LEGISLATIVE RECORD

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OF THE

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HOUSE

Thursday, January 10, 1957

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

Prayer by the Rev. Dwain Evans of Augusta.

The journal of the previous session was read and approved.

Paper from the Senate

From the Senate: The following order:

ORDERED, the House concurring, that any Town Clerk or Board of County Commissioners may, upon written request to the document clerk, receive without charge copies of all printed bills, so that there may be available to the public during the legislative session, a complete and convenient file of all printed bills (S. P. 20)

Came from the Senate read and passed.

In the House, the Order was read and passed in concurrence.

The SPEAKER: The Clerk will read a Senate paper which is not on the Advance Journal.

From the Senate: The following Order:

ORDERED, the House concurring, that when the Senate and House adjourn, they adjourn to meet on Tuesday, January 15, 1957, at 10:00 o'clock in the morning (S. P. 21)

Came from the Senate read and passed.

In the House, the Order was read and passed in concurrence.

Petitions, Bills and Resolves Requiring Reference

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

Claims

Resolve to Reimburse Saul Jandreau of St. Francis Plantation for Beaver Damage (H. P. 16) (Presented by Mr. Gallant of Eagle Lake)

(Ordered Printed)

Resolve to Reimburse St. Francis Plantation for Certain Pauper Supplies (H. P. 17) (Presented by same gentleman)

(Ordered Printed)

Resolve to Compensate William H. Barker of Waterford for Injuries While Training with National Guard (H. P. 18) (Presented by Mr. Saunders of Bethel by request)

(Ordered Printed)

Sent up for concurrence.

Highways

Bill "An Act to Authorize the Construction of a Causeway, Connecting Cousins Island with Littlejohns Island, and a Bridge and Causeway Connecting Littlejohns with Chebeague Island" (H. P. 19) (Presented by Mr. Call of Cumberland)

(Ordered Printed)

Sent up for concurrence.

Inland Fisheries and Game

Bill "An Act relating to Trapping for Bear" (H. P. 20) (Presented by Mr. Gallant of Eagle Lake)

(Ordered Printed)

Resolve Regulating Fishing in Red River Chain of Lakes, Aroostook County (H. P. 21) (Presented by same gentleman)

(Ordered Printed)

Sent up for concurrence.

Legal Affairs

Bill "An Act to Amend the Charter of the Town of Mount Desert to Give the Selectmen Authority to Make Ordinances" (H. P. 23) (Presented by Mr. Graves of Mount Desert)

(Ordered Printed)

Bill "An Act relating to Fire Hazards in Certain Buildings" (H. P. 24) (Presented by Mr. Pierce of Bucksport)

(Ordered Printed)

Bill "An Act relating to Procedure to Repair or Demolish Buildings after Fire" (H. P. 25) (Presented by same gentleman)

(Ordered Printed)

Sent up for concurrence.

State Government

Bill "An Act relating to State Owned Cars for Supervising State Fire Inspectors" (H. P. 26) (Presented by Mr. Pierce of Bucksport)

(Ordered Printed)

Sent up for concurrence.

Towns and Counties

Bill "An Act to Increase the Salary of the Judge of the Pittsfield Municipal Court" (H. P. 15) (Presented by Mr. Whiting of Skowhegan)

(Ordered Printed)

Bill "An Act to Increase the Salary of Judge of Western Somerset Municipal Court" (H. P. 22) (Presented by same gentleman)

(Ordered Printed)

Bill "An Act to Increase Certain County Salaries in Somerset County" (H. P. 27) (Presented by same gentleman)

(Ordered Printed)

Sent up for concurrence.

At this point, a message came from the Senate, borne by Secretary Winslow of that body, proposing a Joint Convention to be held forthwith in the Hall of the House of Representatives for the purpose of extending to His Excellency, Governor Edmund S. Muskie, an invitation to attend the Convention and make such communication as he may be pleased to make.

The House voted to concur in the proposal for a Joint Convention and the Clerk was charged with and conveyed a message to the Senate to that effect.

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

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

In Convention

The President of the Senate, Robert N. Haskell, in the Chair.

Order out of Order

On motion of Mr. Stanley of Bangor, it was

ORDERED, that there be appointed a committee of ten members of this Convention, to present to His Excellency and MRS. MUSKIE an appropriate gift, expressing our congratulations on the birth of MELINDA ANN MUSKIE.

The Order was read and passed.

The Chair appointed:

Representatives:

STANLEY of Bangor
TOTMAN of Bangor
CHRISTIE of Presque Isle
MANN of Paris
CHILDS of Portland
ROSS of Brownville
STORM of Sherman
ELWELL of Brooks
WALSH of Brunswick
CORMIER of Rumford
HENDRICKS of Portland

On motion of Senator Sinclair of Somerset, it was

ORDERED, that a Committee be appointed to wait upon His Excellency, Governor Edmund S. Muskie, and inform him that the two branches of the Legislature are in Convention assembled, ready to receive such communication as he may be pleased to make.

The Chair appointed:

Senators:

SINCLAIR of Somerset
DAVIS of Cumberland
LESSARD of Androscoggin

Representatives:

BEAN of Winterport
LEATHERS of Hermon
BRAGDON of Perham
DAVIS of Calais
WOOD of Webster
EDWARDS of Raymond
DUQUETTE of Biddeford

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

Thereupon Governor Edmund S. Muskie, attended by the Executive Council, entered the Convention Hall.

The Governor addressed the Convention as follows:

Mr. President and Members of the 98th Legislature:

As we contemplate the future of our State, and what we would like it to be, it becomes a relatively simple matter to point to needs and deficiencies in the various programs and services provided by State government. Citizens and groups of citizens, in increasing numbers, are concerning themselves with these problems. Leaders in government, on both State and local levels, on their own initiative, and under pressure of public interest, are asking themselves, "How can we improve

what we are doing, and what else should we be doing, to make our communities and our State better places in which to live?"

Thus it is that there is no shortage of suggestions and proposals for expanded, improved, and new services. This fact should be a source of encouragement and gratification to all who are interested in progress for Maine because it indicates, first, a growing public awareness of the job to be done, and, second, a willingness to support the decisions which must be made if the job is to be done.

At the same time, this situation imposes a heavy responsibility upon you and me. It is self-evident that our resources are not unlimited, and that, as a consequence, we cannot give our approval to all the programs and services which could be justified in terms of our long-range goals. Clearly, then, it becomes our task to assign wise priorities to all the proposals which we shall consider, and to authorize as many of them as, in our best judgment, our people can and are willing to support. Our effort should be to insure that we shall travel along the road to progress as fast as we can, even though it may not be as fast as we would like.

