

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Ninety-Fourth Legislature

OF THE

STATE OF MAINE

Special Session, February 6, 1950

KENNEBEC JOURNAL COMPANY
AUGUSTA, MAINE

HOUSE

Monday, February 6, 1950

This being the day designated in the Proclamation of the Governor for the meeting of the Ninety-fourth Legislature in extra session, the Members of the House of Representatives assembled in their Hall at two-thirty o'clock in the afternoon and were called to order by the Speaker.

Prayer was offered by the Rev. Mr. Akeley of Gardiner.

The Members stood at attention during the playing of the National Anthem.

The Proclamation was then read by the Clerk as follows:

State of Maine**PROCLAMATION****By the Governor**

WHEREAS, it appears advisable that the Legislature of this State should meet in special session for the following purposes:

To consider legislation relative to supplementary appropriations for state subsidies to municipalities as administered by the Department of Education under existing laws.

To consider legislation relative to supplementary appropriations for the assistance programs as administered by the Department of Health and Welfare under existing laws.

To act upon any legislation to promote the welfare of the State.

NOW, THEREFORE, I, FREDERICK G. PAYNE, Governor of the State of Maine, by virtue of the power vested in me as Governor, convene the Legislature of this State, hereby requiring the Senators and Representatives to assemble in their respective chambers at the Capitol at Augusta on Monday, the sixth day of February 1950 at two-thirty o'clock in the afternoon in order to receive such communication as may then be made to them and to consider and deter-

mine on such measures as in their judgment will best promote the welfare of the State.

Given at the office of the Governor at Augusta and sealed with the Great Seal of the State of Maine, this 18th day of January in (SEAL) the year of our Lord One Thousand Nine Hundred and Fifty, and of the Independence of the United States of America, the One Hundred and Seventy-fourth.

FREDERICK G. PAYNE
Governor

By the Governor

HAROLD I. GOSS
Secretary of State

A true copy.

Attest: HAROLD I. GOSS
Secretary of State

The Proclamation was received and ordered placed on file.

The Clerk thereupon called the roll of the House.

One hundred and thirty-three Members answering to their names, a quorum was declared to be present.

On motion by Mr. Burgess of Limestone, it was

ORDERED, That a Committee of seven be appointed to wait upon His Excellency, the Governor, and inform him that a quorum of the House of Representatives is assembled in the Hall of the House for the consideration of such business as may come before the House.

The Order was read and passed and the Chair appointed the following members:

Mr. Burgess of Limestone
Miss Longstaff of Crystal
Messrs. McGlauffin of Portland
Dufresne of Bar Harbor
Carter of Bethel
Hill of Bingham
Muskie of Waterville

The Committee subsequently reported that it had conveyed the message entrusted to it.

On motion by Mr. Palmer of Nobleboro it was

ORDERED, That a message be conveyed to the Senate that a quorum of the House of Representatives is present for the consideration of such business as may come before the House.

The Order was read and passed and the Clerk conveyed the message to the Senate and subsequently reported that he had performed the duty assigned him.

The following communication:

STATE OF MAINE
DEPARTMENT OF STATE
AUGUSTA

February 3, 1950

To Harvey R. Pease,
Clerk of the House of Representatives of the Ninety-fourth Legislature:

In compliance with Section 1 of Chapter 9 of the Revised Statutes of 1944 notification is hereby given of vacancies in the House of Representatives as listed below, which vacancies were caused by resignations submitted by letter to the Honorable Nathaniel M. Haskell, Speaker of the House of Representatives, and by him filed in this office.

Rockland,	Stuart C. Burgess
Bath,	Howard C. Larrabee
Augusta,	Joseph B. Campbell

The letters of resignation above mentioned accompany this communication.

Respectfully,
(Signed) HAROLD I. GOSS
Secretary of State.

The communication was received, ordered placed on file and the names of the Members stricken from the roll.

