

MAINE STATE LEGISLATURE

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MAINE
LEGISLATIVE RESEARCH
COMMITTEE

REPORT
TO
ONE HUNDREDTH LEGISLATURE



PUBLICATION NO. 100-5

JANUARY, 1961

M A I N E
L E G I S L A T I V E R E S E A R C H
C O M M I T T E E

REPORT
TO
ONE HUNDREDTH LEGISLATURE

JANUARY, 1961

STATE OF MAINE

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- 1 Senator Wyman succeeded Senator Hillman as Chairman on January 26, 1960.
- 2 Senator Cole appointed on January 19, 1960 to fill Senate vacancy created by the election of Senator Hillman as President of the Senate.
3. Senator Hillman elected Chairman on July 14, 1959; became ex officio member upon succeeding Senator Reed as President of the Senate on January 19, 1960.
- 4 Ex officio membership of Senator Reed terminated upon his succeeding Governor Clauson on December 30, 1960.

LETTER OF TRANSMITTAL

THE LEGISLATIVE RESEARCH COMMITTEE

January, 1961

To the Members of the 100th Legislature:

The Legislative Research Committee is pleased to submit its fifth report containing Committee findings and recommendations on fifteen matters assigned to it for study by the 99th Legislature.

Three reports of the present series (Publication Nos. 100-1 to 100-3) relating to State and municipal tax structure, and one report (Publication No. 100-4) on the feasibility of a State district court system, have been prepared for the Committee by professional consultants, and are submitted as separate reports. Each of the three reports on State and municipal tax structure is submitted without the recommendation of the Committee either for or against its substantive content. However, with respect to the district court study, the Committee has accepted the recommendation of the report that the State's municipal and trial justice courts be supplanted by district courts.

The Committee wishes to acknowledge its appreciation of the considerable services rendered by the State Highway Commission in connection with the studies of highway land damages and highway user's costs. The report on the latter study entitled "Maine Highway - User Tax Study" was professionally prepared and is submitted as a separate report.

It is the sincere hope of the Committee that the information contained in these reports will be of value to the members of the 100th Legislature.

Respectfully,

Senator J. Hollis Wyman
Chairman

Representative Robert G. Wade
Vice-Chairman

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AID TO DEPENDENT CHILDREN

ORDERED, the Senate concurring, that the Legislative Research Committee be, and hereby is, authorized and directed to study that part of the State welfare program relating to the administration of the Aid to Dependent Children to determine to what extent the present program meets existing legal and social requirements and to what extent the recipient is aided by the program; and be it further

ORDERED, that the Committee report the results of its findings to the 100th Legislature.

Review by this Committee of the present effectiveness of the state-administered Aid to Dependent Children program in Maine (R. S., c. 25, §§234-246) is based on the findings of the special study committee appointed by the Department of Health and Welfare and the Advisory Committee of Health and Welfare. In view of the fact that a unified program of study was developed which included participation by members of the Legislative Research Subcommittee on Aid to Dependent Children, the Committee is well satisfied that the findings of the special study committee reflect the best and most complete information presently available in this State in the ADC field, and provide the necessary substantive data from which to draw in determining future development in the program. Because of its participation in this study, the Committee deemed it unnecessary to conduct an independent study of the program. The Committee expresses general concurrence with the final report of the Advisory Committee of Health and Welfare, and, while not necessarily in complete agreement with its conclusions, makes the following specific

recommendations based upon its report.^{1/}

1. That the 18% municipal assessment for financial participation in the ADC program should be retained.
 2. That the Department of Health and Welfare, before authorizing an ADC grant to an applicant, should be required to consult with the welfare authorities of the applicant's municipality of residence as to the need for such assistance.
 3. That the provisions of R. S., c. 25, §239 be amended to require semi-annual review of each ADC case by the Department of Health and Welfare to determine whether assistance should be continued or terminated.
- This recommendation is not concurred in by Representative Curtis who believes that current review practices of the Department are sufficient and reasonable.
4. That ADC money payments should be made by the Department of Health and Welfare to each recipient bimonthly rather than monthly.
 5. That the Department of Health and Welfare appropriation should be increased to provide for the addition of 20 caseworkers to its public assistance staff.

The Committee, therefore, recommends adoption of the following legislation by the 100th Legislature:

^{1/} Report and Recommendations of the Advisory Committee of Health and Welfare to the Department of Health and Welfare and the Legislature, October 13, 1960.

AN ACT Requiring State and Municipal Consultation on Aid
to Dependent Children Grants.

Be it enacted by the People of the State of Maine, as follows:

R. S., c. 25, §239, amended. Section 239 of chapter 25
of the Revised Statutes is amended by adding after the
2nd sentence the following:

'Before granting aid under sections 234 to 246, the
department shall consult with the overseers of the poor
or the department of public welfare of the municipality
of residence as to the applicant's need for aid for the
dependent child for whom the grant is requested.'

AN ACT Providing for Semi-Annual Departmental Review of Aid
to Dependent Children Grants.

Be it enacted by the People of the State of Maine, as follows:

R. S., c. 25, §239, amended. Section 239 of chapter 25
of the Revised Statutes is amended by adding at the end the
following:

'The circumstances of each case in which aid shall have been
granted shall be reviewed semi-annually by the department
for such adjustment in the grant as the department may deem
necessary.'