This is the underlying philosophy of this budget message and of the budget document which is before you. I might add that it is not an austerity budget, nor is it intended to provide luxuries. The intent is to provide for services which are essential if we are to make any progress at all.

It is fundamental in our governmental system that final fiscal authority lies in the Legislature. Were it otherwise, the people would rapidly lose control of their government, inasmuch as the power of the purse is, undoubtedly, the most authoritative power of government. It is a power which can be used both creatively and destructively, and as such should be exercised by the elected representatives of all the people.

The executive budget system is a comparatively recent instrument for the exercise of this power. Because of the growth of government in the past quarter century, it has become an indispensable tool of the Legislature in the exercise of its fiscal authority. Without it, the individual legislator would find it almost impossible to appraise and evaluate what State government is doing with the taxpayer's dollar.

I state these principles, not to avoid responsibility for our budget problems, but to indicate to you that the budget document before you is primarily advisory and informative and has been designed to fill those functions as effectively as possible, in order that it may be of maximum assistance to you as you ponder the fiscal decisions which you must make. At the same time, I have recognized my responsibility to make specific recommendations.

General Fund

Bearing in mind these functions of the budget document, I have tried to anticipate at least the broad questions which you would be likely to ask; and I have addressed myself first to general fund operations.

The first question, it seems to me, would be this: "How much will it cost us to continue current services?"

The term "current services" refers to what State government is now doing. More specifically, it refers to those programs and services which are now being provided and which were authorized prior to this session of the Legislature.

Total appropriations by the 97th Legislature for this purpose for the current biennium were $75,555,999.62. Transfers from the contingent account, by the Governor and Executive Council, according to the latest figures available, increase this total to $75,678,912.00.

Of this total, the sum of $799,793.64 lapsed in the first year of the biennium, and it is estimated that an additional $975,277.00 will lapse at the end of the current fiscal year.

Lapsed balances are appropriations which are not spent. Why do these sums lapse? There are a number of reasons, but, in general, the following are the important ones:

1. In some instances, notably Augusta State Hospital, positions, for which appropriations were author-

ized, have been unfilled because of recruitment problems.

2. Turnover in personnel, resulting in the replacement of personnel at the top of their salary range by persons who come in at the bottom of the range.

3. In welfare programs, it is almost impossible to project costs exactly, in part because of the changing impact of Federal participating funds, and, in part because of the unpredictability of economic conditions, with the result that lapsing balances occur.

4. For a variety of reasons, actual expenditures for such items as supplies, commodities, travel, equipment, repairs, utilities, and others may be less than was estimated. This is understandable in a budget which must be projected more than two years in advance, and which must anticipate contingencies.

It is evident, then, that specific lapsing balances are not predictable, that they do not necessarily recur, and that we cannot rely upon their recurrence. However, as we are able to improve our budget processes, with the assistance of such tools as line budgeting, we should be able to project estimates which will more closely approximate actual expenditures. Annual sessions of the Legislature would be helpful in this respect, by cutting in half the period for which we must anticipate economic conditions and their effect upon revenues and expenditures.

As a result of the foregoing transfers and lapsing balances, actual and estimated, net appropriations for current services for the current biennium total an estimated $73,903,841.69.

Current Services Budget

As submitted to me and your Budget Advisory Committee in October, appropriation requests for general fund operations for the next biennium amounted to $91,011,668.00. These requests did not include the proposed pay increases for State employees, nor the recommendations of the Jacobs report on education, nor other proposals which have been presented to me from time to time by various agencies and groups—the total of which involve several millions of additional dollars.

Nevertheless, the appropriation requests did include requests for expanded, improved, and new services in addition to current services. In order to present a current services budget, therefore, it was necessary to review these requests and to eliminate, for this purpose, all but current services. This was done and, as you will note, the resulting figure is $82,265,022.00, or, $8,746,646.00 less than the appropriation requests.

I have said that this is not an austerity budget. It might be helpful to illustrate this point.

With respect to personnel positions for which appropriations were authorized by the 97th Legislature, but which have remained unfilled only because of recruitment problems, two approaches are possible. First, provision could be made only for the average number of positions which were actually filled; or, second, provision could be made for all positions which are now authorized, whether or not they are filled. The choice of one of these two alternatives is of particular importance to some of our institutions.

I have taken the second approach for two reasons: first of all, these positions are presently authorized and, by definition, should be included in the current services budget; and, secondly, they reflect a standard of service which was approved by the 97th Legislature and below which we should not go if we do nothing more than continue current services. This choice has an obvious impact upon the budgets and standards of care at institutions such as Augusta State Hospital, where the recruitment problem has been especially critical.

This illustration will serve to make the point that the current services budget is designed to continue currently authorized standards of service by State government.

To do this much will involve a greater dollar cost. In other words, current services will cost more in the next biennium than in the current biennium. The following items account for the bulk of the increase in cost:

1. **Educational subsidies**—$3,619,716.00. This figure represents the increase in the cost of general purpose educational aid subsidies if we are to meet the full requirements of the existing formula.

2. **Commodity costs**—$278,852.00. Existing economic conditions and indices suggest the wisdom of providing for increases in costs of commodities in the event the cost of living continues to rise. Accordingly, a 3 per cent rise has been projected.

3. **Operating cost of new buildings**—$710,323.00. This represents the cost of operating, for a full biennium, new buildings which have been operational for only part of the current biennium; and of new buildings which will become operational in the next biennium. The new State office building and the new Maine School for the Deaf are two of the larger examples.

4. **Merit increases** — $573,895.00. The pay plan applicable to State employees in the classified service provides for these increases, and it is estimated that the increases which will be earned in the next biennium will reach this total.

5. **Maine State Retirement System**—$889,503.00. The State's contribution to this system must be increased, in part to cover service rendered by State employees and teachers prior to the effective dates of the acts applicable to these two groups, and, in part because of increases in the cost of personal services as the result of merit increases and other increases in compensation. The total increase with respect to State employees is $401,261.00. With respect to teachers, it is $488,242.00. It should be pointed out that additional increments of increase are likely to be required for a number of years into the future.

6. **Various assistance programs**—$562,591.00. This increase reflects increases in caseload and in the size of average grants under the various assistance programs. For example, during the current biennium, the Governor and Executive Council, acting under statutory authority, increased the maximum grant in the Old Age Assistance Program from $55.00 per month to $60.00 per month when the Congress raised the ceiling for matching funds to that amount.

7. **Unfilled positions at institutions, etc.**—$520,862.00. This item has already been explained in the foregoing.

