

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
January 13, 1958
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ADDRESS OF EDMUND S. MUSKIE, GOVERNOR OF MAINE, TO THE
SECOND SPECIAL SESSION OF THE NINETY-EIGHTH
LEGISLATURE OF THE STATE OF MAINE

January 13, 1958

Mr. President and Members of the 98th Legislature:

As you convene again for the purpose of rendering important service to the people of Maine, it is a privilege and a pleasure to welcome you back to Augusta. Mrs. Muskie and I join in the hope that you each face the new year with your spiritual resources renewed, and with confidence that the problems and challenges which lie ahead will yield to men and women of goodwill working together in a free society.

As I have given consideration to the items of business which I should properly place before you, I have been confronted by the fact that, with the passage of time since your regular session, new developments and changing conditions have inevitably disclosed many needs and problems to which your attention could justifiably be called. They are such that the State would profit if we were in a position to give to its affairs the kind of comprehensive and detailed study and action which is possible in a regular session. Unfortunately, such study and action is not possible in a special session. Substantial changes in or additions to the broad and complex fabric of state services and obligations should not be contemplated without the months-long analysis and preparation, budgetwise and program-wise, which they receive, in accordance with established procedures, prior to a regular session. New services and the expansion of existing services have an impact upon established services and other contemplated new services which should be thoroughly evaluated before final action is taken and commitments made. Moreover, all are affected by current uncertainties as to economic conditions and revenue yields which we should not attempt to measure hastily or piecemeal. In the light of these considerations, the conclusion seems inescapable that the business of a special session must be limited business.

I have limited myself accordingly with respect to the items which I shall present to you. For reasons which are implicit in what I have already said, I shall omit several proposals which in my opinion would be worthy of consideration in a regular session.

THE SINCLAIR BILL

The first item of business, or course, is that for which this special session was convened—to consider recommended amendments to the Sinclair Bill.

I touched upon the need for such amendments in my message to the first special session of this Legislature. In that session you created a joint committee of the Senate and the House to work with the School District Commission, the Department of Education, and other interested officials and citizens in the preparation of the necessary legislation. The suggested legislation on this subject which has been distributed to you is the product of the work of these groups. It has been their effort to meet the following objectives without changing any of the basic principles found in the original act:

1. To remove possible doubts as to the constitutionality of the act, particularly with regard to the delegation of legislative authority to the School District Commission; and

2. To spell out, in more detail, the procedures to be followed, both in the formation of and in the operation of a School Administrative District.

Inasmuch as you have the proposed legislation before you, I will not undertake a comprehensive discussion of the suggested amendments at this time. I will confine my discussion to a few illustrations of the changes involved.

For example, with respect to the delegation of authority, the bill before you sets up specific requirements relative to the number of pupils in grades 9 through 12, or an alternative standard, to wit, that there must be an existing Community School District functioning on the secondary level on April 1, 1957. Further, in the realization that it may not be possible in a given situation to meet these requirements, the bill provides that the School District Commission may receive an application in such a situation and recommend to the Legislature the formation of a smaller School Administrative District. The Legislature will then pass upon the necessity for formation of the smaller district, but no such district will be formed unless and until the people within the district have voted in the affirmative.

Similarly, the bill provides for state financial assistance on school construction to School Administrative Districts, including single municipality administrative units where the April 1st enrollment of resident pupils in grades 9 through 12 for that year is over 700 pupils, and in smaller administrative units when in the judgment of the Legislature, on recommendation of the Commission, the formation of a School Administrative District by consolidation is not geographically or educationally practical.

Also, with respect to delegation of authority, the bill before you would eliminate the authority of the School District Commission to define an efficient school administrative unit or to define an inefficient unit. There was no standard in the original bill to guide the Commission in arriving at such determinations, to which were tied certain bonuses. The bonuses have not been eliminated but would now be computed by a purely mechanical process which is set out in the bill.

Illustrative of what the bill does with respect to procedural details are the following:

1. It more completely spells out the manner of calling meetings to determine the representation in a proposed school administrative district.

2. It clarifies the transfer of existing school property and assets held by municipalities, community school districts, or coterminous school districts to the new school administrative district.

3. It clarifies budget approval procedure.

4. It sets out a procedure for calling and conducting district meetings to approve the issuance of school bonds for capital outlay purposes, to approve lease agreements with the Maine School Building Authority, or to approve the addition or merger of other towns with an existing school administrative district.

These, and other changes included in the bill, have been given careful thought and study by the various groups to which I have referred. They merit your serious consideration.

The sobering events of the past few months on the international scene, which are stimulating a country-wide re-appraisal and re-evaluation of our educational system, reconfirm the wisdom of your action in enacting the original Sinclair Bill into law. Realizing, as never before, the vital importance to our national survival and well-being of maximum development and utilization of the talents and aptitudes of all our young people, wherever they may live and whatever their economic circumstances, we can welcome this timely opportunity to insure that the basic principles and objectives of the law will be effectively implemented. Indeed, in the national interest, as well as our own as a state, we have a responsibility to do so.