CREDIT INSURANCE

ORDERED, the House concurring, that the Legislative Research Committee be, and hereby is, authorized and directed to study the necessity for regulation of credit life insurance and credit accident and health insurance sold in connection with loan or other credit transactions; and be it further

ORDERED, that the Legislative Research Committee report the results of its findings to the 100th Legislature.

Tremendous increases in consumer credit and credit life and credit accident and health insurance since World War II have provided an opportunity for abuse and make it important to consider the necessity for regulating credit insurance in this State. Although credit insurance performs an essential service in protecting the borrowing public against untimely death or disability, surveys in other states have indicated serious abuses, including:^{1/} (1) Charging the debtor an insurance premium based on an amount of insurance in excess of the amount of indebtedness; (2) Charging the debtor an insurance premium based on insurance in force for a longer period than the final maturity of the indebtedness; (3) Failing to inform the debtor that insurance has been effected in connection with the indebtedness and failing to inform him as to the amount, length of term of the insurance and the premiums which he has contributed, and (4) Failing

^{1/} Report of the Virginia Advisory Legislative Council on Credit Life and Credit Accident and Sickness Insurance. November, 1959.

to refund to the debtor the unearned portion of the premium when the indebtedness is prematurely paid or renewed.

Though few such cases have occurred in Maine, the possibility of future abuse has been recognized.^{2/} Efforts to translate this feeling of need for adequate legal safeguards into legislation occurred during the regular session of the 99th Legislature with the introduction of Bill: "AN ACT Regulating Certain Insurance Sold in Connection with Credit Transactions." This bill was an adaptation of the Model Bill prepared and

^{2/} This is brought out in the following testimony by Counsel for the Maine State Insurance Department at the public hearing of the Subcommittee on Credit Insurance, September 13, 1960: "Surveys by other states have indicated that serious abuses exist in the issue and sale of credit life and credit accident and health insurance in connection with loans and installment sales. Few abuses have been called to the attention of the Insurance Commissioner in the State of Maine as of this date. That this is no indication of the possible abuses which may exist is evidenced by the fact that only two or three cases of overcharges on automobile collision insurance were called to his attention in 1957 and 1958. Yet after a thorough investigation by the Maine State Insurance Department more than \$175,000 was returned to Maine policy holders who purchased automobile collision insurance along with their conditional sales contracts. They were overcharged for this insurance because of the failure of automobile dealers to place their customers in the correct rate classification and because of the failure of the insurance companies to see that they did so properly . . . Without . . . regulations . . . it will be difficult if not absolutely impossible to determine whether a borrower receives the proper coverage at the proper premium rate. At the present time, the seller of automobiles and other merchandise on a time sales basis is not required to give the buyer any evidence of proposed insurance coverage at the time of the transaction, so that the buyer has no written notice as to whether he is to get insurance or not. For that reason, he is unable to check when he gets home as to whether he should be getting within the next ten days a certificate of credit life insurance, credit accident and health insurance or both . . ."

recommended by the National Association of Insurance Commissioners in close cooperation with leaders of the insurance and finance industries.^{3/} The bill was heard before the Committee on Business Legislation and reported out favorably as Ought to Pass in New Draft. Subsequently, during the session, the bill was indefinitely postponed.^{4/} Opposition to this particular bill, as well as to the need for close regulation of credit insurance, apparently is based on the contention of lending institutions that the requirements of such legislation, even though directed toward abuses in credit insurance, would impose an unnecessary burden of compliance with complicated insurance legislation primarily on the institutions which are interested in providing such insurance solely as an integral part of their financial package. They further contend that the requirement of this legislation that credit insurance be separately stated

^{3/} According to the Life Insurance Association of America, the following 18 states have enacted laws patterned substantially after the National Association of Insurance Commissioners' Model Credit Insurance Bill: Alaska, Arkansas, California, Connecticut, Florida, Georgia, Idaho, Illinois, Michigan, Montana, Nebraska, Nevada, New Hampshire, New Jersey, Ohio, Rhode Island, South Dakota and Vermont. The states of New York, Texas, West Virginia and Wisconsin have laws which, although dissimilar to the Model Bill, have been construed to grant authority to regulate credit insurance.

^{4/} The history and final disposition on this bill was reported in the 1959 Register of All Bills and Resolves, as follows: "An Act Regulating Certain Insurance Sold in Connection with Credit Transactions. H. P. 893, L. D. 1262. Morse. Business Legislation. O.T.P., N.D., H. P. 947, L. D. 1343. Indefinitely postponed."

would permit "greater selectivity" by allowing the younger and healthier debtor to avoid the purchase of such insurance while providing an otherwise unavailable opportunity for the purchase of such insurance by the older and less healthy debtor. This situation, they seem to feel, would result in increased risks, in time would lead to higher premiums and greater costs, and ultimately to the discontinuance of such insurance. It should be pointed out that at the present time all debtors are generally required by their lenders to purchase credit insurance. Basically then, it may be said that the lending institutions feel that the enactment of credit insurance legislation such as that contemplated in the model bill is not needed in Maine, and if the Legislature, in its wisdom, should find such regulation in the public interest, that this particular bill would be extremely difficult to work with. The Insurance Department, on the other hand, takes the position that the experience of other states has shown numerous abuses in the absence of a law of this nature, and is highly in favor of legislation which would permit it to closely regulate this kind of insurance. At the present time, no direct control is exercised by the Insurance Department over group credit life, accident and health insurance. All other forms of insurance are subject to regulation, and some limited control over accident and health insurance may be exercised by the Department under a general provision which provides that the benefits of a policy shall be consistent

with rates.^{5/} For all practical purposes, however, the Insurance Department, unless such legislation is enacted, would have little or no control over such abuses should they occur in this State.