To the best of my knowledge, fortified by the experienced advice of department heads and of the Budget Office, this budget represents the cost of current services, as defined above, for the next biennium; and it should permit a continuation of those services for that period without a reduction in current standards, barring presently unforeseen changes in economic conditions.

Obviously, cuts can be made if it is your wish to reduce standards or to eliminate existing services.

Revenue Estimates

Thus, the answer to the first question I have posed is that current services can be continued at a cost of $82,265,022.00 for the next biennium.

The next question I would anticipate is this: "Can we meet this cost within existing revenue sources without increases in tax rates?" The answer, subject to qualifications which I will explain, is: "Yes, we can."

Revenue estimating is an important part of governmental budgeting. It must be something more than guesswork or wishful thinking if we are to insure sound fiscal management. To be sound, it must take into consideration our revenue experience, economic indices reflecting existing and projected economic activity, special factors influencing the yield of particular tax sources, unusual circumstances affecting particular economic groups within the State, and other factors. There is a constant need for better and more accurate revenue estimating. At best, there can never be any guarantee that today's estimate will prove to be either conservative or reckless.

It can be extremely risky to assume that what has been will be, that, because there has been a constant rise for ten or fifteen years, such a rise will continue. This risk is increased when we consider that we are looking into the future more than two years.

The fact that past estimates have produced surpluses should not con-

stitute an open invitation to indiscriminate increases in present estimates. Relatively small changes in the economy could produce deficits as easily.

We must constantly bear in mind that, as we exercise the relatively pleasant privilege of authorizing appropriations for worthwhile programs, we share the relatively unpleasant responsibility of insuring that there will be funds to support them.

Let us consider, then, the revenue estimates which you will find in the budget document.

The estimates of undedicated general fund revenues which were submitted to me and the Budget Advisory Committee in October amounted to $82,105,416.00 for the next biennium.

I reviewed these estimates carefully in the light of the factors which I have described. For the same reasons that commodity costs were projected at a 3 per cent increase, it seemed sound, after careful analysis, to project revenue estimates on the same basis with respect to revenue sources which are responsive to changes in the economy, giving appropriate weight, of course, to special factors affecting particular revenues.

The revenue estimates which I submit total $83,668,086.00 for the next biennium, or, an increase of $1,562,670.00 over the estimates submitted to me. This figure exceeds the amount necessary to finance the current services budget by $1,403,064.00. This budget, then, is a balanced budget.

The changes in estimates should not suggest any doubts relative to the estimates submitted by the revenue-estimating agencies. Their methods are sound and merit your confidence. The estimates which I submit reflect a longer experience in the current fiscal year and are intended to approach as closely as possible the level of actual revenues as they are realized.

Supplemental Budget

Having discussed the cost of current services and having determined that we can meet it, with something to spare, I anticipate that your next question might be this: "Should we provide for something more than current services?" My own answer is "Yes, we should."

I have again used the device of a supplemental budget to spell out the expanded, improved, and new services which, in my opinion, you should consider.

In the field of economic resources and development, supplemental appropriations are recommended as follows:

1. For the Department of Development of Industry and Commerce, $48,096.00 the first year and $54,022.00 the second year. This will provide for a worthwhile expansion of the work in the Divisions of Industrial Development, Research and Planning, and Geology.

2. For the Maine Port Authority, $37,600.00 annually for promotion and solicitation of business.

3. For the Water Improvement Commission, $33,240.00 the first year and $33,552.00 the second year. These sums will provide the technical and enforcement staff needed if the recommended classifications of streams are adopted by this Legislature; and, in addition, will provide consulting and planning services to assist municipalites in planning their facilities.

4. To assist municipalities in taking advantage of available federal funds for sewage disposal planning and construction, in accordance with the inaugural message, $418,000.00 each year of the biennium.

5. Various supplemental appropriations for Baxter State Park and the departments of Agriculture, Forestry, and Sea and Shore Fisheries for the purposes indicated in the budget document.

In the field of institutions, supplemental appropriations are recommended as follows:

1. For Augusta State Hospital, to provide for improved standards of care and treatment, $56,480.00 the first year and $58,890.00 the second year; and, at the same institution, to establish an out-patient service, $20,080.00 the first year and $17,688.00 the second year.

2. For Pownal State School, to develop an improved training program and to provide more nearly adequate employee coverage, $246,988.00 the

first year and $261,262.00 the second year.

3. For the State School for Boys, to develop an improved program of rehabilitation, education, and training, $66,138.00 the first year and $63,394.00 the second year.

4. For the Maine State Prison and the Reformatory for Men supplemental appropriations to provide minimum additional staff for purposes indicated.

5. For the purpose of establishing a statewide probation system, as part of an integrated program of probation and parole, $212,874.00 the first year and $207,010.00 the second year. If this program is adopted, there can be credited against these figures the sums provided in the current services budget for the Parole Board in the amount of $59,074.00 the first year and $59,646.00 the second year.

In the field of health and welfare, supplemental appropriations are recommended as follows:

1. For aid to public and private hospitals, to provide additional funds for direct payment to hospitals for the medically indigent, $275,000.00 in each year.

2. For alcoholic rehabilitation, to develop a program of direct services for counseling, education, and some clinic care, $24,038.00 the first year and $24,454.00 the second year.

3. To provide for essential improvement in the program for board and care of neglected children, $274,592.00 the first year and $275,398.00 the second year.

4. To provide for a 5 per cent increase in the grants for all recipients under the various assistance programs, in at least partial recognition of increases in the cost of living, $493,240.00 in each year.

5. To provide for elimination of the citizenship requirement in the program for old age assistance, $93,000.00 the first year and $115,000.00 the second year.

6. To provide improved nursing home care for the aged, the blind, the disabled, and dependent children, $500,000.00 in each year.

In the field of education, supplemental appropriations are recommended as follows:

1. To implement the recommendations of the Jacobs report $1,353,233.00 in each year.

2. To provide new teaching positions and increased salaries at the teachers colleges and the Fort Kent Normal School, $100,601.00 the first year and $98,526.00 the second year.

3. For continued improvements and expansion at the University of Maine, $153,944.00 the first year and $336,286.00 the second year.

4. To provide for increased costs at the Maine Maritime Academy, $30,000.00 in each year.

5. To continue the second practical nursing school, $38,381.00 the first year and $40,522.00 the second year.

6. To add a new course at the Maine Vocational Technical Institute, $16,137.00 the first year and $18,249.00 the second year.

7. For vocational rehabilitation, to provide additional counselors and increased grants, $63,210.00 the first year and $63,636.00 the second year.

8. For the Maine State Library, to provide for one new bookmobile, $18,145.00 the first year and $12,859.00 the second year.

