation of the juvenile over confinement.

Adults:

1. He remains a member of his society and community.
2. There is no stigma attached to his status.
3. He is able to support his family who often become a burden on the town or city if the main provider of the family is imprisoned.
4. He is rehabilitated and often the resources of his community can be used.
5. There is an immediate financial saving to the town and state. The cost of supervising a person on probation is about 1/10th the cost of maintaining him in a county or state jail.

Children:

1. The child is treated as an individual.
2. The child remains within his family group.
3. As in the case of adults, the resources of the community can be utilized.
4. There is no stigma attached to the child.
5. The expense is a great deal less.

All of these factors indicate that probation has many advantages over imprisonment or confinement.

Another activity of the service would be to act as a collection agency for the courts, although the committee feels that this activity should not be stressed to the detriment of the primary purposes of the service. Our neighboring state of New Hampshire reports that for the fiscal year ending June 30, 1949 the operating cost of its probation system was \$77,696.00 while it collected in fines, costs, restitution and supported money the sum of \$571,145.90.

It is not suggested that an adequate state-wide probation system is the final answer to the problem of juvenile delinquency but that it is rather a step toward an effective method in dealing with the problem.

The Committee recommends the establishment of a domestic relations court, with comprehensive jurisdiction. Some study would be necessary to gather information on the powers and duties of our present courts in relation to family matters to determine the scope and authority of a domestic relations court system. On the basis of this information, determination could be made whether to include broad adult and juvenile jurisdiction. Domestic relations courts in other states have jurisdiction ranging from only the problem of juvenile delinquency to jurisdiction including all factors of family relations of whatever nature they may be. The Committee suggests the possibility of a court so established as to have three circuit judges, one assigned to each of the three districts in Maine with a schedule that would bring the court to each of the several counties within each district. Competent estimates place the annual cost of such a court at about \$50,000 per year.

A domestic relations court could deal with divorces, judicial separations, non-support and desertion - matters in which innocent children are vitally interested. It could deal with juvenile delinquency, adoption, guardianship, illegitimacy, support and custody - matters which directly affect the youth of our state. The court should have jurisdiction of the parents as well as the children so that proper evaluation of any particular problem could be made in its entirety. For example, there are a great many divorces in our state. There is great need for a system that could devote time to gather information. It might be possible in many cases to reconcile the parties, to establish friendly relations to the benefit of the parties, the children and the state; to maintain, strengthen and stabilize family relations. The ever increasing case loads assigned to our Superior Court makes it increasingly difficult for our competent judges to devote all of the time that is required in these problems. More time, more investigation and more examination is needed and here a state-wide probation system would work together and closely with a domestic relations court system.

The Committee in conclusion therefore recommends serious legislative consideration of:

1. A state-wide probation system, with qualified personnel; and
2. A domestic relations court to have jurisdiction over family relations and youth problems.

HIGHWAY PROBLEMS

Immediately following the special session, Governor Payne discussed with the Committee the broad aspects of the finance problems likely to face the 95th Legislature. With respect to General Fund problems, the Committee was entirely in accord with the Governor's suggestion that a large and representative group of citizens be requested to study and to report on the General Fund needs.

The problems related to the Highway Fund have been studied by the Committee. In brief, the problem resolves itself into this question - If present revenue sources, based on the 6¢ gas tax, are to be retained, which of three general procedures is the most desirable?

1. To continue the current program?
2. To increase main artery construction appropriations by reducing certain other appropriations, including some of the municipal aid programs now directed by statute?
3. To augment current construction budgets by the proceeds of bond issues?

The Committee has been impressed with the fact that Highway Fund income and expense procedures are not nearly as well known and understood by members of the Legislature, including the Committee, as are the comparable facts related to the General Fund. Not too well understood, the Committee believes, is the fact that the cumulative effect of statutory "earmarking" of highway funds, by the legislature, tends to leave what may be ever decreasing percentages available for main artery construction work. The Committee recognizes the justified demand for an accelerated program of main highway construction but we can have that program, we believe, only by our willingness to give up some of the existing local subsidy road programs or, if we are to continue these expenditures or even increase them as has been the trend in recent sessions, by our willingness to approve debt money to augment current income sources.