HIGHWAY MATTERS

A second, important item of business, calling for clear-cut and definite decisions at this time, relates to the program for construction of the Federal Interstate Highway in Maine.

The objective, with which we are all in agreement, I am sure, is to program that construction in such a way as to bring, to all areas of the state, the economic benefits, which the highway will stimulate, as rapidly as possible. We should oppose discrimination against any area, and we should support the legitimate aspirations of every area. We should be as concerned with the needs of the farmer, the fisherman, the woodsman, and the resort owner, situated in the remoter sections of the state as with those of the industrial and business community in urban centers.

To strike this kind of a balance is a problem to tax the ingenuity of the wisest among us. Understandably, each interested group, community, and region would like to get attention immediately; but, of course, there is no way of bringing the entire highway into existence overnight. At best, we can assure each that their needs are recognized and that the program initiated is designed and intended to link them into the system as directly as possible and with a minimum of delay. And we should not overlook the fact that the interstate highway is only a part of a statewide network of some 20,000 miles of roads reaching into every corner of the state, and that construction programs applicable to roads not in the interstate system should be related to and may be affected by changes in the interstate program. Such programs may be of more immediate importance to some areas than the interstate highway and should be considered as decisions are made.

It should be a source of gratification to us all that there has been such widespread and spirited discussion of the various alternatives which should be considered. Enthusiasm for particular points of view has reached an intensity which serves a useful purpose provided it is not diverted from an objective consideration of the alternatives to baseless attacks against the motives of those who, while in agreement as to the over-all objectives, support a different point of view as to the program best designed to reach those objectives. To pit group against group, area against area, in a bitter scramble for preferment, when what we honestly want is to serve all, could have tragic consequences for the future of our entire highway program.

It is true of this problem, as it is of all others under a democratic form of government, that the interests we hold in common are best served when there is just such widespread participation in the decision-making as we have experienced in this instance. No one group, of whatever persuasion as to the merits, should be permitted to impose its will upon an uninformed public. Let the people have free and complete access to the facts—but, to **all** the facts, and their collective judgment is more to be trusted than the judgment of any one group.

Having reached this point of decision, each of you is entitled to an opportunity to register your opinion. Unusual efforts have been made to disclose all the facts. The Highway Commission has stated its position. The Legislative Research Committee, to which you delegated the responsibility for reviewing the interstate program, has stated its position. I have stated my position. Legislative Document 1639, "An Act Relating to Priority of Construction on Interstate Highway System," which will be introduced by Representative R. Lafayette Ervin, will give you another opportunity to state your position. Whatever it may be, let us all resolve to close ranks and work together to implement it as expeditiously as possible to the end that we may get this important job done with a minimum of further delay.

In this connection, I refer you next to Legislative Document 1657, "An Act Allocating Eight Hundred and Fifty Thousand Dollars from the Highway Bond Issue Proceeds to Highway Construction for the Fiscal Years 1958-59."

At your regular session you provided for highway financing for a four-year period. In the highway allocation act, you allocated such funds as would be needed in the first two years of that period. With respect to the Interstate Program, it now appears that more authorizations may be made during the first two years than was contemplated during the regular session. It is proposed, therefore, to transfer \$850,000.00 from the third and fourth years of the four-year period to the second year of the current biennium, thus expediting the utilization of available Federal funds for construction of the Interstate Highway. The total state requirements in the four-year period will be unchanged unless there are subsequent changes authorized by the Legislature.

Also involved in the Interstate Highway Program is another matter which I now bring to your attention. At your regular session, you enacted legislation providing for reimbursement to utilities of the cost of relocation of their facilities, when such relocation was necessitated by the construction of the Interstate Highway System; and the sum of \$12,500.00 was appropriated out of the general fund for each year of the current biennium to cover the state's share of the cost. These amounts represented 10% of the estimated relocation costs, the balance of 90% being reimbursable out of available Federal funds.

For reasons which are stated in the statement of facts appended to L. D. 1643, the estimates upon which the appropriations were based proved inaccurate. In order to fully implement the purposes of the legislation, and on the basis of current and more accurate estimates, the appropriation should be increased to \$43,000.00 for each year of the current biennium. It seems desirable to take advantage of the very generous Federal reimbursement for the benefit of Maine ratepayers. Otherwise, the impact on them, particularly with respect to the smaller utilities, could be heavy.

While we are dealing with this subject, you should note that the legislation enacted at your regular session was applicable, by its terms, only to utilities

under the jurisdiction of the Public Utilities Commission. Municipalities having services of the same general nature, e.g., sewers, police and fire alarms, street lamps, etc., are not under the jurisdiction of the Commission and, therefore, are not eligible for reimbursement. Corrective legislation, with the necessary appropriation, is proposed.

STATUS OF GENERAL FUND

At this point, it seems to me appropriate to inform you relative to the financial condition of the State. The appropriations which I have already discussed, and others which I shall discuss shortly, may suggest questions in this respect.