In addition to the foregoing, the supplemental budget includes the following major recommendations:

1. To implement Salary Plan No. 1 of the Public Administration Service, $943,959.00 in each year.

2. To provide funds for the Public Improvements Reserve Fund, as described later in this message, $2,000,000.00 in each year.

3. For Civil Defense and Public Safety, to provide for expansion considered minimum in the light of world conditions, $51,020.00 the first year and $52,658.00 the second year.

4. For the Department of Audit, to improve the scope of its service to municipalities, $24,000.00 the first year and $25,000.00 the second year.

5. For the Bureau of Purchases, to expand the material and specification examinations service and to strengthen the organization of the bureau, $17,480.00 the first year and $16,966.00 the second year.

6. For the Division of Public Improvements, to provide for expansion of its functions, $24,298.00 the first year and $22,876.00 the second year.

The total of all recommendations in the supplemental budget is $7,789,068.00 for the first year of the next biennium and $8,014,909.00 the second year.

It is your decision, of course, whether all or any part of the supplemental budget shall be approved. It represents an effort on my part to present a balanced program for progress. As was the case two years ago, the recommendations have been reduced to essentials, and, in many instances, are for less than the amounts which could be justified. There may be differences of opinion among you as to the degree of emphasis which should be given to different areas of service. Nevertheless, in my opinion, this budget, supplementing the current services budget, will make possible encouraging advances along a broad front.

Financing the Supplemental Budget

The next question, which you will undoubtedly pose, is this: "How can we finance the supplemental budget?"

Against the cost, which I have just discussed, we can apply the excess of estimated revenues over the cost of the current services budget. This excess amounts to $674,348.00 in the first year of the next biennium and $728,716.00 the second year. Thus, estimates of undedicated general fund revenues fall short of financing both the current services and supplemental budgets by $7,114,720.00 the first year and $7,286,193.00 the second year. Accordingly, in order to finance the complete supplemental budget, we must provide additional revenues of about $7,300,000.00 per year.

A one cent increase in the sales tax, with added exemptions for water, and for electricity and gas used in domestic consumption, to make the tax less burdensome on those least able to pay, would produce an estimated $7,359,701.00 per year in added revenue. This would be sufficient to finance the supplemental budget; and should be considered.

There is no other single tax source, now utilized in the General Fund, which could reasonably be expected to produce the additional revenue needed. In the event several sources in combination are considered, it should be remembered that the two largest sources, aside from the sales tax, were tapped two years ago.

In any event, your decision as to the most equitable source of additional tax revenues will be shaped by your decision as to what services, not included in the current services budget, you may wish to approve. When your deliberations have reached that point, I will be happy to reconsider the tax question with you; in the event you should wish to consider other alternatives.

Capital Improvements

I turn now to the budget recommendations relative to capital improvements.

Two years ago I recommended that we set up a permanent, long range construction program in the Department of Finance and Administration to evaluate and plan our long-range building needs.

This recommendation was approved by the 97th Legislature. The legislation became law in August of 1955, and organization and staffing of the Division of Public Improvements was completed by January, a year ago.

Within the past month, you have received copies of the Division's first report, consisting of "Requests for Capital Improvements" as submitted by the various departments and agencies of State government. I think you will agree with me that the Division is to be commended upon the quality of this presentation.

With respect to this report, the following points should be made at this time:

1. The estimated cost of the projects included in the report totals $27,998,981.00, of which $24,997,955.00 would have to be provided by appropriations.

2. The requests reported do not include the additional amounts necessary for projects authorized by the 97th Legislature but postponed because of increases in costs above the amounts appropriated. The details will be presented to you in due course.

3. The requests reported do not include proposed construction and improvement of airports. The requested appropriations for this purpose total $424,344.00.

4. The requests reported do not include miscellaneous, supplementary items which have been brought to my attention since publication of the report and which merit consideration.

5. The report indicates the priorities assigned to the proposed projects by the various departments and agencies. It does not assign over-all priorities, cutting across departmental lines. However, in the foreword can be found ten recommended priority groupings which are valuable for the purpose of assigning over-all priorities.

It should be pointed out also that this report is not a final or complete picture of our long-range building needs. Such a picture will require a much longer period of planning and evaluation of needs by both the departments and the Division than has been available. It will require a further study of population pressures and trends, the demands which such pressures and trends will impose upon our institutional and educational facilities, projected developments in institutional and educational programs, engineering and architectural problems, and other factors. The Division has made an excellent beginning in this respect.

Notwithstanding the foregoing limitations, the report, supplemented by additional information which will be provided, justifies the following conclusions:

1. A substantial number of the projects covered are immediately necessary and should be authorized as quickly as funds can be made available.

2. An additional number of the projects covered are desirable and should be included in our planning for authorization within the timetable of some reasonable long range plan for financing our building needs.

3. Some projects should be postponed pending further development of our long-range building needs.

4. Substantial additional needs will be disclosed by further studies of our long-range requirements.

5. We cannot continue to rely upon the unpredictable general fund surplus to finance the construction of these facilities; and that, consequently, we should now devise and authorize a realistic means for doing so.

Financing the Capital Improvement Budget

Let us, then, consider this problem of finance.

The General Fund surplus, now available in part for this purpose, will total an estimated $10,598,685.00 at the end of the current biennium. You will note that this estimate exceeds the estimate which was presented to me and the Budget Advisory Committee in October by $1,334,946.00. The increase appears to be justified as a result of our additional experience in the current fiscal year since that time.

Provision must be made out of the General Fund surplus to replenish the contingency account at the end of each fiscal year in the next biennium. This will require a total of $900,000.00.

Provision must also be made out of the General Fund surplus to restore the State employees' and teachers' Group Life Insurance account, in the amount of $77,200.00.

Normally, it is also necessary to appropriate additional funds from the General Fund surplus to the Institutional Reserve Fund. However, it now appears that the carrying balance in that fund at the end of the current biennium will be such that a portion of the balance will be lapsed as a result of the application of the formula, which controls the size of the fund, to anticipated institutional needs. Thus, an appropriation will not be necessary for this purpose.

It has been customary also to retain $1,000,000.00-$2,000,000.00 of the General Fund surplus as additional working capital. I am advised by the Budget Officer, however, that we have developed a history of continuing, unexpended bal-

ances in the appropriations for capital construction, and that these balances undoubtedly can be relied upon for use as working capital in the next biennium. This conclusion will, of course, be strengthened if the recommended reserve for buildings is established.

As a result of the foregoing, there will be available for capital improvements out of General Fund surplus at the end of the current biennium an estimated $9,621,485.00.