The purpose of this study of the activities and finances of the Highway Department, therefore, is to point out the merits and demerits of the present system and to present an alternative proposal should the present one seem inadequate to the majority of the legislators. It would seem logical that the proper approach to this study would be to first of all understand where present highway revenue comes from and where it is expended. The 1949-1950 data is used since an accounting for the year ending June 30, 1950 has been completed and balanced.

HIGHWAY FUND REVENUES

	1949-1950
Property Taxes:	
Non-Resident Excise Taxes	\$ 4,127.74
Selective Sales Taxes:	
Use Fuel Tax	39,430.23
Gasoline Tax (Net)	12,456,622.82
Other Taxes on Specific Businesses or Occupations:	
Beano Licenses	3,011.81
Use Fuel Licenses	57.00
Motor Trucks Application Fees	61,045.50
Outdoor Advertising Permits	18,764.00
Motor Carrier Tax	26,763.21
Motor Vehicle Registrations & Drivers' Licenses:	
Regis., Drivers' Lic. & Ops. Examination Fees	6,222,659.27
Other Taxes	26,980.16
Fines, Forfeits & Penalties	33,720.32
Revenue from Use of Money & Property	5,231.52
Revenue from Other Agencies:	
From Federal Government	3,971,252.32
From Cities, Towns and Counties	958,058.84
Other	38,368.94
Service Charges for Current Services	49,869.34
Contributions and Transfers from Other State Funds:	
From General Fund	69,283.55
From Other Special Revenue Funds	-
From Working Capital Funds	-
Sales and Compensation for Loss of Properties	465.00
<u>Total Revenues</u>	<u>\$23,985,711.57</u>

HIGHWAY FUND EXPENDITURES

	1949-1950
General Administration:	
Highway Administration	\$ 339,350.72
Highway Planning Survey	133,921.68
Secretary of State - Motor Vehicle Division	438,259.74
	911,532.14
Protection of Persons and Property:	
State Police	752,478.76
Public Utilities Comm. - Regulation of Mot. Truck Carriers	49,174.30
	801,653.06
Highways and Bridges:	
Compensation for Injuries	42,249.06
Special Resolves	100,265.84
Highway Construction	9,105,161.45
Bridge Construction	1,417,083.60
Highway Maintenance	7,044,039.62
Snow Removal and Sanding	2,227,582.30
Bridge Maintenance	440,224.60
	\$20,376,606.47
Interest on Bonded Debt:	
Highway and Bridge Bonds	280,260.50
Contributions & Transfers to Other Funds:	
To General Fund	100,240.61
To Other Special Revenue Funds	2,791.85
To Public Service Enterprises	-
To Trust and Agency Funds	156,864.00
	259,896.46
<u>Total Operating Expenditures</u>	<u>\$22,629,948.63</u>
Debt Retirement:	
Highway and Bridge Bonds	1,629,000.00
	1,629,000.00
<u>Total Expenditures</u>	<u>\$24,258,948.63</u>

A further breakdown of some of the larger expenditure items serves to point out some trends which have been taking place in the past few years; trends which have weakened the position of the Commission regarding Major Construction. It will be noted that the Legislature many times in trying to relieve the towns of their burdensome tax loads has passed bits of legislation which, while helping the towns, have taken many Construction dollars away from the state. These acts and resolves together with increasing costs in the last decade have rendered our pay-as-you-go policy rather inadequate. There seem to be two solutions to the problem and they will be taken up later on in this report. However, at this point, attention to some individual expenditure items is worthwhile.