To remedy this situation, and to provide an effective means of controlling possible future abuses in the credit insurance field, the Committee, without making any specific recommendations as to the adoption of particular legislation, strongly favors the adoption of suitable legislation empowering the Insurance Commissioner to regulate the credit insurance field.^{6/} The Committee feels, because of the conflicting differences in opinion as to the nature of such legislation necessary, that the final choice of such legislation should be left entirely to the discretion of the Legislature. The Committee, therefore, makes no recommendation for specific legislation.

^{5/} R. S., 1954, c. 60, §117.

^{6/} In this connection, and with respect to legislative alternatives, it should be pointed out that the Consumer Credit Committee of the Maine Bankers Association will review the Model Bill prior to the regular session of the 100th Legislature in an effort to effectuate what they consider to be desirable and necessary changes. It is expected that this bill will be introduced during the 100th Legislature for its consideration.

COUNTY JAILS

ORDERED, the Senate concurring, that the Legislative Research Committee be, and hereby is, authorized and directed to study county jail operations in the several counties in the State for the purpose of determining strengths and weaknesses in the county jail system with a view of resolving such reforms as are necessary to promote the best interest of the State, and consistent with this objective to make such recommendations to the 100th Legislature as it concludes necessary for the more efficient administration of its functions, including consolidation, elimination and assumption of such functions by the State, or other alternatives as it deems necessary.

Reform and improvement in the operation of the county jails of this State, as elsewhere, has been the subject of numerous studies and recommendations.^{1/} The present system dating back well over a century, based on a mode of travel which necessitated a scattered network of jails, has been constantly criticized on the grounds that the system is not only antiquated and expensive, but that it no longer serves any real need. In brief, a thorough overhaul of the county jail system or its complete elimination is advocated by many as the only real solution to the problem. Reforms have been made, however, notwithstanding these contentions, and though the system can scarcely be considered perfect, the extreme conditions reflected in many of the previous reports on the subject, by and large, no longer exist. The present shortcomings of the county jail system can be attributed to the basic nature of county jail

^{1/} For a comprehensive study of the problem, see: Dow, Edward F., County Government in Maine. October, 1952.

administration. The Committee recognizes this fact, and as it has stated in a former report:^{2/} ". . . every effort (should) be made to promote an enlightened interest in the . . . subject in the hope that substantial improvement may be made over a period of years." Viewing the situation in this light, the Committee accepts the present retention of county jails as necessary. The system, however, should be upgraded, wherever necessary, to meet the minimum standards recognized as essential for such jails.

To facilitate elimination of the least essential of the 14 county jails now being operated in the State, the Committee specifically recommends changing the present requirement of R. S., c. 89, §18, with respect to compulsory maintenance of county jails by counties, from mandatory to discretionary. This would permit counties desiring to do so to discontinue their jails, and thereby provide a means of consolidating jails among interested counties. The Committee concludes that R. S., c. 27, §2 and §15 which require the Commissioner of Mental Health and Corrections to annually inspect the condition of all county jails should be repealed, in the absence of authority on his part to enforce corrections, and that direct responsibility for jail administration be placed with the county where it properly belongs. It is the Committee's opinion that since county jails are maintained

^{2/} Summary Report to Ninety-Sixth Legislature. January, 1953.

entirely by and for the county, such jails are the responsibility of the county, and until such time as their functions are assumed by the State, the State should not intervene in their administration.

The following acts are therefore recommended by the Committee to the consideration of the 100th Legislature:

AN ACT Repealing Commissioner of Mental Health and Corrections' Authority to Inspect County Jails.

Be it enacted by the People of the State of Maine, as follows:

Sec. 1. R. S., c. 27, §2, amended. Section 2 of chapter 27 of the Revised Statutes is amended to read as follows:

'Sec. 2. General powers. The department shall have authority to perform such acts, relating to the care, custody, treatment, relief and improvement of the inmates of the institutions under its control, as are not contrary to law; ~~and to inspect and investigate all jails at least once each year, to classify all convicts therein having regard to age, character and offenses, and to order county commissioners to make such alterations in their several jails as may be deemed necessary to classify the persons detained therein, and to require the jailers to keep such records as will facilitate the purposes of this section.~~'

Sec. 2. R. S., c. 27, §15, amended. The last sentence of section 15 of chapter 27 of the Revised Statutes is repealed as follows:

~~'The department shall make a report of the condition of all the jails to the Governor and Council by the 30th day of November annually.'~~

AN ACT Authorizing Discretionary Operation of County Jails.

Be it enacted by the People of the State of Maine, as follows:

Sec. 1. R. S., c. 89, §18, amended. The first sentence of section 18 of chapter 89 of the Revised Statutes is amended to read as follows:

~~'The county commissioners shall, in the shire town of their county, provide and keep in repair courthouses with a suitable room in each for the county law library; jails, with apartments for debtors separate from criminals, and fireproof buildings of brick or stone for the safekeeping of records and papers belonging to the offices of registers of deeds, and of probate and insolvency, and of the clerk of courts, with separate fireproof rooms, and suitable alcoves, cases or boxes for each office, and also any other necessary buildings.'~~

Sec. 2. R. S., c. 89, §18, amended. Section 18 of chapter 89 of the Revised Statutes, as amended by chapter 138 of the public laws of 1959, is further amended by adding after the first sentence, a new sentence to read as follows:

'The county commissioners may, in their respective shire towns, provide jails with apartments for debtors separate from criminals and shall keep such jails in proper repair.'