Our first concern must be to provide for the highest priority projects within this amount. The selection is not an easy one to make. In making it, I have given weight to the priorities assigned by departments and agencies, the ten priority groupings suggested by the Division of Public Improvements, and other guides which have been developed by the Division and which will be made available to you. The selection thus determined may be found in the budget document. The price tag is $9,621,485.00.

Other high priority projects could not be provided within the estimated limits of available funds. I recommend that we make such provision as follows:

1. Appropriate $2,000,000.00 annually, as provided in the Supplemental Budget, into a Construction Reserve Fund.

2. Assign priorities to all projects for which provision, in your judgment, should be made. Suggestions in this respect will be presented to you.

3. Make available to the Division of Public Improvements the necessary funds to prepare plans and specifications for the projects thus selected as expeditiously as possible.

4. Authorize the use of the reserve fund, as it accumulates in the next biennium, for the construction of the projects thus selected, subject, of course, to the approval of the Governor and the Executive Council.

This proposal would serve to advance the date of construction of projects which are necessary but which cannot be financed out of the General Fund surplus and which must, otherwise, be delayed until the 99th Legislature convenes. This can be productive of savings. For example, the time necessary to prepare plans and specifications for projects authorized by the 97th Legislature was responsible for delays during a period when costs have been rising significantly. As a result, completion of those projects will require substantial additional appropriations.

Consideration has been given to a bond issue to finance a long-range building program. Such a proposal possibly should be considered at such time as we have a firm and complete analysis of long-range needs and their cost. On the other hand, it may prove unnecessary if we undertake, at this time, to do as much of the job as I have recommended, and continue to apply ourselves to it at the same level of effort for a reasonsable number of years into the future. For these reasons, it has seemed to me that authorization of a bond issue for this purpose at the present time would be premature.

One further comment should be made before I leave the subject of public improvements. At the present time the authority of the Division of Public Improvements is limited to planning. Its authority should be increased to give it supervisory, administrative, and operational functions as well. Legislation will be introduced for the purpose of expanding its usefulness to the State in this field.

Highway Fund

Let us now turn to the problems involved in the financing of a realistic highway program. These are no less pressing and demanding of our attention than those we have just considered relative to general fund operations.

The more than 20,000 miles of public roads in Maine are classified by law into three systems: the State highway system of about 3200 miles; State aid highways, totalling about 7900 miles; and town roads of about 9300 miles. Functionally, as part of an integrated, statewide network, State highways might be described as trunk lines, State aid highways as feeder roads connecting with the trunk lines, and the town roads as local service roads. Factually, no such clear-cut lines can be drawn between the functions of the three

systems; but 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. 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. This principle is easy to state, but becomes difficult of application, because of the relative inadequacy of our resources in the face of the understandable interest on the part of all groups and areas in the roads which pass by their doors.

The integration of these three systems is also complicated by the fact that responsibility for their planning, construction, and maintenance is divided among three levels of government—federal, state, and local. The federal government supports a major portion of the construction costs of 2800 miles of State highways and 1100 miles of State aid highways which are in the federal interstate, urban, primary, or secondary systems. State government supports the remaining portion of construction costs and all maintenance costs in these federal systems and the additional mileage in the State highway system; and, in varying degrees, participates with local government in the construction, reconstruction, improvement, and maintenance of the remaining State aid highways and of town roads. Local government contributes the major effort with respect to town roads.

State government, then, is the only level of government which carries at least some responsibility with respect to all three systems of public roads. The State's total responsibilities in this field are now large and require the use of all its existing resources and more if they are to be fully discharged. The Federal Government, as a result of the Federal Aid Highway Act of 1956, has tremendously expanded its highway program, particularly within the Federal Interstate System; but this has not operated to reduce the demands upon the State's resources. On the contrary, it has confronted us with the problem of matching the federal effort if we are to take advantage of all federal funds.

Local government, faced with growing demands in other areas of service, is not in a position to add to its responsibilities with respect to public roads. Indeed, there is growing pressure for a reduction of these responsibilities.

It follows, then, that State government must insure that its resources are applied first to the discharge of its existing responsibilities to the extent that these resources are sufficient for that purpose.

Highway Fund Revenues And Surplus

This is the approach which has been taken with respect to the highway fund budget.

It is appropriate to consider, first, what our resources will be in the next biennium in terms of State funds.

Estimates of undedicated revenues of the highway fund, as submitted to me and the Budget Advisory Committee in October, were in the amount of $61,093,932.00 for the next biennium. Estimates of revenues from the gasoline tax, motor vehicle registrations and other motor vehicle and license fees, reflect increases which appear to be justified by economic conditions and by our experience with these revenue sources. The estimates for the next biennium exceed actual and estimated revenues for the current biennium by $3,569,693.00.

It is estimated that the highway fund unappropriated surplus will have increased from $1,833,862.24 at the beginning of the current biennium to $4,451,589.00 at the end of the biennium, July 1, 1957. This increase is the result of the fact that actual revenues will have exceeded allocations authorized by the 97th Legislature and transfers from the highway fund surplus which have been approved by the Governor and Executive Council during the biennium. Thus, our experience in the current biennium will enable us to reach an objective laid down two

years ago—a minimum of $3,000,000.00 in the surplus account to provide for emergencies and to provide working capital.

As we move into the expanded program of construction which has been made possible by the Federal Aid Highway Act of 1956, it will be necessary to evaluate the adequacy of our mobile equipment, regional garages and office space, as well as working capital. The surplus account should be left intact by this Legislature to insure that our facilities and resources in these respects will not fall short of our requirements under the impact of the increased construction activity which lies ahead. For this purpose, and also in order to enable us to meet other unpredictable expenditures out of operating accounts, the allocation act should continue the authority of the Governor and Council to supplement legislative allocations by means of transfers out of the surplus account.

It should be noted in passing that our experience with highway fund revenues during the current biennium, resulting in the foregoing increase in the surplus account, is reflected in the revenue estimates for the next biennium.

Highway Fund Allocations

The highway fund allocations for operating accounts which were suggested to me and the Budget Advisory Committee would exceed revenue estimates for the next biennium by $6,307,091.00. This suggestion was based on the assumption that we should take advantage of the major portion of increased Federal funds, and that, consequently, we will provide the necessary State matching funds.

However, I considered it to be my responsibility to present a balanced budget and a program that can be financed out of estimated revenues from existing sources, in the event additional funds are not made available.