At this point, a message was received from the Senate through its Secretary informing the House that a quorum was present in the Senate Chamber and that that body was ready to transact such business as may come before it.

On motion by Mr. Burgess of Limestone, it was voted that the

House signify to the Senate its concurrence in the proposal for a joint convention to be held forthwith in the Hall of the House.

Thereupon, the Clerk of the House was delegated to perform that duty and he subsequently reported that he had so done, which report was accepted with the thanks of the House.

The SPEAKER: The chair now notes the presence in the Hall of the House of the gentleman from Whiting, Mr. Bucknam, and requests that the Clerk note his presence in the record, thus making the present members in attendance one hundred and thirty-four.

The SPEAKER: The Chair also notes the presence in the Hall of the House of the gentleman from Sebec, Mr. Parker, and requests that the Clerk note his presence in the record, thus making the present members in attendance one hundred and thirty-five.

The SPEAKER: In view of the fact that it is possible that other members have come into the Hall of the House since the original roll call if there be no objections, the Clerk will now call again the names of the absentees, and, if any are now here, the record will be amended accordingly. Is there objection? The Chair hears none and the Clerk will call the roll of absentees.

Those who were absent were: Messrs. Ames of Vinalhaven, Burgess of Rockland, Campbell of Augusta, Chapman of Portland, Duquette of Biddeford, Gauthier of Sanford, Hobbs of South Berwick, Larrabee of Bath, Letourneau of Sanford, Marble of Dixfield, Maxwell of Orient, Thomas of Hampden and Wight of Bangor.

The SPEAKER: For the information of the House, the Chair will state that there are one hundred and thirty-eight Members now present. Also, for the information of the House, the Chair will state

that the present elected membership of the House is one hundred and forty-eight.

The House may be at ease pending the arrival of the Senate.

HOUSE AT EASE

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

In Convention

The President of the Senate in the Chair.

On motion by Senator Batchelder of York, it was

ORDERED, that a Committee be appointed to wait upon the Honorable Frederick G. Payne, Governor, and inform him that the two branches of the Legislature are in Convention assembled in the Hall of the House of Representatives, and extend to him an invitation to attend the Convention and present such communication as he may be pleased to make.

The Chairman thereupon appointed as members of such Committee on the part of the Senate: Senators:

BATCHELDER of York

DENNY of Lincoln

BOUCHER of Androscoggin

and on the part of the House:

Representatives:

JENNINGS of Strong

FAY of Portland

THOMPSON of Brewer

HAYWARD of Machias

HOUSE of Lincoln

BUBAR of Blaine

JALBERT of Lewiston

Subsequently, Senator Batchelder for the Committee reported that the Committee had discharged the duty assigned to it, and that the Governor was pleased to say that he would attend forthwith.

The report was accepted.

Thereupon, the Honorable Frederick G. Payne, Governor, accompanied by the Executive Council and heads of Departments entered the

Hall amid the applause of the Convention, the audience rising.

The CHAIRMAN: The Convention being duly assembled, I now present His Excellency, the Honorable Frederick G. Payne, Governor of Maine.

Governor Payne then addressed the convention as follows:

Mr. President and Members of the 94th Legislature:

We meet this afternoon because of important and critical situations brought into sharp focus in recent months. In the emergency at hand, the solution calls for sound thinking, free from emotions and selfishness.

To refuse to face the facts, as they shall be outlined, is to be blind to our obligations.

Conditions confronting us today are pretty universal throughout the Country. They result from a leveling off in our postwar economy.

For ten years we of this State and Nation have been through a period of peak production and healthy employment. In the period of transition, now upon us, we are confronted by economic reversals.

There must be adjustments by State government just as there have been adjustments by individuals. Adjustments at government levels always must be in human terms.

In Maine, we now have reached a point where we know with certainty that amounts appropriated for certain purposes are not adequate to provide the level of government services which existing laws set forth. These inadequacies are forcing municipalities to assume financial obligations *not* intended by these selfsame laws.

