

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Special Sessions

OF THE

Ninety-Eighth Legislature

OF THE

STATE OF MAINE

October 28, 1957

January 13, 1958

May 6, 1958

DAILY KENNEBEC JOURNAL

AUGUSTA, MAINE

HOUSE

Tuesday, May 6, 1958

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

Prayer was offered by the Rev. Mr. Alton E. Maxell of Augusta.

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

The following Proclamation:

**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 problems relating to highway construction and highway finance.

To consider such problems relating to unemployment compensation benefits as may be indicated as a result of studies currently in process.

To consider any other legislation to promote the general welfare of the State.

NOW, THEREFORE, I, EDMUND S. MUSKIE, 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 Tuesday, the sixth day of May, 1958 at 4:30 o'clock in the afternoon in order to receive such communication as may then be made to them and to consider and determine 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 twenty-fifth day of April (SEAL) in the year of our Lord One Thousand Nine Hundred and Fifty-eight, and of the In-

dependence of the United States of America, the One Hundred and Eighty - second.

By the Governor:

(Signed) EDMUND S. MUSKIE
Governor

(Signed) PAUL A. MACDONALD
Deputy Secretary of
State

A true copy.

Attest:

(Signed) PAUL A. MACDONALD
Deputy Secretary of
State

The Proclamation was read by the Clerk and ordered placed on file.

The Clerk thereupon called the roll of the House. 138 members answered to their names and accordingly a quorum was found to be present.

Those who were absent were Messrs. Blanchard, Carter of Newport, Day, Edmunds, Frazier, Hoyt, Leathers, Rancourt, Rollins and Thackeray.

There were ten vacancies.

At this time a message was received from the Senate borne by Senator Sinclair of Somerset informing the House that a quorum was present and that the Senate was ready to transact such business as might properly come before it.

On motion of Mr. Ross of Bath, 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 Chair appointed the following members to the Committee:

Messrs. ROSS of Bath
WADE of Auburn
EMMONS of Kennebunk
ROBERTS of Dexter
WALSH of Brunswick
ELWELL of Brooks
SAUNDERS of Bethel

Subsequently Mr. Ross for the Committee reported that it had attended to the duty assigned to it.

On motion of Mr. Wade of Auburn, 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.

Thereupon, Mr. Wade of Auburn was designated by the Speaker to convey the message to the Senate and he subsequently reported that he had performed the duty assigned him.

On motion of the gentlewoman from Patten, Mrs. Harrington, House Rule 25 was suspended for the remainder of today's session in order to permit smoking.

The following Communication:
 STATE OF MAINE
 DEPARTMENT OF STATE
 AUGUSTA

May 5, 1958

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

In compliance with Section 1 of Chapter 10 of the Revised Statutes, I hereby report another vacancy in the House of Representatives in addition to those reported at the two previous special sessions.

Honorable Georges Rancourt of Lewiston submitted his resignation April 30, 1958, a copy of which is herewith attached.

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

The Communication was read and ordered placed on file, and the name stricken from the rolls of the House.

The SPEAKER: The Chair is advised that the elected membership of the House is now 147.

House at Ease

The House was called to order by the Speaker.

At this time, a message was received from the Senate, borne by its Secretary, proposing a Joint Convention to be held forthwith in the Hall of the House of Representatives for the purpose of listening to an address by His Excellency,

Honorable Edmund S. Muskie, Governor of Maine.

The Clerk was charged with and conveyed a message to the Senate informing that body that the House concurred in the proposal for a Joint Convention.

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

House at Ease

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

In Convention

President Haskell of the Senate in the Chair.

On motion of Mr. Low of Knox, it was

ORDERED, that a Committee be appointed to wait upon the Honorable Edmund S. Muskie, 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 that Committee on the part of the Senate:

Senators:

LOW of Knox
 WYMAN of Washington
 LESSARD of Androscoggin

and on the part of the House:

Representatives:

Ross of Bath
 BROWN of Ellsworth
 SHEPARD of Stonington
 CHRISTIE of Presque Isle
 WALSH of Brunswick
 CORMIER of Rumford
 EDWARDS of Raymond

Convention at Ease

Called to order by the Chairman.

Subsequently, Senator Low 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.

Thereupon, the Honorable Edmund S. Muskie, Governor, accompanied

by the Executive Council and the Heads of the State Departments and announced by Lt. Robert Packard of the Maine Air National Guard, entered the Hall of the House of Representatives amid applause, the audience rising.

The Governor then addressed the Convention as follows:

Mr. President and Members of the 98th Legislature:

Once again it is my privilege to welcome you back to Augusta for the purpose of giving consideration to matters which are of serious importance to the people of Maine. Mrs. Muskie and I join in this greeting which carries with it more personal associations each time it is repeated. We know that you will be invigorated, as we are, by the sense of new life and beauty which permeates the capitol and Blaine House grounds in the spring.

One might well ask whether annual or seasonal sessions of the Legislature are to be preferred!

Seriously, I would not have asked you to return if I did not sincerely and honestly believe that you should. The problems which I shall place before you are such as ought not to be ignored by responsible government. In terms of administrative, as an alternative to, legislative action, available solutions either are inadequate or would involve the exercise of legislative prerogatives by the executive branch of government. Most of you are familiar with my belief that the executive branch would be a more effective instrument of service to our people if the Governor were in fact the center of executive authority and responsibility. I believe just as firmly that the executive branch should not pre-empt legislative duties and responsibilities and should exercise only such legislative authority as is clearly and properly delegated to it. The problems which you will be asked to consider impose responsibilities upon both the Governor and the Legislature; and we owe it to the people of Maine, whether they are directly or indirectly affected, to give these problems that full consideration which can be given only in a session of the Legislature.

The Economic Situation

The Agenda for this session is related to the current economic situation in the State and in the Country. For that reason, some reference to economic conditions is appropriate. I shall try to make my comments factual, objective, and devoid of that extravagant oratory which prevails in an election year, and which can so easily provoke irresponsible decisions.

An objective view requires a realistic appraisal of our present position; a sober evaluation of the elements of strength in our economic structure and of the stabilizers which have been built into it over the past quarter century; a ready recognition of weaknesses in the structure which have been revealed by current stresses; and a humane concern for those whose income and financial resources have been dissipated by forces beyond their control.

The application of such a process of analysis should, in my opinion, result in judgments reflecting confidence in the essential stability of the economy and, at the same time, justifying reasonable, positive action designed to stimulate an upturn. Whether or not current signs justify a conclusion that the downward trend is leveling off—and those who should be qualified to judge are in considerable disagreement on that point—it is clear that an upturn in the immediate future cannot be taken for granted. We should adjust our thinking, therefore, to that kind of prospect—not, however, in terms of a defeatist, rear guard battle, but in terms of an aggressive, beat-the-recession effort. Such an effort can be made and will be successful if we will abandon the recriminations and the imputations of improper motives which serve only to set us against each other. No citizen or group in Maine has a monopoly on sincere interest in the welfare of the whole State; and the pursuit of proper and legitimate requirements for the economic well-being of each should be recognized as consistent with such pursuit by all, provided we are willing to understand and adjust to each other's problems. Government, private enterprise, and the rank and file citizen each have a job to do if we are to start traveling a rising

economic curve in the near future. I am sure that is an objective we all approve; and I am sure we can reach agreement as to what each should do if we are to achieve it.

A Review of State Activities

It is appropriate, at this point, to review briefly the contribution which State government is in a position to make, and will make, toward increased economic activity, and toward meeting the problems which the current situation presents.