BETTERMENTS

The following represents expenditures made from the betterment fund July 1, 1949 to June 30, 1950. The breakdown of the expenditures is by counties:

Androscoggin	\$ -
Aroostook	281,786.06
Cumberland	59,615.39
Franklin	221,632.67
Hancock	-
Kennebec	3,567.49
Knox	31,080.16
Lincoln	-
Oxford	14,347.21
Penobscot	86,686.88
Piscataquis	38,344.70
Sagadahoc	-
Somerset	142,969.12
Waldo	20,047.97
Washington	28,404.70
York	11.67
General	<u>12,179.25</u>
	 \$940,673.25

The item of betterments for state and state aid highways first appeared in the highway budget in 1945 as a part of the maintenance fund. No definite figure was set at that time but in 1947 the highway bill included under maintenance the figure of \$150,000 which it said "must be expended for betterments of state and state aid highways." The actual figures for 1947-48 and 1948-49 reveal that \$1,200,000 was spent each year for betterments. This must be taken into consideration when studying the cost of maintenance for that biennium. In 1949, however, a separate item in the budget was set up for betterments and that figure now stands at \$1,000,000 annually. One must recall however, the fact that the Legislature crossed out the words "State-aid highways" in the last highway appropriation bill and that the correction was made during the special session last winter. Now, approximately 10% of the \$1,000,000 is expended on state-aid highways whereas last year the whole amount was expended on state highways alone.

The original theory on this fund was good (low-cost resurfacing and widening to save state highways until complete construction could take place). Unfortunately, today too much of this money finds its way into other purposes. Some important questions which the Legislature might ask concerning this fund are:

1. Should Betterment money be used with State Aid?
Such a policy merely adds to the increasing cost of maintenance.
2. Should Betterment money be used for construction?
This was not the original intent of the Fund.
3. Should Betterment money be used on anything but State Highways?

SPECIAL RESOLVES

The counties received the following amounts from the Special Resolve Fund July 1, 1949 to June 30, 1950:

<u>County</u>	<u>Paid by State</u>
Androscoggin	\$ -
Aroostook	14,840.70
Cumberland	3,710.61
Franklin	2,812.64
Hancock	3,922.30
Kennebec	7,898.14
Knox	2,634.91
Lincoln	3,093.10
Oxford	9,861.88
Penobscot	7,540.63
Piscataquis	8,131.66
Sagadahoc	2,048.26
Somerset	8,287.43
Waldo	8,087.79
Washington	4,616.70
York	<u>8,306.47</u>
	\$95,793.22

Special Resolves transferred to State Aid	\$60,982.52
" " " Third Class Reconstruction	3,995.85
" " " State Aid Construction	550.00
" " " Bridge Division	13,830.00
Reimbursement for work previously reported	<u>1,022.56</u>
	\$176,174.15

The Committee agrees that such a system as this is not sound. It does not make for a constructive highway program and is too full of loopholes. It is felt that this money could be used wisely in the town road improvement or as a part of the construction money on our state highways. Such a change, the Committee feels, would be sound and improve our present highway program.

STATE AID CONSTRUCTION

The following amounts of money were expended for state aid construction in the counties listed below from July 1, 1949 to June 30, 1950:

Androscoggin	\$130,476.42
Aroostook	344,098.33
Cumberland	150,468.02
Franklin	96,690.75
Hancock	156,897.18
Kennebec	185,983.13
Knox	75,284.62
Lincoln	81,989.76
Oxford	140,705.72
Penobscot	300,934.21
Piscataquis	65,351.19
Sagadahoc	49,681.03
Somerset	114,387.83
Waldo	80,204.44
Washington	184,674.95
York	162,393.46
Testing	3,486.82
Supervision	<u>70,867.48</u>
	\$2,393,575.34

Town share or contribution included in above - \$791,723.00

This particular item in the Highway Fund is mentioned chiefly because of a \$300,000 increase in 1949. The amount of money which the state is obligated to match is governed by Section 25 and 29 of Chapter 20. The 94th Legislature amended Section 29, increasing from 1-1/2 to 2 the units of state aid which a town can appropriate. This figure has remained constant since 1941 at \$885,000, but with the recent change, the appropriation now stands at \$1,230,000. Here again can be noted the move to relieve towns at the expense of major construction on our highway system. Further mention will be made of this change later on in this report.