HEALTH AND WELFARE VACANCIES

ORDERED, the Senate concurring, that the Legislative Research Committee be, and hereby is, directed to study the problems of the Department of Health and Welfare concerning its inability to fill certain administrative positions within the department with particular attention to the position of Director of Health; and be it further

ORDERED, that the Legislative Research Committee report the results of its study to the 100th Legislature.

The Committee has reviewed the problem of vacancies in Department of Health and Welfare personnel and finds that the more important personnel vacancies existing at the time of adoption of this order have been filled. For this reason, the Committee concludes that further attention on its part is not required, and submits this as its report to the 100th Legislature.

HERRING FISHERY ECONOMY

ORDERED, the House concurring, that the Legislative Research Committee be, and hereby is, directed to study the economic aspects of the Maine herring fishery, to determine how this resource may be best utilized to the advantage of the State and its inhabitants; and be it further

ORDERED, that the Committee shall make such report or reports and recommendations as it concludes, to the 100th Legislature.

The Committee has reviewed the economic aspects of the Maine herring fishery, and finds that the increased use of herring in by-product production has had no serious impact on the use of herring for sardine packing. It was felt, at the time of adoption of this order, that the expanding by-product utilization of herring would make such a demand on the State's herring fishery that it would become impossible to meet the operating needs of the sardine canning industry. This situation has failed to materialize, and, as a matter of fact, the increasing demand for herring in by-product production is viewed by some as having a great stabilizing influence on the State's canning industry both from the point of view of the price of raw herring and the price of the finished sardine. Legislation providing for an equitable distribution of the herring resource among commercial users based on the relative economic value to the State of the respective use has been proposed as a means of achieving maximum utilization of the resource consistent with conservation and the continued economy of coastal Maine. The need for such restrictive legislation was discussed before the

Committee, but in view of the fact that the various industry representatives have agreed that legislation is unnecessary at the present time, the Committee has not considered the ultimate value of such legislation as a final solution to the problem. The Committee feels, therefore, in the absence of a definite legislative need, that further action by the Committee on this subject is not required, and submits this as its report to the 100th Legislature.

HIGHWAY LAND DAMAGES

RESOLVE, Relating to Determination of Damages Caused by
Taking of Land for Highway Purposes.

Procedures relating to determination of damages; study of.
Resolved: That the Legislative Research Committee be
authorized to study the procedures relating to determination
of damages caused by the taking of land for highway purposes
and report to the 100th Legislature.

The Legislative Research Committee approves, and submits
as its report, the following legislation and memorandum
prepared as the result of arrangements made with the State
Highway Commission for professional study of the problem:

AN ACT Relating to Acquisition and Compensation for Land
Taken for Highway Purposes.

Be it enacted by the People of the State of Maine, as follows:

Sec. 1. R. S., c. 23, §7, amended. Section 7 of chapter
23 of the Revised Statutes is amended by adding at the end
a new paragraph, as follows:

'In connection with the laying out and establishment of a
controlled access highway the commission may take in fee or
lesser estate, by purchase, gift, devise or by eminent domain
under this chapter, part or all of any part of land adjoining
the highway location which by reason of such laying out
and establishment of a controlled access highway, has been
severed from legal access to any public highway.'

Sec. 2. R. S., c. 23, §20, repealed. Section 20 of chap-
ter 23 of the Revised Statutes is repealed.

Sec. 3. R. S., c. 23, §§20-A - 20-I, additional. Chapter 23 of the Revised Statutes is amended by adding 9 new sections to be numbered 20-A to 20-I, to read as follows:

'Acquisition of Land and Materials for Highway Purposes.

Sec. 20-A. Purposes. The purposes of sections 20-A to 20-I are to establish an independent, impartial board composed of men well learned in the elements that may be properly considered in the determination of fair market value of property taken in condemnation proceedings; to empower such board to make awards of just compensation in highway condemnations and to establish before such board a procedure designed to afford to any interested party an opportunity to appear, present his case and have his rights fully protected without the necessity for retaining professional assistance; to thus provide to any interested party a prompt, efficient and inexpensive method of determination of just compensation and prompt payment of all or part of such compensation without prejudice to any right of appeal herein allowed.

Sec. 20-B. Purchasing and taking lands for highways and materials. The commission may purchase or take over and hold for the State, such materials and land as it may deem necessary to lay out and establish, construct, improve or maintain, or to provide a change of location or alignment of, or to provide drainage for, or to provide for the health, safety and welfare of the public using, any state or state

aid highway, or to secure materials, with necessary ways and access thereto, for the construction, improvement and maintenance of state and state aid highways.

Where land or material is to be purchased or taken over and held for the State, the commission shall first cause the property or interest therein necessary to be acquired to be surveyed and described and a plan thereof made and to be appraised by one or more appraisers who in making each appraisal shall contact the owner or one of the owners or his designated representative if reasonably possible.

Sec. 20-C. Condemnation proceedings. If the commission determines that public exigency requires the taking of such land or material or any interest therein forthwith, or is unable to purchase such land or material or the necessary ways and access thereto at what it deems a reasonable valuation, or if the title is defective, it shall file in the registry of deeds for the county or registry district where the land is located a notice of condemnation which shall contain a description of the project specifying the property and the interest therein taken and the name or names of the owner or owners of record so far as they can be reasonably determined. The commission may join in the same notice one or more separate parcels of property whether in the same or different ownership and whether or not taken for the same use.