First: Despite the obviously increased obstacles created by the recession, the Department of Economic Development is applying itself firmly and confidently to the task of industrial development and promotion. We believe that faith in the future and unflagging effort will produce results. Despite the fact that industry nation-wide has sharply reduced its plan for investment in new plants and equipment—the sharpest reduction since World War II, the Department does have tangible prospects which can materialize into new industries and new jobs. The expectations justify neither starry-eyed optimism, nor black pessimism, but rather steady faith.

The Department is applying itself increasingly to the task of expanding its usefulness to Maine industry in the field of government contracts.

The Department is receiving excellent cooperation from an increasing number of communities which are organizing themselves for effective promotional and planning activities. The Division of Geological Survey has reported some tangible results of the magnetic survey authorized by this Legislature a year ago and reports further an unprecedented activity and expenditure of private funds devoted to the exploration for commercially interesting deposits of minerals. The vacation-travel business, if one can measure the future by the volume of requests for literature and information which the Department receives, should give a substantial, seasonal lift to the economy of the State.

Second: The State Highway Department will expend more substantial sums than in any previous comparable period in the State's history. This is the result of the program-

ming approved by this Legislature and designed to achieve a minimum construction effort which will adequately serve the needs of all sections of our highway system; and the bulk of the increase reflects the generous federal matching program available for construction of the Interstate System. As I shall point out later, we do not have the funds to support the full program approved by this Legislature. Nevertheless, as an economic stimulant, the following figures are significant:

On the federal system, contracts let since July 1, 1957, on construction which is in process plus contracts which will be awarded prior to June 30, 1959, total approximately \$65,000,000. This is more than double the amounts authorized for this purpose in the immediately prior comparable period. In addition, anticipated State expenditures and authorizations for bridges, State aid, and maintenance, from April 1, 1958 to June 30, 1959, will total about \$24,000,000. The total authorizations and expenditures during this period for these purposes will be, therefore, about \$89,000,000.

Third: Expenditures for capital improvements by various State agencies to June 30, 1959, will total at least \$11,000,000.

Fourth: Notwithstanding the shrinking of General Fund revenues in this period, it has been possible to continue General Fund operations without a curtailment in essential services and without a reduction in State employment below the level attained when the need for savings became apparent. Since then the filling of vacancies has been done on a selective basis designed to insure that essential positions be manned. Revenues which threatened to plunge seriously at one point have stabilized and we can expect to stay within actual revenues for this fiscal year. At the end of April, according to preliminary figures, General Fund revenues totaled \$38,967,068.89, or \$1,440,431.11 below estimates. This shrinkage in revenues is offset by \$934,222.69, representing estimated revenues which were not appropriated in your regular session and by \$1,472,503.72, representing savings to which Departments committed themselves in March and

April. Thus, the total offset to the shrinkage of revenues is \$2,406,726.41, leaving us a freeboard of \$966,295.30 for the remainder of this fiscal year. This is in excess of any two-month shrinkage in revenues which we have experienced at any time since last July. Furthermore, there is reason to believe that additional savings may be realized.

Relative to the next fiscal year, we have a freeboard of \$828,017.59, representing estimated revenues which were not appropriated in the regular session of this Legislature. Furthermore, it should be noted that a substantial portion of the shrinkage in revenues for this year is the result of the fact that in July the return from the Sales Tax reflected the 2 per cent rate rather than the 3 per cent rate. This factor, which will not be repeated, amounted to an estimated \$809,600.00. We have taken steps to establish a reserve against the possibility of a continued decline in the economy with its consequent depressing effect on revenues. However, it is our firm intention, short of an economic collapse which does not now seem in prospect, to continue essential programs on the levels authorized by the Legislature and, more than that, if at all possible, to fill all authorized State positions. The possibilities of achieving these goals seem good at the moment. To offset rumors which are in circulation, I would like to emphasize specifically that there is no intention of reducing educational subsidies below the level of appropriations provided by this Legislature.

Obviously, economic conditions being beyond our control, there can be no guarantee that the objectives which I have stated will be achieved. The evaluation I have given you is simply a projection of our current experience.

Fifth: The effect of unemployment on public assistance programs is of concern to us, first, because this effect is a measure of the seriousness of the situation, and, second, because of our responsibility to provide the funds to meet the needs. These needs are intensified by unemployment in two ways:

1. Individuals or families who meet the legal categorical requirements of the Old Age Assistance, Aid to Dependent Children, Aid to the Blind, and Aid to the Disabled Programs become unemployed or fall into need because of reduced income from employment. In this connection, it should be noted that the aged, the disabled, and the parents of dependent children are often so-called marginal workers who are first to be affected by layoffs and reduction in hours of work, and by the same token the last to be rehired.

2. The unemployment or reduction of income of relatives may render them unable to continue to support or contribute toward the support of individuals who are already recipients of assistance or individuals who are otherwise qualified for assistance. This factor relates mainly to the Old Age Assistance Program.

Summarizing the situation to date, the Old Age Assistance case-load is somewhat below the figure estimated at the time appropriations were made because the addition of new cases anticipated by reason of the removal of the citizenship requirement, the change in property transfer legislation, and the liberalization of relative responsibility were less than anticipated. However, the current application rate is considerably higher than anticipated.

The Aid to Dependent Children case-load will reach an estimated 5,400 on July 1st, compared with an original estimate of 4,540. This is clearly a substantial increase, and the indications are that an intra-departmental transfer will be necessary to support this program if current trends continue.

In the program for Aid to the Disabled, the application rate is about one-third higher than estimated and the total case-load will reach an estimated 1,410 on July 1st of this year and 1,920 on July 1, 1959, compared to an original estimate of 1,200. If these estimates are substantiated by current trends, an intra-departmental transfer will be necessary to support the program.

Non-settled, or so-called State General Relief Cases show similar

increases. Total applications received in the first three months of this calendar year amounted to 379, compared to 240 for the first three months of the 1957 calendar year. Expenditures for this purpose for the first four months of this calendar year totaled \$311,734.00, compared with \$284,430.00 for the first four months of the 1957 calendar year.

It should be borne in mind that General Relief, as now constituted, is basically a locally administered program and that the heavy load is borne by local government. Any change in this concept, designed to shift more of the load to State government, would require State appropriations for which State funds are not now in sight, reconsideration of the Statutes relating to pauperization and settlement, the development of a program providing greater uniformity of standards and greater equality of treatment, and other changes involved in establishing a new State program based on a new concept of the division of responsibility between State and local government. I mention this for purposes of clarification as to resources available to meet the General Relief problem.

With respect to the State Public Assistance programs, therefore, a projection on the level of our current experience indicates that, with intradepartmental transfers, we can support them within the limits of available appropriations. However, we cannot support any substantial expansion of the need under current standards, or any liberalization of the standards.

Economic Activity Forecast By Maine Industry

On April 25th I requested Maine industry to conduct a survey for the purpose of disclosing employment prospects in the next few months as evaluated by employers. I asked that the survey show three things: Normal average employment by the employers reporting; present employment; and the outlook for the next five months.

According to the survey report which I received yesterday, the average employment of the 163 firms reporting amounts to 61,055. These firms currently employ 55,190

persons, representing a drop of 9.6% below normal employment. The reporting firms anticipate hiring an additional 6,029 employees for the period May through September.

Supplementing the foregoing, members of the Maine Truck Owners Association, normally employing an average of 4,305 persons, expect an increase for the next five months of 7.5%.