Under these circumstances, it shall be recommended for your consideration that certain supplemental appropriations be made. By so doing, we will keep faith with the people.

You will notice recommendations are made for the second year of the biennium.

This is necessary because deficiencies during that period already have been established and the 95th Legislature will not convene until

six months after the fiscal year has started.

In our approach, let us *not* be divided by party lines. The social and economic gains which we have made and which we now seek to preserve are too precious to be lost through indifference or neglect of our responsibilities.

It is my duty to give you the facts, all the facts, that you may take such action as you deem prudent.

Revenues

Actual revenues for general fund use for the first six months of the fiscal year, ending last December 31, were very close to the estimates made at the regular session. Unless a real economic upswing occurs, our actual revenue for the year ending June 30 will be less than our estimates.

Expenditures

In our financial operations, we are utilizing the best accepted principles of good business management. Every activity is closely observed to eliminate duplication of effort and to provide the services of government on a basis consistent with the laws you enacted.

The appropriations for operation of the Executive, Judicial and Legislative branches supported by general fund revenue are meeting the basic needs with the general exceptions of education and welfare.

These activities deal with the greatest number of our people and the major portion of the funds are used for subsidy payments either to municipalities or to our people directly.

Education

The Constitution clearly establishes education as a function of the State by authorizing the Legislature to require the several cities and towns to make suitable provisions for the maintenance and operation of public schools.

From time to time, legislative sessions have acted to define the broad term "suitable provisions" and to aid municipalities financially unable to carry out their mandated responsibilities.

Twelve sections of Chapter 37 prescribe subsidy payments which are obligations of the State.

These provisions do not say the State *may* make certain subsidy payments, but they say — *shall* — which makes it our moral responsibility either to provide sufficient monies or change the law to fit the dollars at hand.

At this point, we have done neither.

In December, when the Department of Education completed an analysis of subsidy obligations, it was found we were lacking \$522,400 to meet requirements under existing law for the period July 1, 1949 to June 30, 1950.

Faced with this deficiency, the State Board of Education had no alternative but to direct partial payments which permitted a distribution of approximately 91 per cent of monies anticipated by municipalities on the basis of the law as now constituted.

So much for the current fiscal year.

In the second year of the biennium, we definitely know at least an equal amount will be required plus an additional \$75,000 for equalization. Therefore, to be realistic we should make available \$597,400 for the period July 1, 1950 to June 30, 1951.

We should be mindful that if municipalities further increase their support of education additional amounts may be required if the State is to meet its share of the contractual subsidy agreement.

The State's inability to meet in full its subsidy obligations has placed an unfair financial burden upon already over-taxed municipalities who now appeal to us for relief.

General and specific changes are creating greater demand for educational subsidy funds. Surveys disclose a growing birth rate and project increased enrollments in our schools of 30,000 pupils in a short span.

This translates itself into more teachers, more buildings and more equipment.

Costly to be sure, but highly desirable if we want to keep our youth strong in body, keen in mind, brave in heart and generous in spirit.

University of Maine

In the field of higher education, our State University faces a difficult period in the last year of the biennium, ending June 30, 1951. Income from the mill tax, the University's only source of State financial support, has proved insufficient to meet operational cost.

This lack of funds has resulted in two situations, neither of which seems desirable in a State-supported University. Tuition rates have been increased and today the University of Maine has the highest tuition of any land grant college in the Country. Very necessary maintenance has been deferred for lack of funds.

The availability of \$200,000 would ease materially existing retrenchments which have been forced upon those in whom we have vested responsibility for educating our young men and young women. The absence of such support can only mean further curtailments in the year ahead.

It appears both wise and proper that we act now to forestall a more serious curtailment of educational opportunities at our State University.

Retired Teachers

We have at the present time approximately 600 teachers over 65 years of age who have given a large part of their lives to the citizens of Maine in the field of education.