At the hearings on the highway problems before our Committee, many people felt that the time has come for the state to examine this program. Some feel that the state should no longer allow new State Aid construction until many of the old State Aid roads are rebuilt. The present policy leads only to higher maintenance costs and certainly this is one item in the highway budget which we must try to reduce. The Legislature should at least give this idea some consideration.

TOWN ROAD IMPROVEMENT FUND

In 1945 the Legislature first provided for this fund. Section 42A of Chapter 20 states: "There is hereby established a special fund to be known as the 'Town Road Improvement Fund'. The Legislature shall appropriate for each fiscal year such amounts as it shall deem proper from the general highway fund, but not to exceed 10% of the average annual gross income from the gasoline tax and registration fees for motor vehicles, the average to be that of the preceding 5-year period."

The money is allocated on the basis of the relationship of the number of miles of unimproved roads in a town to the total number of miles of unimproved roads in the state. Most people agree that this is a good fund for the state. It helps towns build low cost roads without burdensome state specifications and at the same time does not throw extra maintenance onto the state once the road is constructed.

The amount of money expended on this item from July 1, 1949 to June 30, 1950 was \$500,000.00. The Committee urges the consideration of the Legislature in the matter of doing away with the Special Resolve Fund and adding the amount expended for Special Resolves to this Town Road Improvement Fund. This, we believe, was the intent of the Legislature in the establishment of the "Town Road Improvement Fund".

MAINTENANCE OF IMPROVED AND
STATE AID ROADS

The following figures represent the amount expended for maintenance during the last fiscal year. The figure is broken down into the individual items for which maintenance money is expended and into what percentage of the total each individual item represents

<u>Item</u>	<u>Total</u> <u>9311.83 Miles</u>	<u>Percent</u>
Surface Treatment, Asphalt	\$ 483,750.33	8.61%
Surface Treatment, Tar	1,396,300.78	24.85
Hauling Cover for Surface Treatment	481,300.39	8.57
Retread Surfaces	7,287.89	0.13
Painting and Patching	893,293.95	15.90
Filling Joints, Concrete Surfaces	4,273.63	0.08
Mud Jacking	97.26	-
Gravel Surfacing	193,616.16	3.45
Machining and Dragging	185,281.64	3.30
Hauling and Applying Calcium	29,008.93	0.52
Hauling Material on Surface Treated		
Gravel, Macadam & Concrete Surfaces	258,655.36	4.60
Shoulder and Ditch Maintenance	647,361.97	11.52
Surface Treatment of Shoulders	6,599.54	0.12
Installing and Maintaining Culverts	204,986.91	3.65
Draining Water from Surfaces	25,050.93	0.45
Erecting and Repairing Guard Rail	73,525.45	1.31
Painting Guard Rail	22,037.14	9.39
Cutting Bushes and Grass	392,964.17	6.99
Roadside Improvement	38,087.80	0.68
Traffic Lines	54,146.14	0.96
Signs	85,376.28	1.52
Supervision	134,918.25	2.40
	<u>\$5,617,920.90</u>	<u>100.00%</u>

Expenditure on State Highways \$2,505,078.14 on 2,989.39 miles - \$837.99(Avg)
Expenditure on State Aid Roads 3,112,842.76 on 6,322.44 miles - 492.35

Total Expenditure \$5,617,920.90 on 9,311.83 miles - \$603.31

During the last eight years maintenance costs have increased nearly \$4,000,000. The average cost per mile has increased from \$318.30 in 1941 to \$603.31 in 1949. Several factors have contributed to this tremendous increase:

1. Increased costs of trucks, labor and material naturally account for some of the increase. This is a part of the overall economic picture of the country and need not be dealt with here.

2. In 1949, the Maine Legislature amended sections 46 and 50 of Chapter 20 dealing with Maintenance of State Highways and State Aid Roads. This legislation removed all responsibility on the part of the towns regarding maintenance and placed the load on the state. For the relief of towns this legislation was sound but insofar as it alters the construction picture it was not so wise a move. The estimated cost of this legislation to the state is \$440,000. This simply means that much less money which the Commission can match with federal funds for new construction.