I also asked the General Contractors of Maine to conduct a survey as to present and anticipated construction projects in the State for the current year. Such construction, exclusive of the figures I have given you relative to State activity in this field, will total an estimated \$196,643,456.00. These figures do not include private residential and industrial construction or municipal construction. This will require, according to the report, an estimated additional 7,000 to 10,000 construction employees, both skilled and unskilled, during the remainder of 1958.

I am sure you join me in the fervent hope that these prospects will materialize. The additional employment indicated would not absorb all those presently unemployed. Nevertheless, it would provide a substantial and much needed seasonal lift. I appreciate the confidence in the future which it reflects.

I trust that this review of the economic situation will be useful to you as you contemplate the two problems which I shall now place before you.

Problems of Highway Construction and Finance

There are two problems with respect to highway construction and finance:

1. A loss in estimated revenues in the amount of \$1,695,000.00 as a result of the Referendum Election of March 10, 1958, in which the voters rejected increases in highway user fees which were authorized in the regular session.

2. The provision of State Matching Funds to take advantage of the Federal Emergency Highway Program authorized by the Federal-Aid Highway Act of 1958 which was ap-

proved by the President on April 16, 1958.

With respect to the first problem, inasmuch as the Legislature did not allocate all of the estimated revenues in the regular session, the actual deficit for the current biennium will be an estimated \$1,450,-642.00. There are four possible solutions to this problem:

1. Allocation of that amount from Highway Fund surplus;
2. The enactment of new revenue measures;
3. An additional allocation from the Bond Issue; and
4. A reduction in program.

The Highway Fund surplus as of April 1, 1958, giving full effect to the loss of revenues resulting from the March 10th election, was \$4,-698,325.44. This account serves the following purposes for which no other provision is or can be made at the present time:

1. As I recommended in my Budget Message of January, 1957, it is needed to insure that our mobile equipment and regional garages do not fall short of our requirements under the impact of the increased construction activity which we are undertaking.

2. It is needed as a source for supplementary allocations for such activities as snow removal. Because of unusually severe conditions the past two or three winters, it has been necessary to make several such supplementary allocations. Since we cannot control the weather, it is desirable that we leave ourselves some flexibility in this respect.

3. It is our only source of cash for working capital for highway activities. Such working capital is needed because seasonal fluctuations in revenues and in expenditures would otherwise leave us, from time to time, without cash to meet our commitments. For several years it was felt that three million dollars was sufficient for this purpose. A substantially larger figure can be justified today because of the tremendous growth in the program.

4. It is needed as a source of funds in the event of future emergencies such as the hurricanes of 1954.

You will recall that use of the Highway Fund surplus to partially

finance the construction program was considered at the regular session of this Legislature at a time when the surplus was at a higher level than it is today. The possibility was rejected then for the foregoing reasons, and those reasons are equally valid today.

Also, it should not be overlooked that the revenue losses resulting from the March 10th Referendum Election create a revenue problem for the second biennium of the four-year program which this Legislature approved in regular session as well as for the current biennium. This fact, and the current recession, make it problematical as to when revenues will rise sufficiently to restore any withdrawals from the surplus account.

I am as aware as anyone that it could be tempting to embrace the politically comfortable alternative of proposing use of the surplus to avoid any reductions whatsoever, inasmuch as I will not face the problem of living with a less than adequate surplus account. Moreover, there is no way of determining exactly the level below which it should not go. However, for the reasons I have outlined I could not honestly avoid the conclusions I have stated. Of necessity, foresight, in the present circumstances, must be more conservative than hindsight may subsequently indicate is required.

Allocation of funds to meet the problem from proceeds of the Bond Issue which was approved by the people last fall would be unwise if we are to retain the objectives which were approved last winter. You will recall that our objective was to finance a four-year program, and to support a reasonable amortization schedule for the Bond Issue. The loss of the revenue resulting from the Referendum in March reduces our ability to meet that objective. Additional allocations of the Bond Issue would further reduce our ability to meet it. We should not take such a step unless we accept the resulting responsibility to close the gap by providing additional revenues.

I do not recommend enactment of additional highway revenue measures at this time for two reasons. In the first place, there is a study now in process, authorized by this

Legislature, to evaluate the burdens borne and the benefits derived by various groups who benefit from the use of our highways. Notwithstanding the fact these studies will not be as complete as we would like because similar Federal studies will take longer than expected, there should be more information available when the next Legislature convenes than there is now, and there will be more time for thorough discussion. In the second place, in the light of the economic situation, this would not appear to be the time to impose additional tax burdens on our people. Moreover, it is difficult to judge whether, on March 10th, the people voted against a particular kind of tax or against additional taxation of any kind.

The only alternative left to meet the first problem, therefore, is reduction in program. In this connection, the following considerations would appear to be valid:

1. It would be difficult and probably unwise to reduce allocations for non-construction activities, since reductions of the size we are considering would reduce standards of service below tolerable limits. Salaries are something less than competitive. Snow removal and summer maintenance, the two largest items, are at levels which should not be reduced.

2. State matching funds under Federal programs should not be reduced for the reason that such reduction would also eliminate substantial Federal dollars from the program for this biennium. In the Federal Inter-State Program this would involve \$9.00 of Federal money for every \$1.00 of State money that we eliminated. In the Federal primary, secondary, and urban programs it would involve \$1.00 of Federal money for every \$1.00 of State money eliminated.

3. We should not reduce the State Aid "Hardship" Program, the regular State Aid Program, or the town road improvement program. These serve local and area needs at a level which has been considered minimum. With respect to the regular State aid program, a reduction in State dollars would mean a reduction in local matching dollars as well. Moreover, municipalities have been planning their activities in reliance upon State participation

in the regular State aid program and the town road improvement program; and that planning should not be disrupted if at all possible.

The only alternative remaining is the program for State projects in the Federal system and on State highways which are not in the Federal system. These are projects which ordinarily do not qualify for Federal matching dollars but which are deemed sound in the light of need and anticipated traffic on the highways involved. It is suggested that a reduction sufficient to meet the anticipated deficit be made in this program.

A reassuring fact is the opportunity which is given us to transfer some of the projects which are to be eliminated to the new Federal Emergency Program which I shall discuss shortly. This is possible because the Federal Bureau of Public Roads will approve projects under the Emergency Program which could not be included in the regular Federal-Aid Program. Information which has been placed on your desks by the Highway Commission will give you more detailed information in this connection.

I turn now to the second highway problem to which I have referred. Under the Federal Emergency Program, there is made available to us \$2,975,768.00 in Federal funds, requiring State matching funds in the amount of \$1,519,343.00. The Federal funds are available "for expenditure pursuant to contracts awarded or work commenced by the State Highway Departments prior to December 1, 1958, for completion of construction prior to December 1, 1959." As you can see, commitment to this program must be made in advance of the convening of the next Legislature, and sufficiently in advance to get the work commenced or under contract before December 1, 1958.

With respect to the required State matching funds, we can, in effect, anticipate \$919,343.00 by accepting now from the Federal government an advance against our regular allocations under the Federal primary, secondary, and urban programs for the fiscal years ending June 30, 1961, and June 30, 1962. I recommend doing so. If you accept this recommendation, the remain-

ing requirement, if we are to take advantage of the emergency program, is that we provide an additional \$600,000.00 in State funds.

To meet this problem, we could resort to highway fund surplus or to the enactment of additional revenue measures. For the reasons I have already outlined, I recommend not doing so. It seems to me that the practical solution is a supplemental allocation of the proceeds of the Bond Issue. This is a need which was unforeseen a year ago, and the desirability of stimulating economic activity in these times justifies such action. Moreover, the taking of such action will not substantially raise the requirements for State matching funds under the Federal primary, secondary, and urban program as planned within the four-year program which was approved in the regular session.