Many of them were your teachers and mine.

They do not fall within the contributory pension plan. They served at a time when salaries were low and a devotion to duty kept them in the field of education. Under present provisions of the law, many are finding it difficult to provide for themselves even the bare necessities of life.

They need help.

A \$100-a-year increase applied to present maximums, while not all that can be desired, certainly will

bring to you the everlasting blessings of this deserving group. It will assist them in a period of urgent need.

To provide this aid, effective March 1, will require \$21,000 for the current fiscal year and \$60,000 for the 1950-51 period.

Welfare

We have a moral and legal responsibility to those who in adversity require assistance.

It has been our historic policy to lend a helping hand to the needy. Because our obligation is clear-cut, I will discuss briefly and factually situations concerning our welfare program.

Old Age Assistance

In old age assistance, applications for the first six months of the fiscal year increased 50 per cent over the preceding comparable period. It has produced a case load of 14,614 active recipients compared to 13,719 at the beginning of the fiscal year.

To finance this increase for the remainder of the fiscal year \$250,000 is required.

At the present rate of acceptance, the case load unquestionably will reach 15,000 by July 1. To finance this new peak from July 1 to June 30, next year, will require an additional \$450,000. Should the case load increase beyond this projected 15,000, still additional monies will be necessary.

The decision facing us can be reduced in simple terms to this:

1. Maintain present standards by appropriating additional funds, or
2. Cut the average grant, which seems neither proper nor just.

General Relief

In the case of General Relief, also known as State Pauper Support, we are faced with another increased case load. In order to provide reimbursement to municipalities, who in the first instance are required to provide assistance, \$250,000 is required for the year ending June 30, 1950 and \$250,000 for the year ending June 30, 1951.

These general relief cases are the legal responsibility of the State.

Old Age Assistance Burials

Failure to provide an appropriation for this activity as set forth by law has further added to the financial difficulties of cities and towns.

It is my recommendation that we make available \$30,000 for the present fiscal year retroactive to January 1 and \$60,000 for the 1950-51 fiscal year.

Aid To Dependent Children

To continue our present program of Aid to Dependent Children, which is designed to maintain the family unit, requires \$100,000 for the fiscal year ending June 30, 1951. This sum will maintain the program at present standards.

Board and Care of Neglected Children

Under existing law, the State is required to maintain all children placed in its custody by order of the courts. There can be no control over the number of custodies thus ordered. Based on the present case load \$100,000 must be provided to maintain this function in the 1950-51 fiscal year.

Welfare Summary

Because of the continuing emergency in the welfare field, it appears desirable that authorization be given by the Legislature that any unexpended funds in the 1949-50 fiscal year be carried forward to the 1950-51 period with the full assurance that every safeguard will be exercised for the proper use of such funds and that expenditures will not be made except when absolutely necessary.

State Employees Pay

At the regular session, this Legislature provided an amount sufficient to continue the present pay schedule for full time State employees in the classified service until June 30 next.

You expressed the hope by joint resolution that some way could be found to continue this same scale during the next fiscal year. With conditions as they are, many of our departments cannot absorb this requirement.

Therefore, if it is desired that this present scale be continued, it is recommended \$250,000 be made available to be used on approval of the Governor and Council by those departments who cannot meet this expense within their regular appropriations.

Summary of Appropriation Suggestions

The sum total of needs as outlined is:

	1949-50	1950-51
Education	\$ 522,400.00	\$ 597,400.00
University of Maine	—	200,000.00
Teachers Pensions	21,000.00	60,000.00
Health and Welfare	530,000.00	960,000.00
State Employees Pay Scale	—	250,000.00

Total \$1,073,400.00 \$2,067,400.00

Utilization of surplus funds to finance current operating expenses does not lend itself, generally speaking, to a sound fiscal policy.

