

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Ninety-ninth Legislature

OF THE

STATE OF MAINE

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Addresses
of
Governor Edmund S. Muskie
to the
Special Sessions
of the
98th Legislature
October 28, 1957
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ADDRESS OF EDMUND S. MUSKIE, GOVERNOR OF MAINE, TO THE
FIRST SPECIAL SESSION OF THE NINETY-EIGHTH
LEGISLATURE OF THE STATE OF MAINE

October 28, 1957

Mr. President and Members of the 98th Legislature:

May I, first of all, take this opportunity to welcome you back to Augusta. You have gathered here for serious and constructive purposes, and they will occupy a great deal of your time and thought. At the same time, the occasion gives us all an opportunity to renew old friendships and to enjoy the companionship which is one of the attractions of the service in which we are engaged. Mrs. Muskie and I have looked forward to it and we join in extending to you a warm and cordial welcome.

INDUSTRIAL BUILDING AUTHORITY

As you know, this special session was called for the purpose of implementing the will of the people of Maine, as expressed in the special election of September 9th, when they approved the constitutional amendment authorizing use of the State's credit to guarantee industrial building loans. This purpose will have the highest priority on the agenda of business which you will be asked to consider.

Legislation designed to implement such an amendment was introduced at the regular session of the Legislature for the purpose of illustrating the plan which the sponsors had in mind and as a guide for you and the voters of Maine in the evaluation of the merits of the amendment. It seems fair to suggest, therefore, that approval of the amendment by the people indicates approval of the principles embodied in Legislative Document 640, "An Act to Create the Maine Industrial Building Authority."

Accordingly, that Document is the basis for the legislation which will be introduced at this special session. Many hours of work and study have been applied to it by appropriate agencies of State Government and by interested citizens who have given freely of their time and talents. The latter group included legislators and a broad cross section of our citizenry. It was not their intent to usurp the function which is properly yours. Rather, it was their intent to be of assistance to you by preparing, for your consideration, legislation which would, technically as well as substantially, serve the purposes which, in their best judgment, were approved by the people. At their final group meeting, here in Augusta, a substantial majority endorsed the Bill which has been placed on your desks.

I will not take the time now to discuss the Bill in detail. Presumably, you have all received a copy in the mail. Fundamentally, it is the same Bill which you had an opportunity to study last winter. Essentially, its purpose is to provide a tool which should be of great assistance in the development and expansion of industry within the State and in attracting new industry to Maine from outside our borders. Its assumption is that, in order to accomplish this purpose, we must stimulate the flow of capital into the construction of modern industrial buildings. As I pointed out in my inaugural address last January, the shortage of local equity capital in our communities and the impact of national money poli-

cies will seriously reduce our industrial expansion potential unless we take some such positive action. In my judgment, the Bill before you is an important step in the right direction. We should do no less.

ADDITIONAL LEGISLATION

Whenever a session of the Legislature is convened, it is to be expected that many proposals for legislative action will be suggested by agencies of State Government as well as by interested individuals and groups. Such has been the case in this instance. Many meritorious proposals have been suggested.

However, bearing in mind the fact that a special session, by its very nature, is not as effective a forum as a regular session for the long and deliberate consideration of an unlimited agenda, and bearing in mind the additional fact that you have been convened during a season of the year which finds most of you busily engaged in your private pursuits, I have consulted at some length and in some detail with legislative leaders of both Parties relative to those matters which I should formally place before you. As a result of those discussions, I have limited such matters to the following:

1. Legislation designed to implement referendum proposals which were approved on September 9th.
2. Legislation required to correct or improve upon legislation enacted at the regular session of this Legislature if such is to be fully operative within its intent.
3. One other pressing matter, apparently of a non-controversial nature, which should be given prompt attention, if at all possible.

ISLAND FERRIES

In the first group, I have already discussed the Industrial Building Authority Act.

In the same category, I recommend the following legislation, designed to implement more effectively the purpose of the Island Ferry Bond Issue which was approved by the people:

1. Authorization of preliminary surveys of the traffic and other aspects of the proposed ferry service, and appropriation of the sum of \$35,000.00 for this purpose. Such action will enable the Maine Port Authority to proceed with and complete preliminary preparations for the project without issuing bonds for such a relatively minor expenditure.
2. Clarification of legislation, enacted at the regular session of the Legislature, relative to procedural methods and the administration of such ferry service, particularly as they relate to the establishment and operation of such service, including tolls.