3. One single item under maintenance might well serve as an example of how this cost has increased. In 1941 the state expended \$3,173.36 for cutting bushes and by 1949 that same expense had increased to \$392,964.17.

No single item under maintenance shows such an increase as this. The fact that more roads were in use in 1949 than in 1941 explains some of the increase but the Legislature must account for a great percentage of the increase. For example, in 1945 the Legislature increased the town's share in maintenance from \$30 to \$40, but at the same time placed all the cost of cutting bushes on the state. The ten dollar increase didn't begin to pay the additional cost of cutting bushes so once again, new construction dollars went to other items for the purpose of relieving the towns.

As will be mentioned later on in this report, the state in trying to solve its highway problem has two or three courses open to it. It can borrow through a bond issue and keep the present program as it is or it can try to revive the present program in such a way as to save money for the state in various categories such as maintenance and use the savings for construction. As this latter program is mentioned later on, it might be well for the legislature to consider some of these things which it has done in the past to relieve the towns and which at the present time are making it difficult for us to have a suitable state highway program of construction.

This whole issue of highway planning and finance is directly related to the tax problem of the General Fund. They should be considered together as related subjects. If the Legislature passes a tax and thereby also helps the towns by removing itself from the property tax field, then the legislature should reconsider some of these things which it has done in the past to help the towns and cities and which at present have made our highway program out of balance, so far as the adequacy of main artery construction is concerned.

REMOVAL OF SNOW
July 1, 1949 to June 30, 1950

All Classes of Highway - 14,887.57 miles

Total Cost		\$3,195,864.63
Paid from State Funds	\$2,109,293.10	
Paid from Town Funds	<u>1,086,571.13</u>	3,195,864.63
Average Cost per Mile		214.67

State Highways - 2,957.23 miles

Total Cost		\$1,545,790.12
Paid from State Funds	\$1,427,500.92	
Paid from Town Funds	<u>118,289.20</u>	1,545,790.12
Average Cost per Mile		522.68

State Aid and Town Roads

State Aid Roads	5,928.04 miles
Town Roads	6,002.30 miles

Total Cost		\$1,650,074.11
Paid from State Funds	\$ 681,792.18	
Paid from Town Funds	<u>968,281.93</u>	1,650,074.11
Average Cost per mile		137.16

Total State Cost		\$2,227,582.30
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The item of snow removal closely parallels maintenance. Through the years legislatures have tried to relieve towns of their excessive tax burdens by placing more and more of the financial responsibilities on the state. In 1939-1940 the average cost per mile of snow removal was \$94.15. The figure now is almost twice what it was then. One example of how existing laws increased the state's responsibilities and thus take away construction dollars is found in Chapter 20 Section 61 of the Revised Statutes. This section provides the towns, plantations and unincorporated townships, having a valuation of less than \$200,000 shall bear 50% of the cost of snow removal and sanding but not more than \$35.00 per mile. With the yearly cost of snow removal and sanding increasing as it has, this particular section has helped these small towns, but has taken good construction dollars away from the state. If the legislature wishes to continue the present highway program without a bond issue and if the tax problem of the general fund is solved, it might well look to this item for additional savings.

STATE POLICE

From July 1, 1949 to June 30, 1950 the actual Highway Fund cost for the State Police was \$661,300. This item is not large but is one which is increasing every year. More troopers, heavier traffic and additional barracks account for these increases. Some have objected to this outlay from the highway fund on the ground that the duties of the State Police are not all to be found on our highways. These same people feel that a good part of the time put in by the State Police is spent on crime detection. Therefore, they reason that some of this money should come out of the general fund. On the other hand, it can be argued that the cost of the legislature which convenes to work on the problems of both the highway and the general fund is paid for entirely out of the general fund. Therefore, there may not be too much to the argument of those who want a higher proportion of State Police costs to be a charge against the general fund.