The recommended allocations, therefore, accomplish this purpose; and, in addition, are consistent with the principle stated earlier that the State's resources should be applied first to the discharge of its existing responsibilities to the extent that these resources are sufficient for that purpose. They total $61,093,932.00, as compared with total allocations by the 97th Legislature, supplemented or to be supplemented by transfers from the surplus account, in the amount of $54,849,360.00 for the current biennium. The increase is $6,244,572.00.

These recommendations and the allocations suggested by the department differ in only one important respect, and that is in the allocation for construction. A review of the operating accounts suggests no other reductions which can or ought to be made without a reduction in services below minimum, acceptable standards. In the event lower standards should be considered in some instances, the total reductions thus indicated could not approach the amount necessary to balance the budget.

Increases in Allocations

I have indicated that recommended allocations for the various accounts exceed allocations for the current biennium, as supplemented by transfers, actual and estimated, from the surplus account, by $6,244,572.00. The following are the larger increases:

1. **Administration** — $138,012.00. Major factors contributing to this increase include extra hours for engineers, technicians' salaries and merit increases. These will reflect the expanding construction activity.

2. **Planning**—This is a new item. In the past, the allocation for this activity was covered in the allocation for highway construction. Obviously, work under this activity will increase. It should be pointed out that Federal funds are available to support it in part.

3. **State Aid**—$210,000.00. This increase anticipates the effect of bonus provisions in the law. If a town expends funds for reconstruction of improved State aid roads being maintained by the State, a 20 per cent increase in apportionment from State funds should be made. A town may also appropriate four times its annual rate, and, if it does, the Commission should allocate a like increase from the balance of the State Aid fund. Towns, in increasing numbers, are taking advantage of these provisions.

4. **Maintenance** — $900,000.00. The department is required to maintain 9,801 miles of roads on the State highway and State aid systems, the greater part of the cost being spent on surface operations—tar and asphalt treatment. Increased salaries, increased cost of rental of equipment, and increased cost of bituminous materials are factors contributing to the increase. We cannot possibly afford to lower the level of maintenance activities at the present time, and, consequently, must provide this increase.

5. **Snow Removal** — $570,000.00. This activity involves a rapidly mounting expense to the State. For example, the Legislative allocation for the current biennium was $6,500,000.00. It became necessary, during the first year of the biennium, to supplement that allocation by transfers from the surplus account in the amount of $725,000.00; and the legislative allocation for the current year will need to be supplemented by at least $750,000.00. The increase projected in the next biennium over these actual expenditures is necessary to meet increased salary and rental costs as well as increased use and cost of salt. These costs cannot be reduced, if we are to maintain the level of service demanded by the motoring public and by considerations of highway safety. It might be noted that the total annual expenditure for snow removal includes a subsidy of about $1,000,000.00 to municipalities.

6. **Motor Vehicle Division**—$181,341.00. The bulk of this increase is in connection with a requested modernization of the division's application file. The greater efficiency which will result appears to justify the expenditure.

7. **State Police**—$622,996.00. This increase provides principally for the addition of 25 officers to the force the first year of the biennium and another 25 officers the second year. The department has carefully analyzed traffic volumes and accident frequencies, and the patrols needed to provide minimum coverage. On the basis of its analysis, the additions requested should be provided if a realistic effort is to be made to safeguard life and property on our highways.

8. **Retirement** — $116,425.00. This is the increased contribution to the State employees retirement fund needed to maintain the fund on a sound actuarial basis.

The recommended allocations include another substantial increase —highway construction; and this despite the fact that the allocation suggested by the department was reduced in order to balance the budget. This will be discussed in more detail later in this message.

Other Allocations

The increases in allocations just discussed are offset in part by decreases in others.

For example, the department's suggestions did not include provision for a continuation of the special state aid allocation of $2,000,000.00 for the current biennium. This is also true of the supplemental allocation of $1,000,000.00 for the current biennium to the Town Road Improvement Fund. The department's reasoning was that the law provides a two-year limitation on these two programs; and that the programs, therefore, will terminate at the end of the current biennium unless renewed by the Legislature. Obviously, since the balanced budget represents a substantial cut in the department's suggestions, it cannot provide for such a continuation, without reducing other services.

The balanced budget does not provide for increases in salaries for employees of the department, as recommended in the report of the Public Administration Service, for the reason that such increases are not yet authorized. The demand nationwide for engineering talent will mushroom rapidly as the new federal highway program begins to move. If we are to compete successfully for any reasonable share of that talent, we must increase salaries at least to the extent recommended; and the cost indicated will total $1,423,896.00 for the biennium. If the increase is authorized, it will be necessary to adjust the construction account accordingly, unless you should choose to make reductions in other operating accounts.

Highway Construction

In the event you should agree with the foregoing analysis of operating accounts and the level at which they should be maintained, then it is clear that the balanced budget does not and cannot resolve the following problems unless additional funds can be found:

1. A highway construction program designed to take advantage of all available federal funds and to provide for special state projects which, though necessary, cannot qualify for federal funds.

2. Continuation of the special State aid and the supplemental town road improvement fund allocations which were authorized by the 97th Legislature.

With respect to construction within the federal system, the recommended allocations for the next biennium total $17,074,559.00, as compared with $10,413,768.00 for the current biennium, an increase of $6,660,791.00. It should be noted, however, that this increase is only an apparent one, inasmuch as allocations for the current biennium were supplemented, to the extent of $7,756,185.00, by proceeds of the $27,000,000.00 highway bond issue which was approved by the people in 1951. These proceeds will be committed at the end of the current biennium.

The suggested allocation for the construction account will provide a construction program for the next biennium in the amount of $50,672,272.00. Of this total, $33,597,713.00 represents federal funds. This compares with a maximum program in the amount of $78,019,838.00, which would be made possible if we were in a position to take advantage of all available federal funds, totalling $53,146,939.00. The additional State funds needed to accomplish this purpose total $7,798,340.00 for the biennium. If the special state aid and the supplemental town road improvement fund allocations are continued at the current level, the shortage of State funds will increase to $10,798,340.00. And, if the proposed salary increases are provided out of operating revenues, the shortage will increase again to $12,222,236.00.

It should be pointed out that, in arriving at a balanced budget, reductions in the construction account were apportioned among all categories of construction, so that no single program bears the full impact of the necessary cuts.

The problem thus indicated should be considered, not simply in terms of the next biennium, but in terms of reasonable, long-range objectives. In this connection, the controlling factor, upon which all assumptions as to the future must be based, is the expanded federal program. The extent and nature of our plans depends upon whether we decide to match that effort and to accept its objectives.