The net effect for the four-year period will be that we will supplement regular allocations for the Federal primary, secondary, and urban program by \$3,435,439.00 and the requirement in State matching dollars will remain substantially as originally planned. This is true because, by accepting an advance on our Federal allocations for 1961, we will reduce State matching requirements for that year. In fiscal year 1962, that is, the fiscal year following the four-year program, Federal primary, secondary, and urban allocations will be reduced by \$459,672.00 and the requirement for State matching dollars will be reduced by approximately the same amount.

If you should approve commitment to the new Federal Emergency Program, whatever the means of financing, you will find on your desks detailed information from the State Highway Commission as to the projects which are likely to be included. Bear in mind that they must be such as to require a minimum of engineering and of new right-of-way work if construction is to be commenced or the contracts awarded before December 1st of this year.

Problems Related To Unemployment Compensation

At the outset of my remarks I stated that we owe it to the people

of Maine, whether they are directly or indirectly affected, to give the problems created by the recession that full consideration which can be given only in a session of the Legislature. In addition to those I have already described, I stated that we should give ready recognition to weaknesses in the economic structure which have been revealed by current stresses, and that we should be moved by humane concern for those whose income and financial resources have been dissipated by forces beyond their control.

This takes us logically to those problems related to our unemployment compensation program about which there has been so much discussion in recent weeks with respect to Federal and State responsibilities. There are pending in Congress several proposals. The proposals receiving most of the attention at the present time are those relating to possible extension of the benefit period. The President, and leaders in both the major political parties support one or another of these proposals, it appearing to be the consensus of opinion that the problem of the unemployed requires some such action. It is difficult to predict at the moment what form that action will take.

There are those who believe that the Congress should not legislate with respect to benefit standards, and that the problem should be left to the respective States. We must not permit the merits of the problem to be obscured by debate as to whether jurisdiction for action belongs properly to the Federal government or to the State. It is possible to adjust whatever decisions you may wish to make toward improvement of benefit standards to any legislation which the Congress may enact.

According to the most recent figures available, there are about 30,000 unemployed covered by our unemployment compensation program. According to estimates, computed on an established formula, this reflects total unemployment of about 44,000. Our situation is as serious as that of any State in the Country, being comparable, per-

centagewise, to that of the highly industrialized State of Michigan.

Under our law, a new benefit year began on April 1st of this year. Prior to that date, 8,137 persons had exhausted their benefits in the previous benefit year. It is with respect to this group that the most critical problem exists. Their problem can be defined best by an examination of their benefit entitlement in the new benefit year.

Of the total number of exhaustees, 3,193 failed to file claims in the new benefit year. We can only speculate as to the reasons. It is possible that many of them realized their earnings in the 1957 calendar year were not sufficient to qualify them for even minimum benefits. It is possible that some of them, particularly in the younger group, have moved to other States. It is possible that some of them have obtained new employment, temporary or otherwise. It cannot be accurately assumed that all of them are in any one or even all of these suggested categories.

Of the 4,944 exhaustees who did file in the new benefit year, 129 were declared ineligible because of insufficient earnings in 1957. Four hundred and sixty-seven are receiving benefits at the same level as in the previous benefit year. Nine hundred and thirty-seven are receiving larger amounts than in the previous year. Three thousand four hundred and eleven are receiving smaller amounts; and the reductions range from \$1.00 a week to \$26.00 a week. The average weekly benefit amount of 4,815 exhaustees now eligible for benefits has dropped from \$20.27 to \$15.51. The problem of inadequate benefits is not confined to the 8,137 exhaustees. There are others who, while not exhausting their benefits in the 1957 benefit year, approached the end of their benefit period and whose qualifying earnings were probably substantially reduced. We do not have an estimate of their number or an evaluation of their problem.

As we define the problem, we should not ignore the possibility that the recession will continue for longer than we would like to think. In October, those who began drawing benefits at the beginning of this benefit year will begin to exhaust their entitlement and the number of

exhaustees will begin to increase thereafter. In the light of this possibility, it would be shortsighted not to consider whether legislation should be enacted now to guard against such a contingency. At the very least, you should consider whether or not you want to enact legislation enabling us to take advantage of whatever Congressional legislation is approved which will operate to extend the benefit period.

It is appropriate, at this point, to consider the purpose of the unemployment compensation law and its development since it was first enacted in 1936. In the statement of policy which is found in the law is found the following: "Economic insecurity due to unemployment is a serious menace to the health, morals, and welfare of the people of this State. Unemployment is therefore a subject of general interest and concern which requires appropriate action by the Legislature to prevent its spread and to lighten its burden which may fall upon the unemployed worker, his family, and the entire community."

Every effort has been made, and should be made, to apply actuarial principles to the program to insure that there will be a sound relationship between contributions, benefits, and unemployment compensation reserves. However, the determination of this relationship is not as exact a process as is the case with life insurance, for example, because we have not had comparable experience.

That this is so, is reflected in the history of changing contribution rates and benefit rates since the law was enacted. For example, until merit rating became effective in 1943, the employer contribution rate was 2.7 per cent across the board. In that year, merit rating permitted an employer to reduce his rate to as low as 1.5 per cent if his experience warranted it. In 1946 this minimum was dropped to 1.2 per cent. In 1947 it was dropped again to .9 per cent, and, in 1957, to .5 per cent. It is estimated that, from 1943 through 1955, merit rating produced savings to employers in excess of \$46,000,000.00; and these savings have increased since that time. This compares with the balance in the fund at the present

time of just under \$41,000,000.00.

Benefit rates and benefit periods have also changed. For example, under the law as originally enacted, benefits authorized were 50 per cent of full-time weekly wages up to a maximum of \$15.00 per week for 16 weeks. At the present time the maximum benefit is \$33.00 per week for 26 weeks. However, since the law was enacted, increases in benefits have not kept pace with increases in average weekly earnings in covered employment.

In the light of the purpose of the law, and the history I have reviewed, it seems appropriate at this time, under present circumstances, to consider whether standards should not be adjusted to the needs revealed by current stresses. Several weeks ago I placed this problem before the Advisory Council to the Maine Employment Security Commission. The Advisory Council reported to me as follows, and its complete report is available to you:

1. That the duration of the benefit period was not currently a problem because we had just started a new benefit year.

2. That a majority of the Council recommended amending the law to include coverage for employees of those employers employing one or more persons.

3. That a majority of the Council did not recommend any changes in the law other than the one just noted.

Legislation incorporating the amendment suggested by the Council will be presented to you. Other legislation relating to benefit levels and the duration of the benefit period, including proposals to take advantage of possible Congressional action, will also be presented to you. It seems to me that the problem which I have outlined merits this kind of attention.

The proposal for increasing the benefit levels, provides that either of the two calendar years preceding a benefit year, whichever would be most advantageous to the claimant, may be used to determine the level of the claimant's benefits. The cost of this proposal to the unemployment compensation fund during

this benefit year would be an estimated \$878,000.00. This compares with estimated total benefits to be paid in calendar year 1958, under existing standards, in the amount of \$20,000,000.00. If the economy should improve, as we all hope, and as the industry survey to which I have referred predicts, then the total benefit payments and the cost to the fund would be reduced.

It would seem to me, however, that in order to accomplish the laudable objectives embodied in the statement of policy of the present law, the weekly benefits payable during periods of unemployment should at least be sufficient to provide a worker and his family with food and shelter.

According to a 1950 study of average expenditures for Portland, Maine, families, 49.1 per cent, or almost 50 per cent, of average family income was needed for such basic necessities as food, housing, heat, and lights.