CORRECTIVE LEGISLATION

In the second category of recommended legislation, without suggesting any particular priorities, I present the following for your consideration:

1. **OMNIBUS BILL:** The Director of Legislative Research, in his analysis of Acts enacted at the regular session of this Legislature, has found that many of those Acts created inconsistencies and technical errors which suggest uncertainties and confusions in interpreting legislative intent. The Omnibus Bill, so-called, is presented in order that such uncertainties may be resolved.

No practical purpose would be served by a detailed discussion of this voluminous Bill at this time. However, I should make specific reference to one item in order to insure that all of you will be aware of it.

On March 10, 1958, the people will have an opportunity to approve or disapprove certain increases in highway user fees which were enacted at the regular session. I am sure we all recognize their right to make the final decision and will abide by it. However, in the event they should give their approval to the increases, a question has been raised as to whether the increases would be effective subsequent to the calendar year 1958 as the legislation is now phrased. To eliminate the uncertainty thus suggested, the Omnibus Bill contains corrective legislation designed to implement the people's will, however expressed on March 10, 1958, by making it effective, not only for the calendar year 1958 but subsequent thereto. The legislation is offered because it expresses what appears to have been the intent in the first instance.

2. **INDIAN HOUSING:** At the regular session, the Legislature authorized the Department of Health and Welfare to use \$100,000.00 of the Passamaquoddy Indian Tribe Trust Fund to provide new housing for the reservations at Pleasant Point and Peter Dana Point, and made provision for the return of that sum to the Trust Fund from certain receipts which normally accrue to the tribe. The Trust Fund is invested in bonds of the United States of America. Because of prevailing market conditions, sale or redemption of the bonds now, using the best selection possible, would result in a total loss to the Trust Fund in excess of \$10,000.00.

It is proposed that the General Fund buy \$100,000.00 of bonds from the Trust Fund at par, and that the Trust Fund re-purchase the bonds from the General Fund out of receipts which accrue to the tribe from the sale of timber on Indian Township. These receipts are estimated to be between \$5,000.00 and \$10,000.00 annually. Sale of the bonds to the General Fund would avoid the loss to the General Fund of the interest on the bonds, which it now receives, as well as the loss in the principal of the Trust Fund.

3. **ADMINISTRATION OF PROBATION AND PAROLE LAW:** At the regular session, the Legislature authorized the establishment of a state probation and parole system. The Probation and Parole Board, in the course of its work to implement the law, finds it necessary to recommend amendments which will give the Board more maneuverability and flexibility in dealing with probationers. Without such amendments, the law may well become inoperative. The suggested changes are not extensive and will not change the basic structure of the law but relate largely to more effective and efficient administration.

4. **THE SINCLAIR BILL:** You are undoubtedly aware of recent developments and the general nature of problems raised relative to the administration of this law, which is so important to the future of education in Maine. It would be premature to present these problems to you until the legal and technical experts have completed their analysis and recommendations. Corrective legislation will be drafted and presented for your earliest possible consideration.

In the meantime, it is considered wise to present, for your approval, legislation authorizing payment to municipalities of the subsidies provided in the law, as computed by the Department of Education, and payable in December of this year.

The principal problem which you will be asked to consider at a later date relates to the delegation of your legislative authority to the School District Commission. The Legislature cannot delegate all its authority to an administrative agency. Whenever it authorizes a program to be administered by such an agency, it must set up standards and limitations which are reasonably specific for the guidance of the agency and the protection of the public. Such standards and limitations are not always easy to define. Our immediate task is to try to define them, in the Sinclair Bill, in order to implement the purposes of the Act in all situations which can be anticipated by and included in the legislation.

It is suggested that you may wish to name a joint committee of the Senate and the House to work with the School District Commission, the Department of Education, municipal officials, and other interested citizens in the performance of this task. In that way you will be in close touch with developments affecting the delegation of your legislative authority and be in a position to deal with them more effectively when they are placed formally before you in a subsequent special session or any recessed session of this Special Session.

5. MOTOR VEHICLE LAWS: At the regular session, the Legislature enacted a new maximum speed law. In order that the law may be enforced with maximum effectiveness, it is desirable that certain provisions be clarified and strengthened and possible constitutional objections eliminated. Appropriate amendments will be introduced. It is desirable also that amendments be considered to strengthen the law relating to measuring the speed of motor vehicles by radar, the law relating to fines for speeding on the Maine Turnpike, and the law relating to definition of school buses. The importance of safety on our highways is such as to justify prompt consideration of and action on these various matters.

6. REVOCATION OR SUSPENSION OF LICENSES UNDER SEA AND SHORE FISHERIES LAW: Until August 28th of this year, upon a third conviction of a licensee of a violation of any Sea and Shore Fisheries law, it was mandatory that the license be suspended for a period of one year. At the regular session, this Legislature provided that such suspension shall be within the discretion of the Commissioner of Sea and Shore Fisheries. However, there is no provision for suspension for less than one year. In other words, there must now be suspension for one year or no suspension at all. It is recommended that, because circumstances and the gravity of violations do vary, the Commissioner, after a third offense, have the authority to suspend licenses for any period not to exceed one year.