However, rapidly changing economic conditions have produced emergency situations which can be solved only through the expedient of emergency action.

To adhere strictly to this juncture to financial policies of a more stable era would be unrealistic in my sincere judgment.

We must face the facts.

If we are to ease the plight of our citizens in the field of education and welfare, if we are to reduce known suffering among revered teachers of another day, if we are to ease the minds of faithful and efficient State employees, our course is clearly defined.

In the situation confronting us today when we have an excess of funds available from taxes previously collected, it is my belief we should make available such amounts as may be determined necessary to provide for the essential needs of the people.

We must understand that providing such funds as recommended will without question deplete the unappropriated surplus. We must know and appreciate this fully.

There are many precedents for the use of surplus funds under emergency circumstances. Other states have done this and are continuing to do so.

Unemployment Security Benefits

At the time of the regular session changes were made in the schedule of benefits under our Unemployment Security Law.

The benefits presently in effect do not appear to be providing properly for those coming under the provision of this act.

It is my recommendation that the present law be amended to allow a more fair and acceptable schedule of benefits for our unemployed who are covered by this statute.

Highway Betterment Fund Allocation

Betterment funds on state-aid roads were eliminated in the final draft of the Highway Allocation Bill. This appears neither to have been the intent of the committee nor of the Legislature. It is recommended that this provision be placed in the act by amendment to correct an obvious error.

Summary

It is my sincere hope that you may find it possible to limit legislation to measures that affect the over-all picture and to refrain from introducing measures which, while desirable, can await a regular session.

The problems set forth are state-wide in nature. If we can agree on such of them as outlined, provide the funds and adjourn, the best interests of the public will have been served.

Accept my sincere thanks for your splendid cooperation in assembling here.

Your Legislative Research Committee has worked closely with me in compiling more detailed information than it is logical to present in an address here this afternoon. This data is now in your possession. Their cooperation and interest is appreciated.

Conclusion

In conclusion, let me place upon the records two sincere convictions:

1. We owe our youth the best educational preparation within our power to prepare them to take over burdens which we are going to thrust upon their shoulders.

2. Any action taken by this Legislature in behalf of those less fortunate than ourselves conceivably will return many to their rightful heritage as honest, upright, responsible God-fearing citizens.

Governor Payne, accompanied by the Executive Council and suite then retired, amid the applause of the Convention, the audience rising.

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

In the House

The House was called to order by the Speaker.

The SPEAKER: The House will be at ease pending receipt of papers from the Senate expected almost immediately. For that reason, the Chair will request that the Members remain close to their seats so that the House can act on the papers as soon as they are received from the Senate.

House at Ease

The House was called to order by the Speaker.

Papers from the Senate

From the Senate: The following Orders:

ORDERED, the House concurring, that one thousand copies of the Governor's message be printed. (S. P. 707)

ORDERED, the House concurring, that the Superintendent of Buildings is hereby given charge of all assignments of rooms for hearings in the Capitol Building, and that all applications for rooms for hear-

ings must be made to him in writing forty-eight hours previous to the time when said rooms are to be used for that purpose. (S. P. 708)

ORDERED, the House concurring, that three hundred and twenty copies of the Legislative Record for the Special Session of 1950, convened on February 6, 1950, be printed and bound, one copy each for the members of the Senate, House of Representatives, the Secretary of the Senate and the Clerk of the House, and the remainder to be deposited in the State Library for exchange and free distribution to libraries and state officials, and

BE IT FURTHER ORDERED, that three hundred and fifty copies of the Legislative Record be printed in pamphlet form for distribution from day to day to members of the Legislature and the departments under the direction of the Document Clerk. (S. P. 709)

ORDERED, the House concurring, that free telephone service be provided for each member and officer of the Senate and House to the number of fifteen (15) calls, of reasonable duration from Augusta to points within the limits of the State of Maine, and that each member and officer of the Senate and House be provided with a card to be certified to by the Secretary of the Senate and Clerk of the House, respectively, of this service to be paid to the New England Telephone and Telegraph Company at regular tariff rates. (S. P. 710)