A copy of the notice of condemnation shall be served on the owner or owners of record. With said copy there shall

be served on each individual owner of record a copy of so much of the plan as relates to the particular parcel or parcels of land taken from him and a statement by the commission with respect to the particular parcel or parcels of land taken from him which shall state:

I. Date of proposed possession. The proposed date of taking possession.

II. Compensation involving severance damage. Where land is taken and severance damage to the remaining property is involved, state the amount of compensation itemized in accordance with the commission's determination of the following elements of damage:

A. The highest and best use of the property at the date of taking;

B. The highest and best use of the property remaining after the taking;

C. The fair market value of the property before the taking;

D. The fair market value of the property after the taking, including severance damages;

E. The gross damage;

F. Special benefits accruing to the property by reason of the taking;

G. Net damage and offering price.

III. Compensation not involving severance damage. Where land is taken and no severance damage is involved, state

the amount of compensation itemized in accordance with
the commission's determination of the following elements
of damage:

- A. The fair market value of the land or interest
therein taken;
- B. The gross damage;
- C. Special benefits accruing to the property by
reason of the taking;
- D. Net damage and offering price.

Service of the notice of condemnation with the copy of
the plan and the statement by the commission shall be made
by registered or certified mail or by personal service as
required for service of a summons on a complaint in the
Superior Court. The notice of condemnation only shall be
published once in a newspaper of general circulation in
the county where the property is located and such publication
shall constitute service on any unknown owner or owners or
other persons who may have or claim an interest in the proper-
ty.

If such owner is a minor, or an incompetent person, the
commission shall cause such notice to be served upon the
legal guardian of such minor or incompetent. If there is
no such guardian, then the commission shall apply to the
judge of probate for the county wherein the property is
situated, briefly stating the facts and requesting the
appointment of a guardian. The reasonable fee of such

guardian as approved by the court shall be paid by the commission.

In case there is a mortgage, tax lien of record or other encumbrance covering any of said land, a copy of the notice of condemnation shall be sent forthwith by registered or certified mail to the holder of record of said mortgage, tax lien or other encumbrance addressed to his office or place of abode if known, otherwise to the office, abode or address as set forth in said record.

The recording of the notice of condemnation shall be the date of taking and shall vest title to the property therein described in the State in fee simple or such lesser state as is specified in the notice of condemnation. Within one year after the completion of the project for which the land is taken, the commission shall file a plan for recording in the registry of deeds for the county or registry district where the land is located.

Sec. 20-D. Negotiation. The commission shall have 60 days from the date of taking within which to negotiate with the owner or owners of record for an agreement as to the amount of just compensation. If, at the expiration of that time, no such agreement for just compensation has been made, the commission shall immediately file a petition with the Land Damage Board setting forth the pertinent facts including the names and addresses of the owner or owners of record and the holders of any mortgages, tax liens or other encumbrances, a copy of the notice of condemnation, the statement

of the commission and a plan of the property involved as served upon the owner or owners of record in accordance with section 20-C and requesting a hearing and an award of just compensation.

Sec. 20-E. Proceedings before Land Damage Board. The Land Damage Board shall immediately enter the petition of the commission upon its docket and assign a date for hearing at the earliest possible date. Notice of the time and place for the hearing shall be mailed by registered or certified mail to the commission and to the owner or owners of record and to the holders of any mortgage, tax lien or any other encumbrance on the property involved at least 14 days before the date of the hearing. The hearing shall be held in quarters suitable for a full presentation of all evidence and located as conveniently as possible for all interested parties in the county where the land is situated. Before making an award the Land Damage Board shall view the property involved with or without the presence of the interested parties, but it shall first notify the interested parties of the time when it will view the property. The commission shall be represented at the hearing and shall present in open hearing such evidence as it may wish including evidence as to title, engineering maps and data, and its opinion, evidence and appraisal or appraisals as to the fair market value of the property involved before and after the taking. An accurate and verbatim record of the proceedings before the Land Damage Board shall be kept and shall be furnished

to the commission or other interested parties, upon request,
and upon payment of a reasonable charge for transcribing and
preparing such record. In making its award the Land Damage
Board shall not be limited by the range of testimony pro-
duced before it but may reach its decision on the basis of
the view, the testimony and its own judgment. The Land
Damage Board may continue a hearing from time to time for
cause shown or by agreement of parties; and where such
continuance is made at the request of the landowner, may
require that interest be waived for the period of the
continuance.

As promptly as possible after the conclusion of the
hearing, the Land Damage Board shall make an award in writ-
ing specifying:

I. Owners and encumbrances. The owner or owners of re-
cord and the holder of any mortgage, tax lien or other
encumbrance;

II. Nature of interest taken. The nature of the interest
taken;

III. Board's decision on elements of damage. The Land
Damage Board's decision as to each of the elements of
damage listed in section 20-C, subsection II,

IV. Interest on award. The interest, if any, due on
the net amount of the award from the date of taking to
the date of the award which shall be added to the net
amount of the award.