The President has recommended that the States increase benefits so that the great majority of workers would be eligible for payments equal to at least half their regular earnings; and, as I have noted, this was the original objective of our law.

Our benefit payments fall far short of meeting the standards recommended by the President.

While the number involved may be only a small percentage of our total labor force, the burden on them and their families is not thereby lessened, and should not be ignored.

There is a great deal of material, bearing upon the problems which I have presented to you, which I have not included in these remarks for the very simple reason that, as it is, I have occupied more of your time than I wished. These are difficult and perplexing matters and I am sure you will want to inform yourselves fully. I know we are all desirous of achieving an equitable balance among all of the interests involved. Under divine guidance may we find the wisdom to do so.

At the conclusion of the address, the Governor, accompanied by his Council and the Heads of Depart-

ments, then retired amid the applause of the Convention, the audience rising.

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

In the House

The House was called to order by the Speaker.

Order Out of Order

On motion of Mr. Ross of Bath, it was

ORDERED, the Senate concurring, that unless received by unanimous consent in both branches, the only bills to be considered at this Special Session shall be those designated Legislative Documents 1674, 1675 and 1676. This order is not intended to prevent the consideration of germane amendments to the above bills.

This order also shall not apply to such bills or resolves as are intended only to facilitate the business of the Special Session. (H. P. 1152)

On motion of the same gentleman, under suspension of the rules, the Order was sent forthwith to the Senate.

Mr. Needham of Orono was granted unanimous consent to address the House.

Mr. NEEDHAM: Mr. Speaker and Members of the House: I have a bill here which I would like to discuss briefly. It concerns the University of Maine, and the purpose of it is to amend legislation which was passed at the regular session. At the regular session the University of Maine was authorized to borrow money to construct a dining hall and a men's dormitory and in connection with that legislation the money was appropriated by the Legislature to assist the University of Maine in the construction of these two projects. In connection with the construction of these projects the University of Maine participated in

paying a portion of the construction costs, and since the legislation was passed conditions have arisen which require the amendment of this legislation in order to make the bill more workable and aid the financing on the part of the University of Maine, and I therefore request unanimous consent to present this bill.

The SPEAKER: The gentleman from Orono, Mr. Needham, requests unanimous consent to introduce a bill notwithstanding the cloture order. The Clerk will read the title of the Bill.

The CLERK: Bill "An Act relating to Borrowing by University of Maine for Construction of Men's Dormitory and Men's Dining Hall."

The SPEAKER: Does the Chair hear objection to the admission of this Bill notwithstanding the cloture order?

The Chair hears none and the Bill is admitted.

Thereupon, on motion of Mr. Needham of Orono, the Bill was referred to the Committee on Education, ordered printed and sent up for concurrence.

Mr. Needham of Orono was again granted unanimous consent to address the House.

Mr. NEEDHAM: Mr. Speaker and Members of the House: I have another bill which concerns the University of Maine, and the purpose of this bill is to authorize the University of Maine to borrow money in an amount not to exceed \$4,700,000 from the Federal Housing and Home Finance Agency to provide funds for the construction of a men's dormitory, a woman's dormitory and family housing units. The Federal Government has enacted legislation which provides funds to educational institutions for the purposes of housing for students and for faculty, and the situation that the University of Maine finds itself confronted with at the present time, and knows that the situation will be more acute in the near future, is to be able to take the students who are applying for admission to the University of Maine. Unless the University of Maine can take advantage of this Federal financing which is on reasonable terms and

conditions, it will as far as the University authorities can see be forced to turn away students, Maine boys and girls who desire to obtain an education at that institution. I therefore ask unanimous consent to present his bill.

The SPEAKER: The gentleman from Orono, Mr. Needham, requests unanimous consent to introduce a Bill notwithstanding the cloture order. The Clerk will read the title of the Bill.

The CLERK: Bill "An Act Authorizing the University of Maine to Borrow for Housing Construction."

The SPEAKER: Does the Chair hear objection to the introduction of this Bill notwithstanding the cloture order?

The Chair does hear objection and the Bill is not admitted.

Mrs. Hendricks of Portland was granted unanimous consent to address the House.

Mrs. HENDRICKS: Mr. Speaker, notwithstanding the cloture rule I would like to introduce this bill and speak briefly to it. As we know, the last Legislature created the office of Deputy Commissioner of Institutional Services and when the job qualifications were written out by the Personnel Department, nothing was said about the training of the party that would fill this position, and I think to best serve the people who are in our institutions that we definitely need a person who is well-trained and who has the therapeutic knowledge, so I would like to introduce this bill that would take care of that. It would be an amendment to the other one.

The SPEAKER: The gentlewoman from Portland, Mrs. Hendricks, requests unanimous consent to introduce a Bill notwithstanding the cloture order. The Clerk will read the title of the Bill.

The CLERK: Bill "An Act relating to Qualifications of Deputy Commissioner of Institutional Services".

The SPEAKER: Does the Chair hear objection to the introduction of this Bill notwithstanding the cloture order?

The Chair hears none and the Bill is admitted.

Thereupon, on motion of Mrs. Hendricks of Portland, the Bill was referred to the Committee on State

Government, ordered printed and sent up for concurrence.

Mr. Stanley of Bangor was granted unanimous consent to address the House.

Mr. STANLEY: Mr. Speaker and Members of the House: The good people of Bangor are endeavoring to bring better water to the faucets of their various houses. In order to do that we have to come across a piece of property which is on the State Hospital land. We are asking that an easement be granted us through the Commissioner of Institutional Services. There is a right of way already through there which we can use by just running the pipeline through. That being the case and as we would like to have water before winter comes again this fall, we would like to present this little bill.

The SPEAKER: The gentleman from Bangor, Mr. Stanley, requests that he be given unanimous consent to introduce a Resolve notwithstanding the cloture order. The Clerk will read the title of the Resolve.

The CLERK: "Resolve Authorizing Commissioner of Institutional Service to Grant Certain Easements on Land of the State Hospital in Bangor".

The SPEAKER: Does the Chair hear objection to the introduction of this Resolve notwithstanding the cloture order?

The Chair hears none and the Resolve is admitted.

Thereupon, on motion of Mr. Stanley of Bangor, the Resolve was referred to the Committee on Legal Affairs, ordered printed and sent up for concurrence.

Mr. Tevanian of Portland was granted unanimous consent to address the House.

Mr. TEVANIAN: Mr. Speaker and Members of the House: I have a bill I would like to submit to this House for its consideration to the entire legislative body despite the cloture order. It is an Act relating to definition of fish under weights and measures law and I would like to speak briefly on it.

In the last regular session of this Legislature, this body passed an act which related to the measuring of

fish and it is worded in this manner, that all meat, meat products, fish and poultry shall be offered or exposed for sale and sold by weight. Since that time there is a controversy as to whether or not the word "lobster" is included in this definition, and I have since discussed this matter with the people in the lobster industry, all three, the fishermen, the retail dealers and the wholesale dealers, and they inform me that during the summer months during the shedding season when the lobsters are very easily placed for sale they will be very difficult to be handled by retail market dealers if they have to be sold by weight, most market dealers will not be able to afford to increase in their sales the cost of measuring them as fish.