ADMINISTRATION

As will be noted on the first page of this report, the amount of money expended for highway administration during the last fiscal year was \$341,000. A partial breakdown of that figure is presented here merely for the legislator to see how this money is expended. The committee cannot see where any substantial saving can be made in this item. The following represents a few of the items for which money is expended under administration:

Salaries	\$209,248.02
Travel	16,983.41
Office furniture and equipment	10,249.34
Utility service	10,051.01
Drafting room supplies	7,952.01
Office supplies	4,864.52

The remainder of the amount expended is for printing and other purposes.

HIGHWAY CONSTRUCTION

July 1, 1949 - June 30, 1950

The Committee felt that the Legislature might like to know the amount of money expended by the Highway Commission for highway construction in the individual counties during the last year. It will be noted that the amount expended for construction seems small when compared to a total revenue of \$18,842,453.74 plus another \$3,500,000 which we receive in Federal Matching Money. However, it is possible to realize this when we consider the numerous other activities and services which the Highway Department is called upon to finance.

The following is a list, by counties, of the highway construction money expended last year. This tabulation does not include bridge construction:

<u>County</u>	<u>Highway Construction</u>	<u>Federal Aid Secondary Construction</u>	<u>Total</u>
Androscoggin	\$161,488.48	\$ 70,724.85	\$232,213.33
Aroostook	158,163.43	196,579.42	354,742.85
Cumberland	96,539.53	18,794.39	115,333.92
Franklin	16,691.27	6,641.35	23,332.62
Hancock	35,457.23	198,797.42	234,254.65
Kennebec	2,236,278.28	239,517.71	2,475,795.99
Knox	223.98	28,473.98	28,697.96
Lincoln	355,572.46	65,927.25	421,499.71
Oxford	230,462.66	172,699.51	403,162.17
Penobscot	679,895.27	383,599.11	1,063,494.38
Piscataquis	53,008.05	90,037.59	143,045.64
Sagadahoc	35,226.36	388,454.82	423,681.18
Somerset	89,236.65	90,835.27	180,071.92
Waldo	336,448.08	115,835.74	452,283.82
Washington	109,598.25	98,053.28	207,651.53
York	466,918.11	212,809.97	679,728.08
Total of Counties	\$5,061,208.09	\$2,377,781.66	\$7,438,989.75
Testing (not distributed)	<u>5,535.18</u>	<u>2,486.82</u>	<u>8,022.00</u>
<u>Grand Totals</u>	\$5,066,743.27	\$2,380,268.48	\$7,447,011.75

SOUTH PORTLAND BRIDGE

The members of the Legislature will remember that last September the voters of Maine approved a \$7,000,000 bond issue for the construction of a combination highway and bridge across Fore River in South Portland. The constitutional amendment requires this bond issue to be paid off in 15 years. No provision was made as to where the money is to come from to pay off the bonds except out of the Highway Fund income. This additional burden further complicates the highway appropriation picture. If it must come out of highway income, this will mean an additional \$500,000 annually that will be earmarked and which can no longer be used for construction. The suggestion has been made that this might well be a toll bridge as is the one in Augusta. This, of course, would solve the problem. However, if this is not done the money for this bridge will either have to come out of current highway revenue or will have to be included in any bond issue which might be proposed. It is well to keep this in mind regardless of which course of action the Legislature may pursue.

POSSIBLE SOLUTIONS

The question now is - Is the present Highway program adequate? Perhaps a better question would be - Is the present income of the Highway Department adequate? There seems to be general agreement that the answer is "no" to the first question, but to the second, some would answer "yes". It seems, therefore, that there may be more than one answer to the present highway problem. The following are submitted for your consideration:

1. Continue on our present pay-as-you-go policy but repeal some of the laws which past legislatures have tied to specific highway expenditures. A few are mentioned here:
 - a. Repeal the action whereby the state relieves the town of all maintenance obligations.
 - b. Cut back from 2 to 1-1/2 the number of units of state aid which a town can appropriate.
 - c. Repeal the action whereby the state is held responsible for all bush cutting.
 - d. Examine the worth of road resolves. Are they sound? Are they giving us fair value for each dollar expended? Would they be more valuable in The Town Road Improvement Fund or for state highway construction?
 - e. Examine the laws relating to snow removal to see where in this category construction dollars could be found.