7. MAINE STATE RETIREMENT LAW: You are asked to consider three relatively minor amendments. The first relates to the Survivor Benefit Program which was approved at the regular session, and provides, in effect, that employee contributions shall start on August 28th of this year, when the law became effective, rather than on July 1st. The second, entirely technical, does not change any existing pension, and only expresses the obvious legislative intent. The third removes an inequity by reducing the time required to regain survivor benefit eligibility by an employee who may be out of regular employment and on a disability allowance.

8. ARMORY PROJECT FOR BATTERY D, 703RD ANTI-AIRCRAFT BATTALION: This project, to be located in Rockland, was included in the capital construction program recommended to you at the regular session. It was eliminated from the program authorized by you because the City of Rockland was not in a position to provide the necessary matching funds.

The State Military Defense Commission is of the firm belief that future Congressional action will be such as to deprive the State of the generous matching program currently available. In the hope that local funds, from some source, may somehow be found while Federal funds are available, it is recommended that the necessary State funds be provided at this time.

9. CASTLE HILL-CHAPMAN-MAPLETON COMMUNITY SCHOOL DISTRICT: It is imperative that this district be enabled to rebuild its high school, which has been destroyed by fire. The district was created in 1947 and its borrowing capacity was increased at the regular session this year. However, assistance is still required, and it is proposed that the participating towns be permitted to contribute additional capital to the district and to permit the district to negotiate with the Maine School Building Authority.

SPRUCE BUDWORM CONTROL

In the third category of recommended legislation, I present the following for your consideration:

A severe outbreak of the spruce budworm, infesting about 300,000 acres, has developed in northern Maine and should be controlled in the spring of 1958. The cost of control measures is estimated at \$1.00 per acre. Federal funds are available to cover 25% of the cost; and it is suggested that the State and private owners share the remaining cost equally. Legislation appropriating the necessary funds to cover the State's share will be introduced. It will be necessary also to increase the tax on the unorganized territory within the Maine Forestry District by 1½ mills, for one year only, to provide the funds to be contributed by private owners.

Legislative Documents covering these several matters have been prepared and placed on your desks. I would like to call your attention to the summary statements which have been attached to each. Their purpose is to provide a clear, concise statement of the intent of each piece of legislation for your guidance. I know that the legislative leaders who have arranged for them would appreciate getting your reaction as to their usefulness.

HIGHWAY PROGRAM

It seems timely to refer to one other matter which has no direct relationship to recommended legislation, and that is the programming for construction of the Interstate Highway System in Maine.

In my Budget Message of last January you will find the following statement with reference to the importance of an integrated network of highways to the future of the entire State:

“— the functional concept is a useful one and has sufficient validity to drive home the point that each of these systems is important to the progress and prosperity of every area of the State and to all segments of our economy. Ac-

Accordingly, they should be planned, constructed, and maintained as an integrated network."

"It follows that our emphasis, at all times, must be such as to assure, insofar as possible, the maximum improvement and utility of the entire network; and that this objective cannot be realized if we neglect any part of it."

It is a factual statement that the State Highway Commission endorsed that policy at the time and still does. Understandably, there can be honest differences of opinion as to its application in specific circumstances. It is common sense that such differences should be and can be resolved only when there is a clear understanding of the actual facts by all concerned.

There is no disagreement, to my knowledge, with the proposition that every citizen of Maine is directly concerned in the programming of construction and is entitled to know what is being planned and the alternatives. Accordingly, the State Highway Commission, in a communication to you today, will volunteer to cooperate fully by providing pertinent information on this subject to the Legislative Research Committee, or such other committee as you may designate. Such committee would be in a position to follow the progress of the program, to advise the Commission relative to it, to inform the public with respect to it, and to thereby assist in expediting the construction of the integrated highway system which is so vital to us all. The program should, of course, be such as to appeal to the common sense of the majority of our people; and that common sense should be given an opportunity to play upon the facts in an atmosphere devoid of emotionalism or partisanship. The objectives are too important, and our resources are too limited, to be distorted or strained by any other approach.

This message has been longer than I first expected it would be. However, I have tried to gear it to the needs of the moment, and to your convenience as best I could judge it. It is now in your hands and I can do no more than to offer my services and the services of my staff as well as of the executive branch as they may be useful to you in your deliberations.

EDMUND S. MUSKIE,

Governor