As I understand, the lobster when they are cooked and offered for sale have a great shrinkage, and the wholesale dealers estimate if this bill and this interpretation remain there will be a loss of a million to a million and a half pounds of lobster on the retail market in this so-called bargain sales manner, and I think most of you are familiar with the glut in the market that the lobster industry had last year and I am assured that the lobster industry will have a very difficult time if they do face the prospect of an additional bad year where a million to a million and a half pounds would be taken off the market in this manner, and I think that this is a very important factor in the economy of the southern part of the State. For that reason I request unanimous consent so that the matter may at least be considered by the legislative body.

The SPEAKER: The gentleman from Portland, Mr. Tevanian, requests unanimous consent to introduce a Bill notwithstanding the cloture order. The Clerk will read the title of the Bill.

The CLERK: Bill "An Act relating to Definition of Fish under Weights and Measures Law".

The SPEAKER: Does the Chair hear objection to the introduction of this Bill notwithstanding the cloture order?

The Chair hears none and the Bill is admitted.

Thereupon, on motion of Mr. Tevanian of Portland, the Bill was referred to the Committee on Agriculture, ordered printed and sent up for concurrence.

Mr. Vaughan of Hallowell was granted unanimous consent to address the House.

Mr. VAUGHAN: Mr. Speaker and Ladies and Gentleman of the House: I was asked by the Adjutant General's Department to present this bill to correct a condition that has arisen under this period of unemployment that we are going through. The unemployment fund recipient who is in the National Guard has to put down his drill earnings as a requirement to receive his unemployment funds. He might get \$6.00 a night once a week for his drill period. Therefore, he has to take a \$5.00 loss in his payment from the Unemployment Commission. However, he does not get paid his National Guard drill funds for another three months, they pay quarterly in the National Guard. This creates a hardship on that person.

The State of New Hampshire recognized this in 1949 when there was a minor recession then and removed the requirement of National Guard or Reserve funds from the books, so that does not affect the take-home on the employment security. Maine wishes to do the same because they found that some National Guardsmen will skip the drill so that they will not earn additional money to make them ineligible for the full amount. Therefore, under suspension of the rules and unanimous consent I present this bill.

The SPEAKER: The gentleman from Hallowell, Mr. Vaughan, requests unanimous consent to present a Bill notwithstanding the cloture order. The Clerk will read the title of the Bill.

The CLERK: Bill "An Act to Exclude National Guard and Reserve Pay from Wages under Employment Security Law".

The SPEAKER: Does the Chair hear objection to the introduction of this Bill notwithstanding the cloture order?

The Chair hears none and the Bill is admitted.

Thereupon, on motion of Mr. Vaughan of Hallowell, the Bill was referred to the Committee on Labor, ordered printed and sent up for concurrence.

Mr. Rowe of Limerick was granted unanimous consent to address the House.

Mr. ROWE: Mr. Speaker, I have a bill which I would like to introduce which is to incorporate the Limerick Water District. This bill is necessary due to the financial straits the present Limerick Water Company finds itself in, otherwise we would wait for a regular session. Therefore, I request unanimous consent to present this bill.

The SPEAKER: The gentleman from Limerick, Mr. Rowe, requests unanimous consent to introduce a Bill notwithstanding the cloture order. The Clerk will read the title of the Bill.

The CLERK: Bill "An Act to Incorporate the Limerick Water District".

The SPEAKER: Does the Chair hear objection to the introduction of this Bill notwithstanding the cloture order?

The Chair hears no objection and the Bill is admitted.

Thereupon, on motion of Mr. Rowe of Limerick, the Bill was referred to the Committee on Public Utilities, ordered printed and sent up for concurrence.

Mr. Couture of Lewiston was granted unanimous consent to address the House.

Mr. COUTURE: Mr. Speaker, this bill is under the unemployment security law and this is on the dependency allowance. I am requesting unanimous consent to introduce the bill.

The SPEAKER: The gentleman from Lewiston, Mr. Couture, requests unanimous consent to introduce a Bill notwithstanding the cloture order. The Clerk will read the title of the Bill.

The CLERK: Bill "An Act relating to Dependency Allowances under Employment Security Law".

The SPEAKER: Does the Chair hear objection to the introduction of this bill notwithstanding the cloture order?

The Chair does hear objection and the Bill is not admitted.

Mr. Broderick of Portland was granted unanimous consent to address the House.

Mr. BRODERICK: Mr. Speaker and Members of the House: I have a bill which is designed to clarify certain ambiguities which are existent in legislation which this body passed last spring in its regular session. It is in effect corrective legislation and it concerns only the members of the Portland Police Department and Portland Fire Department and only those members which do not come under the State Retirement Benefit System. This bill is entirely a local problem yet the legislation now existing, as I have stated before, passed by this legislative body does need correction and does need clarification and I now seek unanimous consent from this honorable body to introduce this bill notwithstanding the cloture order.

The SPEAKER: The gentleman from Portland, Mr. Broderick, requests unanimous consent to introduce a Bill notwithstanding the cloture order. The Clerk will read the title of the Bill.

The CLERK: Bill "An Act relating to City of Portland Employee Retirement Benefits."

The SPEAKER: Does the Chair hear objection to the introduction of this Bill notwithstanding the cloture order?

The Chair hears none and the Bill is admitted.

Thereupon, on motion of Mr. Broderick of Portland, the Bill was referred to the Committee on Legal Affairs, ordered printed and sent up for concurrence.

Mr. Rich of Charleston was granted unanimous consent to address the House.

Mr. RICH: Mr. Speaker and Ladies and Gentlemen of the House: The County Commissioners of Penobscot County have asked me to introduce a bill which would provide fire protection for the township of Argyle, an unorganized township. It seems that now the County Commissioners have no power to contract with individuals or municipalities and pay them because they haven't the power to tax the county for this, and this is the purpose of

this bill. It deprives the township of Argyle and one other township in Penobscot County, two in Piscataquis County, two in Aroostook County and one in Oxford County.

The SPEAKER: The gentleman from Charleston, Mr. Rich, requests unanimous consent to introduce a Bill notwithstanding the cloture rule. The Clerk will read the title of the Bill.

The CLERK: Bill "An Act Providing Fire Protection for Argyle Township, Penobscot County."

The SPEAKER: Does the Chair hear objection to the introduction of this Bill notwithstanding the cloture order?

The Chair hears no objection and the Bill is admitted.

Thereupon, on motion of Mr. Rich of Charleston, the Bill was referred to the Committee on Towns and Counties, ordered printed and sent up for concurrence.

Mr. Miller of Portland was granted unanimous consent to address the House.

Mr. MILLER: Mr. Speaker, notwithstanding the cloture I request unanimous consent to present a bill which would clarify a technical misunderstanding on a law that was passed at the 98th Session of the Legislature relating to contracts with Federal Government for Aid under Maine Housing Authority Act.

The SPEAKER: The gentleman from Portland, Mr. Miller, requests unanimous consent to introduce a Bill notwithstanding the cloture order. The Clerk will read the title of the Bill.

The CLERK: Bill "An Act relating to Contracts with Federal Government for Aid under Maine Housing Authorities Act."

The SPEAKER: Does the Chair hear objection to the introduction of this bill notwithstanding the cloture order?

The Chair hears no objection and the Bill is admitted.

Thereupon, on motion of Mr. Miller of Portland, the Bill was referred to the Committee on Judiciary, ordered printed and sent up for concurrence.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker, could I ask the gentleman from Brunswick, Mr. Walsh, and the gentleman from Bath, Mr. Ross, to approach the rostrum and could I have permission to approach the rostrum?

The SPEAKER: The Chair will request the gentleman from Bath, Mr. Ross, the gentleman from Brunswick, Mr. Walsh, and the gentleman from Lewiston, Mr. Jalbert, to meet the Speaker in the Speaker's office. The House will be at ease for just a minute.