The concept embodied in the Federal Aid Highway Act of 1956 is that the nation's economy and the nation's security requires the construction of a national system of interstate highways connecting the principal metropolitan and industrial areas, and to serve the national defense; and that the primary responsibility for construction of such a system rests in the federal government. The objective is to complete the presently designated system, of some 40,000 miles, within 13 years, 1956 to 1969, inclusive. To reach this objective, the federal government undertakes to assume 90 per cent of the cost of construction.

If it is our desire that Maine be integrated into the national economy, clearly we must subscribe to the objectives of the Act and provide the necessary matching effort.

The interstate system in Maine consists of about 315 miles; and we believe that additions, consistent with the national concept and the State's location, can be justified. It is impossible at this time to project firm estimates of the cost of constructing this 315 miles. The latest guesses—which cannot be considered more than armchair estimates—suggest a total cost in the amount of $290,000,000.00. The State's share of this cost, including certain non-matchable items in the construction phases of projects, would be an estimated $32,000,000.00; and the federal government's share, $258,000,000.00.

Financing Highway Construction

Realizing that construction of the interstate system in Maine is only part of our total construction prob-

lem, I requested the Highway Department to develop a picture of the total problem by projecting estimates of income and expenditures into the future. The results of these projections suggest the following, four alternatives:

Program A: This program would cover the fiscal period beginning July 1, 1957, and ending June 30, 1961. Projections of expenditures include the proposed salary increases and anticipated increases in operating accounts, but do not include the special state aid and supplemental Town Road Improvement Fund allocations of $1,500,000.00 per year. Projections of expenditures for construction anticipate matching all available federal funds and provision for special state projects within the federal system.

Estimated revenues over this period, reflecting the normal increases justified by our experiences, will not support the program. Bond authorizations necessary to support the program would total $20,150,000.00, including $450,000.00 in interest payments for the period.

Program B: This program would be the same as Program A in every respect except that it would provide the special state aid and supplemental Town Road Improvement Fund allocations of $1,500,000.00 per year. Bond authorizations necessary to support this program would total $26,600,000.00, including $900,000.00 in interest payments for the period.

Program C: This program would cover the fiscal period beginning July 1, 1957 and ending June 30, 1969. Projections of expenditures and revenues are made on the basis of similar assumptions as in Program A, as applied to the longer period. Bond authorizations to support this program would total $58,673,000.00, including $7,380,000.00 in interest payments for the period.

Program D: This program would be the same as Program C in every respect except that it would provide the special state aid and supplemental Town Road Improvement Fund allocations of $1,500,000.00 for each of the first four years of the period. It is thought that, at that point, these special subsidies may well have accomplished their purpose. Bond authorizations necessary to support this program would total $66,563,000.00, including $9,270,000.00 in interest payments for the period.

Under each of these four programs, bonds would be issued as needed, retired within 25 years, and callable at the end of 10 years.

Although these four programs were projected on the assumption that bonds would be issued to finance them, it is appropriate to consider the possibilities of a pay-as-you-go program. Obviously, additional revenues would be needed to support such a program, and the possible sources are as follows: (1) another increase in the gasoline tax; (2) increases in motor vehicle registrations and other motor vehicle and license fees; (3) increased support of state police activities by the General Fund in order to relieve the highway fund; and (4) recourse to General Fund revenues.

If we were to rely wholly upon the gasoline tax to make up the shortages indicated, we would need a 2c increase. In view of the fact that our rate is already the highest in the country, such an increase would be disproportionately burdensome. Even a 1c increase, in combination with some of the other sources indicated, would be inadvisable.

We should hesitate seriously about turning to general fund revenues for highway purposes. To do so would be to restrict severely our ability to provide essential services in the areas of economic development, education, institutions, health and welfare, and other areas of service which are important to our people and to the future of the State. A valid exception could be argued with respect to greater support of state police activities by the General Fund. However, this would not be sufficient to make up the shortages we are considering.

A selective increase in various motor vehicle fees could be considered. This would have to be done carefully and after some study, inasmuch as some of our fees are among the highest in New England and the country. It is extremely doubtful that reasonable increases could be sufficient to support a pay-as-you-go

program. However, in combination with some additional support from the General Fund for state police operations, they might be sufficient to support a reasonable bond retirement schedule.

Wholly apart from revenue considerations, a highway bond issue is a sound investment. Better roads are an invitation to greater economic activity. They generate additional gasoline tax revenues. They reduce maintenance costs. They reduce the wear and tear on the taxpayer's motor vehicle. All of these factors are gains which justify an investment designed to build those better roads as quickly as possible.

Let us, then, consider Programs A, B, C, and D, as already described.

Programs C and D are presented in an effort to suggest the requirements with respect to State funds over the period of the new federal program. It is difficult at best to project expenditures and revenues for so many years into the future. This difficulty is compounded by the fact that, as previously indicated, the cost of constructing the interstate system has not been finally determined. The cost estimates upon which the Congress relied were developed more than two years ago. Since that time, costs have risen and design standards have been raised. Under the terms of the law, the financial requirements for completion of the interstate system are to be reviewed so that the Congress can take another look at them on January 1, 1958. It is already becoming apparent that it will take more time and money that originally anticipated. If this should be borne out by the facts on January 1, 1958, the Congress may very well change the scope of the program as to length of time for completion, the amount of federal participation, and the requirements as to State matching funds. These uncertainties are of sufficient seriousness to warrant the conclusion that we should not embark upon such a long-range program until we have, at least, the Congressional determinations which we can expect in 1958.

Programs A and B are suggested as practical alternatives which will take care of our needs until June 30, 1961 and also give us time to adjust our planning to any Congressional changes which may be made. In conjunction with them, of course, you should consider and study the possibilities suggested relative to highway fund revenues. Your choice, as between Program A and Program B, will depend upon your views with respect to continuation of the special state aid and supplemental Town Road Improvement Fund allocations which were authorized by the 97th Legislature. The following are my observations:

1. The Town Road Improvement program has been of significant value in getting rural Maine out of the mud. The balanced budget provides for its continuance at $1,000,000.00 per year. Whether the supplemental allocation of $500,000.00 per year is continued depends upon the availability of funds over and above those necessary to meet our other existing responsibilities as described.

2. In the opinion of the Highway Commission, the special state aid allocation has benefited the State aid system. The Commission notes that towns have contributed to this fund by over $119,000.00 by requesting transfer of the State Aid Joint Fund and by direct payment.

This willingness on the part of the towns to contribute to improvement of the State aid system should be encouraged by a liberalization of the provisions relative to anticipation of state aid funds.

The supplementary program provided by the special state aid allocation, if continued, should be administered on the basis of objective standards designed to meet needs which would not otherwise be met. Its benefits should be weighed against the other demands made upon available funds.