As has already been disclosed, General Fund undedicated revenues for the current fiscal year have fallen short of estimates which were projected at the time of your regular session. Specifically, it was estimated that we would receive, in the six months ending December 31, 1957, total General Fund revenues in the amount of \$25,059,361.00. Actual receipts were \$24,294,527.87. Receipts, therefore, fell short of estimates by \$764,833.13. There appear to be two major reasons for this result:

1. July sales tax receipts, which were based on June sales, did not reflect the one-cent increase in the sales tax; and

2. A relatively small, but measurable, decline in economic activity country-wide which has had a depressing impact on the revenues of other states as well as our own.

Accurate definition of our current position requires the following additional observations:

1. General Fund appropriations for this fiscal year totalled \$51,478,215.31, or \$964,722.69 less than estimated revenues of \$52,442,938.00. Thus, as of December 31, 1957, we still had freeboard in the amount of \$199,889.56.

2. General Fund revenues from all major sources except the sales tax were at or slightly above estimates.

3. The current trend is such as to suggest that General Fund revenues may level off at or very slightly under estimates.

4. We must be alerted to the necessity of watching economic trends closely, of exercising prudence in the expenditure of State funds, and of making plans to adjust to any marked downward trends in the national economy which may develop. Administratively, the alert has been sounded and the executive branch will conduct its affairs accordingly.

With respect to the unappropriated surplus of the General Fund, the balance as of June 30, 1958, should be sufficient to support the appropriations which you will be asked to consider. The experience of the first six months indicates that we can expect reasonable lapsing balances which, when added to existing unappropriated balances, should leave us with a reasonable margin over and above the requests which will be presented to you.

This entire picture has been carefully studied and analyzed with the assistance of the Department of Finance and Administration; and enactment of the various

appropriations measures referred to in this message, if they appeal to you on their merits, can be supported as consistent with prudent financial management.

CAPITAL IMPROVEMENTS

For reasons which will be stated, it seems wise to present for your consideration two proposed capital improvements.

The first would provide an addition to the central heating plant at the University of Maine. A recent survey by a firm of consulting heating engineers indicates that it is absolutely necessary to provide additional steam capacity to be in use the winter of 1958-59.

The importance of providing a solution to this problem is highlighted by the fact that the University has currently under construction a 1600 capacity men's dining hall and, this coming spring, will start construction on a Physics Building, an Animal-Poultry Science Building, and a Men's Dormitory, for which heat will be required during the winter of 1958-59.

The proposed addition is the long-range answer to the problem. The alternative is some expedient involving the expenditure of funds for temporary and inadequate construction, some of which would have little if any salvage value. The addition is a necessary part of the long-range expansion program at the University which has already been envisioned and set in motion; and it seems sensible to authorize it at this time.

The second problem involves, among others, the question of the adequacy of legislative hearing rooms and is presented to you at this time so that you may have an opportunity to take appropriate action, if you wish, prior to the next regular session of the Legislature.

The contract for certain alterations to the Capitol Building, after the moving of most departments into the new State Office Building, has been completed. In addition to hearing rooms, there remains the problem of providing adequate Senate offices, executive offices, press working space, and related facilities.

The Joint Select Committee on State House Renovations, with the assistance of the Bureau of Public Improvements, and after discussions with the Governor and Executive Council, has developed recommendations which are sound and worthy of your consideration. Certainly you will wish to give these recommendations careful and thoughtful study. If, consistent with that objective, you find it advisable to give your approval at this session, your action would have the support of all those who have participated in the development of the plans, and adequate facilities would then be available for all hands at the next regular session twelve months from now.

ADDITIONAL LEGISLATION

In addition to the foregoing, you are asked to give your attention to the following items:

1. In your first special session, you gave consideration to clarification of legislation enacted at the regular session relative to procedural methods and the administration of the Island Ferry Service which was approved by the people last September. Final action was postponed until this session. L. D.

1640 proposes such changes in the original act as will effectively set up the operation of the island ferries as a public service enterprise.

2. In your session you approved a salary plan for state employees. Through an oversight, funds were not provided to implement the plan with respect to employees of the Maine State Liquor Commission. L. D. 1641 proposes to correct this oversight by permitting allocation of liquor revenues in the amount of \$52,875.00 for the second year of the biennium for this purpose. The Commission has been able to absorb salary increases for the first year of the biennium.

I have concluded my discussion of items of business to which I think special attention should be given. Unavoidably, there is an obvious problem as to what other items you may wish to consider. Out of a desire to be of assistance to you, and without any intention of depriving you of the prerogatives which are exclusively yours, legislative leaders of both parties, after discussions with me, have arranged for advance printing of several proposals which, it appeared you might wish to have presented to you. They cover several purely local problems and a few of more general interest. These items, together with those I have discussed, are included in Legislative Documents 1637 through 1669. You, of course, will determine whether or not this session is to be limited to consideration of these Legislative Documents.

I know it is the instinct of each of us, in our public service, to reach for the highest possible standards of judgment and decision. Abraham Lincoln has said it in these words, "In times like the present, men should utter nothing for which they would not willingly be responsible through time and in eternity." In that spirit, may I extend to you my sincere wish for a successful culmination of your deliberations.

EDMUND S. MUSKIE,
Governor