House at Ease

Called to order by the Speaker.

Mr. Desmarais of Sanford was granted unanimous consent to address the House.

Mr. DESMARAIS: Mr. Speaker and Members of the House; I would like unanimous consent notwithstanding the cloture rule to present a bill eliminating the waiting period under the employment security law.

The SPEAKER: The gentleman from Sanford, Mr. Desmarais, requests unanimous consent to introduce a Bill notwithstanding the cloture order. The Clerk will read the title of the Bill.

The CLERK: Bill "An Act Eliminating Waiting Period under Employment Security Law".

The SPEAKER: Does the Chair hear objection to the introduction of this Bill notwithstanding the cloture order?

The Chair hears no objection and the Bill is admitted.

Thereupon, on motion of Mr. Desmarais of Sanford, the Bill was referred to the Committee on Labor, 1,000 copies ordered printed and sent up for concurrence.

Mr. Jack of Topsham was granted unanimous consent to address the House.

Mr. JACK: Mr. Speaker, I have a bill here to amend the charter of the Topsham Sewer District. It is simply to change the name from the Topsham Sewage District to the Topsham Sewer District. And that provision there relating to notes and bonds would be carried through.

The SPEAKER: The gentleman from Topsham, Mr. Jack, requests

unanimous consent to introduce a bill notwithstanding the cloture order. The Clerk will read the title of the bill.

The CLERK: Bill "An Act relating to the Topsham Sewer District".

The SPEAKER: Does the Chair hear objection to the introduction of this Bill notwithstanding the cloture order?

The Chair hears no objection and the Bill is admitted.

Thereupon, on motion of Mr. Jack of Topsham, the Bill was referred to the Committee on Public Utilities, ordered printed and sent up for concurrence.

The SPEAKER: Are there any other members who wish unanimous consent to introduce a bill?

Mr. Dumais of Lewiston was granted unanimous consent to address the House.

Mr. DUMAIS: Mr. Speaker and Members of the House: I know that a lot of the ladies and gentlemen in this House believe I am going to present the bonus bill. I was under the impression that no bills would be able to get through this House until the very last minute; therefore I had too many changes to make in it to be able to present it to this House, but I do have a bill relating to minimum wage and I would like to introduce this.

The SPEAKER: The gentleman from Lewiston, Mr. Dumais, requests unanimous consent to introduce a Bill notwithstanding the cloture order. The Clerk will read the title of the bill.

The CLERK: Bill "An Act relating to Minimum Wages."

The SPEAKER: Does the Chair hear objection to the introduction of this Bill notwithstanding the cloture order?

The Chair does hear objection and the Bill is not admitted.

On motion of Mr. Ross of Bath, all bills and resolves received by unanimous consent were sent forthwith to the Senate.

(Mr. Rowe of Madawaska was granted unanimous consent to address the House briefly off record.)

House at Ease

Called to order by the Speaker. The SPEAKER: Returning to the normal order of business. We have now reached Senate Papers and first reading of accompanying bills and resolves.

Papers from the Senate

From the Senate: The following Orders:

ORDERED, the House concurring, that three hundred fifty copies of the Legislative Record for this Special Session convened on May 6, 1958, be printed and bound, one copy each for the members and officers of the Senate and House of Representatives, and the remainder to be deposited in the State Library for exchange and library purposes; and be it further

ORDERED, that three hundred 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. 670)

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 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 by the Secretary of the Senate and the Clerk of the House, respectively; the cost of this service to be paid to the New England Telephone and Telegraph Company at regular tariff rates; and be it further

ORDERED, that free telegraph service be provided to the number of five messages of reasonable length, 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 by the Secretary of the Senate and Clerk of the House; the cost of this service to be paid to Western Union Telegraph Company at regular tariff rates (S. P. 671)

ORDERED, the House concurring, that the Secretary of the Senate and the Clerk of the House be directed to furnish to each member

and officer of the Senate and House, a copy of the State newspaper each morning during the present Special Session of the Legislature (S. P. 672)

Came from the Senate read and passed.

In the House, the Orders were read and passed in concurrence.

From the Senate:

Bill "An Act Amending the 1957 General Highway Fund Allocation Act and Providing Matching Funds to Implement the Federal - Aid Highway Act of 1958" (S. P. 669) (L. D. 1674)

Came from the Senate received by unanimous consent and referred to the Committee on Highways.

In the House, received by unanimous consent and referred to the Committee on Highways in concurrence.

From the Senate:

Bill "An Act Closing Certain Fishways and Waters Nears Hatcheries and Feeding Stations to Fishing" (S. P. 673)

Came from the Senate received by unanimous consent and passed to be engrossed without reference to a committee.

In the House:

The SPEAKER: The Chair recognizes the gentleman from Greenville, Mr. Harris.

Mr. HARRIS: Mr. Speaker, I believe I can explain what that bill is, especially the one at east outlet on Moosehead Lake. Until four or five years ago there was a wooden dam at east outlet, the headwaters of the Kennebec River. No fishway was in that dam. Subsequently a new cement dam was built, completed two years ago and a fishway was installed in that dam in the center. The dam is approximately eight hundred feet long. Now as the law now stands, the fishway not being in operation, it is legal to fish from that dam either above or below the dam, but if the fishway is put in operation under our existing statute it is unlawful to fish from a dam that has a fishway. A good many people in the Moosehead area come for that purpose to fish off of that dam. Wilson's sporting camps are located on one end of the dam. A lot of you might have fished there.

It is mostly fly fishing off of the dam, and a lot of fly fishermen have been made there.

The Fish and Game Department are willing that special legislation be passed if possible that would allow fishing from that dam, closing the fishway which is approximately fifty feet wide and fifty feet each side of the fishway which would encompass an area of one hundred and fifty feet in the center of the dam that would be closed to fishing. The dam would be painted, signs would be posted saying that that area was closed, but allowing the rest of the area to be fished above and below the dam. As I stated, this is a measure that the Fish and Game Department are fully in accord with and the biologists, as a matter of fact they are the ones that drew up the bill. Thank you.

The SPEAKER: The question before the House is the reception of this Bill by unanimous consent notwithstanding the cloture order. Does the Chair hear objection to the reception of this Bill by unanimous consent notwithstanding the cloture order?

The Chair does not hear objection and the Bill is admitted.

Mr. Ross of Bath was granted unanimous consent to address the House.

Mr. ROSS: Mr. Speaker, I would like to make a few remarks relative to the procedure that we have been going through this afternoon. Prior to today it has been general practice for us not to accept by unanimous consent bills that were just introduced on the spur of the moment. At the prior two special sessions we had a screening committee. They went over all sorts of bills and we came in with several suggested bills. This time there was no such committee set up and the Speaker and leadership have hoped that perhaps there would be no other bills except the ones that were suggested in the Governor's message.

When we arrived here yesterday we found that the Director of Legislative Research had ten bills in his possession that had been prepared. Some of those bills certainly were worthwhile. In our republican caucus

we read off the titles of each one of those prepared bills, we explained in brief what the substance was and the person who was sponsoring them. It was the hope of the leadership that some of these bills that were most worthwhile would certainly be allowed to be introduced at this time, but we took no binding vote and will take no binding vote on a situation such as that because it is up to the judgment of every individual member whether they want to object to the introduction of a bill. That explains our situation as far as the republicans in the House go, and for the other members of the other party who have objected to the procedure and some of the objections raised by our members please bear in mind the first objection was by a Republican to a republican-sponsored bill.