This completes my discussion of the general fund and highway fund budgets. With respect to each, I have undertaken to suggest programs which can be financed out of existing revenue sources, as well as programs which will undertake to do more. The final choice is yours.

Acknowledgments

At this point, I would like to express my sincere appreciation for the courteous cooperation of the legislative advisory committee on budget, consisting of Senator Roy U. Sinclair, and Representatives Carle-

ton E. Edwards and James S. Stanley. I consider the public sessions held by the Governor and this Committee to be productive of a better understanding of our budget problems on the part of governmental leaders and the citizens of Maine.

I am grateful, too, for the indispensable assistance of Finance Commissioner and Budget Officer Raymond C. Mudge and his assistant, Roland M. Berry, and staff, and of the various departments and agencies. Their understanding of the financial limitations within which we must operate has contributed materially to the development of a balanced approach to our many problems.

Conclusion

In closing, may I say that I have gone to considerable length to give you, not only my conclusions with respect to our budget problems, but also the reasoning which led me to those conclusions. It is my hope that this approach may be helpful to you and that it has justified the imposition on your time. As I stated at the outset, the budget document and this message have been designed to be advisory and informative; and such will be the function of my office in the months of joint labor which lie ahead of us.

(Prolonged applause, Convention rising)

Chairman HASKELL: The Convention will be in order. The Chair recognizes the gentleman from Bangor, Mr. Stanley.

Mr. STANLEY: Mr. Chairman and Ladies and Gentlemen of the Convention, the committee of ten has partially discharged its duty, that duty being the very pleasant duty of extending to the First Lady of Maine, the Legislature's congratulations on the newest arrival in the Muskie family.

Now, we would like to complete our duty, and I might say that we took an appropriate gift to Melinda Ann Muskie; we would like to complete our mission by extending the Legislature's congratulations to our good Governor, the father of this new human personality, and we would like to say to him as we said to Mrs. Muskie, that each time a child is born, it shows that God has not lost his faith in human nature, and we, who as Legislators have much to do with the dealings of the human affairs of the people of our State, are happy to have this new encouragement of the faith of the Almighty, and as we have a great deal of respect and admiration for Governor Edmund S. Muskie, we would like to say that we are happy that his family is increasing.

GOVERNOR MUSKIE: You know after the time I consumed I hesitate to consume any more, but I must in order to express on behalf of myself, Mrs. Muskie and Melinda, our appreciation for your thoughtfulness and consideration. As you can see, the Muskie household, as well as the State of Maine, is confronted with increased budget problems.

I might also say, having listened to the quality and timbre of Melinda's voice, I sincerely hope that she is not going to be as long-winded as her father.

With that, may I say again on behalf of the whole family, we do appreciate the courtesy gesture which has been extended to us and shall always remember it. I know that when Stevie was born, he was born while I was a member of this House, and the House was kind enough at that time to recognize his arrival. I don't know what we are going to do about Ellen. In years to come, she is going to note the discrepancy and discrimination, but she will have to live with it. Thank you very much. (Applause, members rising)

The Governor and his suite then withdrew, amid the applause of the Convention, the audience rising.

Chairman Haskell returned to the Chair and called the Convention to order.

Chairman HASKELL: The purposes for which this Convention was assembled having been accomplished, I declare the Convention dissolved and the Senate will retire to its Chamber.

The Senate then retired to its Chamber amid the applause of the House.

In the House

The House was called to order by the Speaker.

Orders

On motion of Mr. Haughn of Bridgton, it was

ORDERED, the Senate concurring, that each Member of the Senate and House of Representatives of the 98th Legislature shall be paid for travel at each legislative session once each week at the rate of 8 cents per mile to and from his place of abode; the mileage to be determined by the most reasonable direct route; and be it further

ORDERED, that the provisions of this Order shall be retroactive to the first Wednesday of January, 1957. (H. P. 42)

The order was read and, on further motion of same gentleman, was tabled and specially assigned for Wednesday, January 16.

On motion of Mr. Haughn of Bridgton, it was

ORDERED, whereas, there is now pending before the 98th Legislature H. P. 42, a joint order under the provisions of which Members of the House and Senate would be paid 8 cents per mile for travel at each legislative session, once each week, the same being an increase of 3 cents per mile over the authorized statutory sum of 5 cents per mile. The Text of the joint order being as follows:

"ORDERED, the Senate concurring, that each Member of the Senate and House of Representatives of the 98th Legislature shall be paid for travel at each legislative session once each week at the rate of 8 cents per mile to and from his place of abode; the mileage to be determined by the most reasonable direct route; and be it further

ORDERED, that the provisions of this Order shall be retroactive to the first Wednesday of January, 1957."

WHEREAS, Article IV, Part Third, Section 7, Maine Constitution, provides that

"The senators and representatives shall receive such compensation, as shall be established by law; but no law increasing their compensation shall take effect during the existence of the legislature, which enacted it. The expenses of the members of the House of Representatives in traveling to the Legislature, and returning therefrom, once in each week of each session and no more, shall be paid by the state out of the public treasury to every member, who shall seasonably attend, in the judgment of the House, and does not depart therefrom without leave."

WHEREAS, Chapter 10, Section 2, Revised Statutes of 1954 provides that

"Each member of the Senate and House of Representatives shall receive $1,250 for the regular session of the Legislature, and shall be paid for travel at each legislative session once each week at the rate of 5c per mile to and from his place of abode; the mileage to be determined by the most reasonable direct route. He is entitled to mileage on the 1st day of the session, and $100 of his salary on the 1st day of each month thereafter, during the session, and the balance at the end thereof; but $2 shall be deducted from the pay of every member for each day that he is absent from his duties, without being excused by the House to which he belongs."

WHEREAS, it is important that the Legislature be informed as to the Consititutional validity of said Order now pending:

WHEREAS, it appears to the House of the 98th Legislature that the following is an important question of law and the occasion a solemn one;

Now, Therefore, Be It

ORDERED, that the Justices of the Supreme Judicial Court are hereby requested to give to the House according to the provisions of the Constitution on this behalf, their opinion on the following question, to wit:

Question

Is it within the power of the Legislature to provide for an increase in the amount of money to be paid the Senators and Representatives for travel in attending the legislative session, as provided in the pending joint order?

The Order was read.

On motion of the gentleman from Bangor, Mr. Totman, the Order was

tabled and specially assigned until the next legislative day in accordance with House Rule 46.

Orders of the Day

The SPEAKER: The Clerk will read any notices he may have in his possession.

On motion of Mr. Ross of Bath,

Adjourned until Tuesday, January 15, at ten o'clock in the morning.