An attested copy of each award shall be sent forthwith

to the commission. The commission shall within 14 days
designate to the Land Damage Board the award or awards
from which it intends to appeal and shall, in such cases,
forward to the Land Damage Board a check payable to the
clerk of courts for the county where said land is situated
for the use of the party or parties designated in the award.
The 30-day limitation as to appeal provided in section 20-G
shall run against the commission from the date of receipt
of such attested copy of the award. The Land Damage Board
shall forthwith serve upon the party or parties named in
the award an attested copy of the award together with a
notice that the commission will appeal the award and that
the amount of the award will be paid in to the clerk of courts
for the county in which the land is situated subject to
withdrawal as provided in section 20-H, and shall forward
such check together with an attested copy of the award to
the clerk of courts aforesaid.

In all other cases the commission shall, within said 14
days, forward to the Land Damage Board a check payable to
the party or parties named in the award and the Land Damage
Board shall forthwith serve upon the party or parties named
therein an attested copy of the award, the check aforesaid
and a notice clearly outlining the rights of appeal as here-
in provided. If the party or parties named in the award
refuse to accept it and appeal therefrom to the Superior
Court as herein provided, the commission, upon notice from

the Land Damage Board, shall forward to the Land Damage Board a check in the amount of the award payable to the clerk of courts for the county where the land is situated for the use of the party or parties named in the award which the Land Damage Board shall forthwith file with said clerk together with an attested copy of its award.

Service as required in this section shall be made by registered or certified mail or by personal service as required for service of a summons on a complaint in the Superior Court.

Sec. 20-F. Withdrawal of money deposited. If the commission or any party named in an award has duly taken an appeal from an award of the Land Damage Board in accordance with section 20-G and the amount of the award has been paid in to the clerk of courts for the county in which the land is situated, the owner or owners of record named in the award may petition the Superior Court in said county for payment of all or any part of the money thus deposited for and on account of just compensation. The petition shall include:

I. Statement of ownership. A statement that the petitioner was the owner of record of the property involved, is entitled to just compensation and has not conveyed or transferred any of his rights;

II. Statement of encumbrances. A statement of the mortgages, tax liens or other encumbrances on the property involved;

III. Agreement to repay where others entitled. An

agreement by petitioner that he will repay to the
commission in whatever manner may be directed by the
court all or any part of any sums of money withdrawn
by order of the court, if it is determined by the court
that another person or persons may be entitled to all
or part of said money or that the damages to the property
described are less than the amount of money withdrawn.

Upon said petition the court may order all or any part of
the money thus deposited to be paid forthwith without pre-
judice to the petitioners right to have the amount of com-
pensation adjudicated in the appeal pending.

Sec. 20-G. Appeal. The commission or any party or
parties aggrieved by an award of the Land Damage Board may
appeal therefrom to the Superior Court in the county where
the land is situated within 30 days after the date of the
receipt of the notice of award. Such appeal shall be taken
by filing a complaint setting forth substantially the facts
upon which the case shall be tried like other cases. The
appellant shall serve notice of such appeal on the opposing
party and on the Land Damage Board by sending by registered
or certified mail within the time above limited a true copy
of said complaint and returning therewith to the Land Damage
Board whatever check or checks that may have been forwarded
to him with the notice of award.

The court shall determine the same by a verdict of its
jury or, if all parties agree, by the court without a jury
or by a referee or referees and shall render judgment for

just compensation, with interest where such is due, and for costs in favor of the party entitled thereto.

If either the owner or owners of record or the commission appeal and the just compensation finally awarded, exclusive of interest, is less than the award of the Land Damage Board, exclusive of any interest allowed, then the court shall give judgment in favor of the commission for the excess of the award of the Land Damage Board, inclusive of interest, over the final award and for its costs from the time of appeal. Execution may be issued on such judgment.

If either the owner or owners of record or the commission appeal and the just compensation finally awarded, exclusive of interest, is not less than the award of the Land Damage Board, exclusive of any interest allowed, then the court shall give judgment to the owner or owners for the amount in which the final award is in excess of the money deposited in court, exclusive of any interest awarded by the Land Damage Board, and for interest on such excess from the date of taking and for costs from the time of appeal. No interest shall be allowed on so much of any award as has been paid into court. The clerk shall certify the final judgment of the court to the commission which shall enter the same of record, and order the same to be paid by the Treasurer of State.

In case of the decease of any person entitled to claim damages under sections 20-A to 20-I, the heirs, executors, administrators or assigns of such person shall have the

right to prosecute the appeal provided for in this section
under the same conditions and limitations as the original
owner had, and may be substituted for the appellant in
any proceedings commenced by said appellant. In case any
landowner assigns, transfers or sells his right to claim
damages, his assignee, transferee or vendee shall have the
same rights as above set forth.

Sec. 20-H. Interpleader. If difficult questions of law
should arise before the Land Damage Board as to entitlement
to or apportionment of just compensation, then it is autho-
rized to make a blanket award to all parties interested.
If no appeal is taken and no agreement is reached by the
parties named in the award within 60 days from the date of
such award, the Land Damage Board shall certify the facts
and legal questions to the commission. The commission may
then interplead the parties named in the award by a complaint
filed in the Superior Court in the county wherein the land
is situated and shall pay in the amount of said award to
the clerk of courts of said county to be paid in accordance
with the court's order. For purposes of this section the
commission shall be acting to prevent double or multiple
liability.