Now we have coming before us three bills that we accepted that we —

The SPEAKER: The gentleman may continue. The Chair would remind the gentleman that we have not yet accepted these three bills. We accepted one, but not the other two. Does the gentleman care to limit his discussion only to that one bill that we have already accepted? The question now before the House is of course reference to a committee.

Mr. ROSS: Mr. Speaker, as I understand we have before us now or will have before us, bills that are suggested we pass without reference to a committee, — is that correct?

The SPEAKER: The Chair would advise the gentleman that the other branch has passed these bills to be engrossed without reference to a committee, and the question before this House is reference of the bill.

Mr. ROSS: Although we have accepted several bills this afternoon by unanimous consent we have accepted them only with the provision that they be referred to committee. The members of this House I do not think deem it wise to pass legislation without having a committee hearing, and I certainly would suggest that when these bills are heard that they still be referred to a committee and that the rules not be suspended and be given their first, second and third readings and passed to be engrossed.

Thereupon, on motion of Mr. Ross of Bath, the Bill "An Act Closing Certain Fishways and Waters Near Hatcheries and Feeding Stations to Fishing" (S. P. 673) was referred to the Committee on Inland Fisheries and Game in non-concurrence.

From the Senate:

Bill "An Act relating to Definition of Fish under Weights and Measures Law" (S. P. 674)

Came from the Senate received by unanimous consent and passed to be engrossed without reference to a committee.

In the House, received by unanimous consent in concurrence and on motion of Mr. Ross of Bath, referred to the Committee on Agriculture in non-concurrence.

From the Senate:

Bill "An Act Correcting Certain Inconsistencies in the Probation and Parole Law" (S. P. 675)

Came from the Senate received by unanimous consent and passed to be engrossed without reference to a committee.

In the House, received by unanimous consent in concurrence and on motion of Mr. Ross of Bath, referred to the Committee on Judiciary in non-concurrence.

Petitions, Bills and Resolves Requiring Reference

The following Bills and Resolves were received and were referred to the following Committee:

Labor

Bill "An Act relating to Definition of Employer under Employment Security Law" (H. P. 1150) (L. D. 1675) (Presented by Mr. Karkos of Lisbon Falls)

(4,000 copies Ordered Printed)

Bill "An Act relating to Definition of Base Period under Employment Security Law" (H. P. 1151) (L. D. 1676) (Presented by Mr. Letourneau of Sanford)

(4,000 copies Ordered Printed)

Sent up for concurrence.

The SPEAKER: The Chair now recognizes the gentleman from Belfast, Mr. Rollins.

Mr. ROLLINS: Mr. Speaker, I would like permission to unanimously address the House.

The SPEAKER: The Chair would note that the records of the Clerk note the gentleman from Belfast, Mr. Rollins, as being absent at the time of the roll call and the Chair would ask if there is objection on the part of the House for the Clerk to correct his records showing the presence of the gentleman from Belfast. Is there objection? The Chair hears none. The gentleman is present. The gentleman may proceed.

Mr. ROLLINS: Mr. Speaker, I have a bill here I would like to introduce notwithstanding the cloture rule. It is to authorize Ella Braley of Belfast to sue the State of Maine. This lady had her well destroyed in the construction of the highway and she feels that she has some redress and the only way she can get it is to sue the State of Maine. Therefore I present this Resolve.

The SPEAKER: The gentleman from Belfast, Mr. Rollins, requests unanimous consent to introduce a Resolve notwithstanding the cloture order. The Clerk will read the title of the Resolve.

The CLERK: Resolve Authorizing Ella Braley of Belfast to Sue the State of Maine.

The SPEAKER: Does the Chair hear objection to the introduction of this Resolve notwithstanding the cloture order?

The Chair hears none and the Resolve is admitted.

Thereupon, on motion of Mr. Rollins of Belfast, the Resolve was referred to the Committee on Legal Affairs, ordered printed and sent up for concurrence.

On further motion of Mr. Rollins of Belfast, under suspension of the rules, the Resolve was ordered sent forthwith to the Senate, together with all other matters on which the House had acted and that required Senate concurrence.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Childs.

Mr. CHILDS: Mr. Speaker, I now move that we reconsider our action whereby this last matter was

referred to the Committee on Legal Affairs. The reason that I make this motion—it always has been the practice on matters which were put in to sue the State of Maine, to go before the Committee on Judiciary and I believe that the answer is obvious, that this is strictly a legal matter and there are many problems involved here which will be legal matters. On the Committee on Legal Affairs there are three lawyers, I believe, and seven laymen, and I certainly have a great deal of respect for the laymen on the Committee but I think that a bill of this nature should go to the proper committee which is the Committee on Judiciary. Therefore, I move we reconsider our action.

The SPEAKER: The first question before the House is the motion of the gentleman from Portland, Mr. Childs, that the House reconsider its action whereby it referred the Resolve presented by the gentleman from Belfast to the Committee on Legal Affairs. Is this the pleasure of the House?

The motion prevailed.

The question now before the House is the motion of the gentleman from Portland, Mr. Childs, that this Resolve be referred to the Committee on Judiciary and be printed. Is this the pleasure of the House?

The motion prevailed.

The Chair now understands that the gentleman from Belfast, Mr. Rollins, moves that this Resolve, under suspension of the rules, be sent forthwith to the Senate. Is this the pleasure of the House?

The motion prevailed.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker, I would like to ask a parliamentary question of the Speaker, if I may.

The SPEAKER: The gentleman may state his question.

Mr. JALBERT: If one would have a bill that would be germane to either the Highway Program or the Unemployment Program and could not get his bill in under unanimous consent, could he submit that before the committee and if he doesn't get any satisfaction there,

can he also submit it by amendment to one of the unemployment comp. bills?

The SPEAKER: The Chair does not like to indulge in hypothetical parliamentary questions on the floor of the House. If the gentleman would see the Speaker in the Speaker's office when we have adjourned I would be very happy to discuss it with him.

Mr. JALBERT: Well, as I understand it now, the cloture rule will go on before we adjourn this evening.

The SPEAKER: The cloture rule is on right now.

Mr. JALBERT: Yes—there will be no more unanimous consent after this evening—is that correct?

The SPEAKER: That is not correct. A request for unanimous consent will be entertained at any time.

Mr. Emmons of Kennebunk was granted unanimous consent to address the House.

Mr. EMMONS: Mr. Speaker, I hope this session will not be too long and for that reason I would personally hope that all bills that are going to be introduced will be introduced tonight. I think that is perfectly fair for them to be introduced so that they can be printed and set for hearing. But if we don't introduce them tonight and someone asks tomorrow, I certainly would feel that I could say no to any bill that is going to be suggested — I am not saying that I will — but I am just suggesting that we should get our bills in tonight, and for that

reason I am rising now because I think Brother Jalbert if he has a bill should probably present it now rather than later, that is just my feeling about the thing.

Orders

On motion of Mr. Libby of Camden, it was

ORDERED, that Francis Harwood of Augusta serve as Acting Page of the House during this special session.

On motion of Mr. Hatfield of Orrington, it was

ORDERED, that Mr. Leathers of Hermon be excused from attendance today because of business, and that Mr. Edmunds of Fort Fairfield be excused because of illness in the family.

On motion of Mrs. Smith of Falmouth, it was

ORDERED, that Mr. Blanchard of Wilton be excused from attendance during this special session because of illness.

On motion of Mr. Emmons of Kennebunk, it was

ORDERED, that the use of the hall of the House be granted to the Committee on Labor for public hearing on May 7.

House at Ease

On motion of Mr. Ross of Bath, Adjourned until ten o'clock tomorrow morning.