ORDERED, the House concurring, that no bill or resolve be received at this special session unless by unanimous consent in the body in which it is introduced except such as relate directly to the subject matters contained in the Governor's message of February 6, 1950, to the Legislature, and it is further

ORDERED, the House concurring, that any bill or resolve which shall be received in either branch of this Legislature by unanimous consent shall stand referred to the Ninety-fifth Legislature if unanimous consent for its reception is not given in the other body in concurrence. (S. P. 711)

ORDERED, the House concurring, that the Secretary of the Senate and the Clerk of the House be authorized to have immediately printed all bills and resolves deposited in their respective offices, when printing has been approved by the Committee on Reference of Bills. (S. P. 712)

Came from the Senate read and passed.

In the House, read and passed in concurrence.

On motion by Miss Longstaff of Crystal, the following Bill was received out of order under suspension of the rules:

Bill "An Act relating to Elderly Teachers' Pensions" (H. P. 2125) and on motion by Mrs. Fay of Portland, was referred to the Committees on Appropriations and Financial Affairs, Welfare and Education jointly, ordered printed, and on motion by Mr. Palmer of Nobleboro, was ordered sent forthwith to the Senate.

On motion by Mr. Brown of Unity, the following Bill was received out of order under suspension of the rules:

Bill "An Act to Appropriate Monies to Supplement Appropriations for the Expenditures of State Government and to Appropriate Monies for Other Purposes for the Fiscal Years Ending June 30, 1950 and June 30, 1951" (H. P. 2126) and on motion by Mr. Hill of Bingham was referred to the Committee on Appropriations and Financial Affairs, Welfare and Education jointly, ordered printed, and on motion by Mr. Palmer of Nobleboro, was ordered sent forthwith to the Senate.

On motion by Mr. Paine of Portland, the following Bill was received out of order under suspension of the rules:

Bill "An Act relating to Payment of Benefits Under Employment Security Law" (H. P. 2127) and on further motion by same gentleman, was referred to the Committee on Federal Relations, ordered printed,

and on motion by Mr. Palmer of Nobleboro, was ordered sent forthwith to the Senate.

On motion by Mr. Burgess of Limestone, the House recessed until 4:45 P. M. today.

AFTER RECESS

The House was called to order by the Speaker.

The following paper from the Senate was taken up out of order under suspension of the rules:

Bill "An Act Providing for the Reallocation of Part of the Betterment Appropriation in Favor of State Aid Highways" (S.P. 713)

Came from the Senate referred to the Committee on Ways and Bridges.

In the House, referred to the Committee on Ways and Bridges in concurrence.

The SPEAKER: The Chair at this time notes the presence in the Hall of the House of the gentleman from Orient, Mr. Maxell, and the gentleman from Portland, Mr. Chapman. If there is no objection, the Clerk will correct the roll

call in order that their presence this afternoon may be noted.

The House is now proceeding with its regular order of business.

The Chair recognizes the gentleman from Blaine, Mr. Bubar.

Mr. BUBAR: Mr. Speaker, I wish to present an order and move its passage.

The SPEAKER: The gentleman from Blaine, Mr. Bubar, presents an order and moves its passage.

Will the gentleman kindly approach the rostrum.

The Chair now understands that the gentleman from Blaine, Mr. Bubar, does not, at this time, present his order.

Orders of the Day

The SPEAKER: The Chair recognizes the gentleman from Limestone, Mr. Burgess.

Mr. BURGESS: Mr. Speaker, I move that the House do now adjourn until ten A.M., February 7th.

The SPEAKER: The gentleman from Limestone, Mr. Burgess, moves that the House do now adjourn until ten A.M., February 7th, 1950. Is this the pleasure of the House?

The motion prevailed and the House so adjourned.