Sec. 20-I. Land Damage Board, composition, appointment,
powers, duties. The Land Damage Board shall consist of 3
members. Two of said members shall be appointed by the
Governor, with the advice and consent of the Council, one
of whom shall be a qualified appraiser and the other an

attorney at law. The attorney designated as a member of the board shall be its chairman. The first appointments after the effective date of this act shall be made for staggered terms of 2 and 3 years, as fixed by the Governor. Thereafter all appointments shall be made for 3 year terms. They shall be sworn, and for inefficiency, willful neglect of duty, or for malfeasance in office may, after notice and hearing, be removed by the Governor and Council. In case of a vacancy occurring through death, resignation or removal, the Governor, with the advice and consent of the Council, shall appoint a successor for the whole term of the member whose place he takes, subject to removal as aforesaid.

The Governor, with the advice and consent of the Council, shall set the rate of pay on a per diem basis which each member of the Land Damage Board shall receive and they shall also be remunerated for all expenses necessarily incurred in the performance of their official duties.

In carrying out its duties, the board shall not be bound by common law or statutory rules of evidence, or by technical or formal rules of procedure. It shall admit all testimony having reasonable probative value, but shall exclude immaterial, irrelevant and unduly repetitious testimony. A majority of the board, being present, may determine all matters; provided, however, the chairman shall resolve all questions of admissibility.

The board shall have authority to make rules and regulations and prescribe forms to secure a speedy, efficient and

inexpensive disposition of all proceedings hereunder. Each
member of the board, for its official purposes, may adminis-
ter oaths, certify to official acts, and issue all process
necessary to the performance of the duties of the board.
It shall also have a reporter to record each hearing.

The board shall maintain an office in Augusta, Maine,
and shall have a permanent clerk to keep its records and
to perform such other duties as said board shall assign.
The clerk shall also have authority to certify to all official
acts of the board, administer oaths, issue subpoenas, and
issue all processes, notices, orders or other documents
necessary to the performance of the duties of the board.

The board shall appoint and fix the compensation of a
reporter, and shall review and approve all charges made by
such reporter for transcripts of the record. They may also
appoint, subject to the Personnel Law, a clerk and such
clerical assistance as they may deem necessary.

The third member of the board shall be appointed for each
hearing or series of hearings within the county where the
land taken lies. He shall be a member of the board of
county commissioners of the county wherein the land taken
is situated and shall be appointed by the chairman of the
Land Damage Board upon recommendation which shall be made,
upon request, by the board of county commissioners of that
particular county. In the event that any board of county
commissioners should fail to make the required recommendation,

then the chairman of the Land Damage Board may appoint a member of such board to serve. He shall be sworn by the chairman of the Land Damage Board and shall serve as a member of that board only for the particular hearing or hearings for which he is appointed. He shall participate fully in such hearings and the awards made as a result thereof. Each such member shall be paid at the same per diem rate as that fixed for other members of the board. Any member of a board of county commissioners thus designated shall serve only for the particular hearing or hearings set forth in his appointment and such service shall be as a member of the Land Damage Board and not in his capacity as a member of the board of county commissioners.'

Sec. 4. R. S., c. 23, §21, repealed. Section 21 of chapter 23 of the Revised Statutes is repealed.

Sec. 5. R. S., c. 23, §22, amended. Section 22 of chapter 23 of the Revised Statutes, as amended by section 1 of chapter 424 of the public laws of 1955, is further amended to read as follows:

'Sec. 22. Proceedings on damage claims. Whenever the commission shall change the grade of any state or state aid highway as provided in this chapter, to the injury of an owner of adjoining land, he may within 6 months after completion of the work according to the records of the commission apply to the commission in writing for a determination and assessment of his damages; ~~and if~~. If the commission is unable to settle such damages at what it deems

a reasonable amount, the commission or interested parties may apply to the ~~joint-board~~ Land Damage Board in writing for a determination and assessment of the damages. The proceedings shall then be the same as in condemnation cases.'

Sec. 6. R. S., c. 23, §23, repealed. Section 23 of chapter 23 of the Revised Statutes, as amended, is repealed.

Sec. 7. Transfer of pending proceedings. All proceedings pending before the joint board on the effective date of this act shall be transferred to the Land Damage Board but the provisions of this act shall not affect any hearings held by the joint board prior to the effective date of this act or any award made as a result of such hearing or any appeal duly taken from such award within the time prescribed in chapter 23, section 23, herein repealed.

Sec. 8. Appropriation. There is appropriated from the General Highway Fund the sum of \$28,000 for the fiscal year ending June 30, 1962 and the sum of \$28,000 for the fiscal year ending June 30, 1963 to carry out the provisions of this act.

Memorandum to Legislative Research Committee on Proposed Bill "An Act Relating to Acquisition of Land and Materials for Highway Purposes and the Determination of Just Compensation Therefor."

Scope of Study

Under the terms of the Resolve (Resolves 1959, Chap. 67) authorizing this committee to make the study and take the action now under consideration, the study was to comprehend "the procedures relating to determination of damages caused by the taking of land for highway purposes." Such an authorization is extremely broad in scope. It includes not merely the statutory Joint Board, so-called, and appeals therefrom to the Superior Court but, more basically, it involves the system and practice set up by the State Highway Commission for appraisals preliminary to the negotiations in which a vast majority of land damage cases are concluded. It is in satisfactory conclusion of such appraisals and negotiations, satisfactory to both the landowners and to the State and its taxpayers and to the Federal Government, that the real test of the success of a system must lie.