Add to these savings the amount which is to be saved as our present highway bond and interest diminish and you will have a substantial sum to help us keep abreast of Federal Matching Money. This would provide many additional dollars for state highway construction.

If a majority of the Legislature hold to the position that once a financial burden of the municipality has been directed to the state, then the state must forever assume that burden, then there is little opportunity to find adequate construction funds in existing Highway Fund revenues. On the other hand, one rather short and simple bill, repealing a few of the generous moves of recent legislatures, could result in at least \$2,000,000 per year being available for main artery construction work.

To be sure this is a distasteful thing to do and whether or not it should be done would depend to a great extent on the action of legislatures regarding a tax for the General Fund which would necessarily aid the towns and cities. However, it is one of the possibilities which we have open to us to solve our Highway problem.

2. We could continue with our present policies as they are now or with any or all of the changes mentioned above and add to this amount a very limited bond issue to at least keep us abreast of our Federal Matching Money. At the present time we are about one year behind in Matching Federal Money. A bond issue of about \$4,000,000 would bring this account up to date and provide a little extra road building for a period of two or three years.

3. A third alternative is to continue on as we are now with perhaps a few of the changes mentioned above and in addition to that, pass a bond issue of some size.

Sometime late in January the Highway Commission will present to the Legislature a proposed program for highway construction to be paid for from a bond issue plus a definite amount from current revenue. Therefore,

this report will only briefly mention a few of the matters to be included in the Commission's report.

Their program will call for a bond issue of approximately thirty million dollars. The remainder of the cost of the program will come out of current revenue. Best estimates point to the fact that not over 225 miles of construction should be undertaken in one year without seriously disturbing the heavy summer tourist traffic. Therefore, the program is one to be projected over a period of seven years. The amount of money taken from current revenue together with the suggested bond issue would provide for about \$14,000,000 of construction each year for the seven years 1952-1958. Payment of the bond issue would begin in 1959 and we could once again be clear of highway debt by 1968. Our present bonded debt on highways will be completely paid by 1959, the time when we begin to pay off the new debt.

The Commission in its report will have a very definite program. Maps of each county will be available showing where the money is to be expended. The program is geared to correct the existing deficiencies in our state highways which have heavy traffic.

The original twenty-seven million dollar program set up by the Commission has had to be revised into the program mentioned above due to the action of the electorate in passing the \$7,000,000 bridge issue in South Portland. As soon as this can be worked into the new proposal, the Commission will present a more detailed report to the Legislature. It is hoped that this report will be ready for each legislator by the last of January.

In conclusion, the following facts may be of interest to the members of the Legislature as they weigh the pros and cons of the several possible solutions to our present situation:

1. Our 3100 mile state highway system is 53% deficient while our 6000 mile improved state aid system is only 24% deficient.
2. The average Maine driver does 80% of his driving on the 53% deficient highways.
3. Only four state highway departments, Delaware, North Carolina, Virginia and West Virginia, are responsible for a higher percentage of their total road mileage than Maine's highway Commission.
4. According to the U. S. Department of Commerce, Bureau of Public Roads, the 48 states control an average of only 18% of all their public ways while Maine controls 48% of its 22,000 miles of highways. Compare the costs.
5. Only eight states in the country have a lower percentage of non-surfaced highways in their total road mileage than Maine.
6. Since 1934 we have reconstructed or resurfaced 980 miles of new roads under the state aid system for the state to maintain.

No statement could be truer than the one that Maine's Highway Program is out of balance, and balancing scales, designed and constructed by prior legislatures, so measure and divide our highway income as to leave the main artery program a neglected step-child in the present Highway Program of Maine.