The measure of damages to which a landowner is entitled in a land damage case is far more complicated than the "just compensation" which our Constitution requires be paid. The words "just compensation" may be interpreted and defined only by the judiciary. Our Courts have defined these two words in terms of the difference between the fair market value of the property of the landowner immediately before and immediately after the taking. But the Courts go further than this in defining the definition. Such items as loss of business during construction, temporary impairment of access, rerouting or diversion of traffic, cost of removal of personal property and many other items are not compensable under this definition. The difficulty in convincing a landowner, usually unacquainted with the law of eminent domain, that such items as these are not a part of his allowable damage is a very serious one. To him they are very actual and real and reach deep into his pocketbook. To try to convince him that highways are built for the general public and that he has no vested interest in them is sometimes a pretty hopeless task.

A good many experienced lawyers have expressed to us the thought that underlying the whole question of "just compensation" is a social and economic problem. It has also been expressed as the problem of economics as a limit on just compensation. Simply expressed it means that few small landowners with small or moderate damage who feel that the State's offer is inadequate can afford to pay the lawyers' fees, the appraisers' fees and other witness fees necessary

to take the matter to Court. This is especially true if no compensation is payable until after the Court decision. Contesting them in a disputed case will be the State Highway Commission which, as required not only by State law but by specific requirements for Federal participation, necessarily has employed expert appraisers and lawyers learned in the law of eminent domain to protect it and the taxpayers interest whenever it is convinced that more than just compensation is demanded.

Superimposed on these basic problems are increasing requirements of the Federal Government which have come with increasing Federal participation in right of way costs. Whenever any proposed adjustment is to be made which might exceed the State's approved appraisal, even if made by such an agency as the Joint Board, it must be completely documented and justified before the Federal Government will participate.

In the course of our research your counsel examined the laws of several other states. Mr. Harrigan, through years of experience as Assistant United States District Attorney, is thoroughly familiar with Federal practice as to condemnation. We feel that it would serve little useful purpose to go into such laws in detail. Laws in this country with regard to eminent domain divide themselves into three broad legal categories:

1. Taking by judicial decree. In this category, where agreement can not be reached between the landowner and the condemning authority, a petition must be filed in Court and the Court determines: a. whether public convenience and necessity require the taking and b. the amount of damages if a. is decided in favor of the condemning authority. This has always been a rather long process.
2. Taking by administrative order. Under this type of law the condemning authority files its condemnation order in an office corresponding to our registry of deeds and is thereupon entitled to possession or to the fee in the land taken. Provision is made for hearings as to damages by county judges, boards, etc. and for an appeal usually with jury trial to a nisi prius court. Under this system the question of whether or not the taking is required by public convenience and necessity or whether the condemnation proceedings are valid can not be raised in a damage proceeding but must be raised in a collateral action such as a complaint for an injunction or a complaint for trespass against the contractor.
3. In those states where the system in Category 1 prevailed the long delay involved has had to yield to the pressure of the demands for quick action of modern highway

programs. As a result, aspects of Category 2 have been engrafted on the existing system. The condemning authority places its own estimate as to just compensation for the property taken and files that amount, together with its petition for condemnation, with the clerk of a designated court. Thereafter the condemning authority is entitled to title to or immediate possession of the property designated.

Maine has 19 separate statutory provisions relating to condemnations. The great majority of them, including the highway law, provide for taking by administrative order. (Category 2) Few cases have arisen in recent years challenging the validity of any taking. The basics of the Maine System seem to be very sound and workable. We feel it needs certain changes in order to better meet some basic problems. We are convinced that:

1. A hearing before an intermediate board is more desirable from the standpoint of the landowner than it is to put all unsettled cases into the Superior Court. This is true not only from the standpoint of expense to the landowner but also to the State. Many expensive trials are undoubtedly eliminated.
2. This is especially true in this state where a large portion of the takings are small, partial takings but usually involve questions of severance damage which may well become quite involved.

In recommending the proposed act we have not tried to create newness for the sake of change nor to uproot any established institutions. We have suggested those changes which we believe will enable those who administer the law to better meet the basic problems we have discussed and the problems raised in the attorneys' criticisms. The real test of any condemnation law must be whether or not in the largest possible number of cases it results in payment satisfactory to both the landowner and the State as promptly as possible and with as little friction as possible.

Attorneys' Criticisms

During the course of this study letters were sent to attorneys in the State who had had experience before the Joint Board and in the trial of condemnation cases. Each one was requested to give his criticism or suggestions as to Maine procedure in highway condemnation cases. Two criticisms were quite unanimous. They were:

1. That the Joint Board is not an impartial, disinterested tribunal, that it acts as prosecutor and judge and that

it is just a rubber stamp for the opinions of State appraisers, either salaried or contract. In connection with this criticism several suggestions were made for the creation of a new, impartial board consisting of experts.

2. That compensation is not being paid as promptly as it should be. It is possible under present law in Maine that a landowner of modest circumstances might have to wait months for the just compensation he very much needs. Records compiled by the Right of Way Section show that in the year 1959 an owner had to wait 9 months for a Joint Board award and 17 months for a court decision. Efforts on the part of the Highway Commission during 1960 have cut the elapsed time for Joint Board awards to 100 days. It is too early yet to tell how much the operation of the New Rules of Court may speed up hearings on appeal.

Other criticisms and suggestions made by individual attorneys were:

1. That roadside hearings as conducted by the Joint Board are completely inadequate either for the landowner to present his case or to have the opportunity to review the State's evidence.

2. That the State's appraisals should be made available for the information of individual landowners. Under our present "Right to Know Law" these appraisals have been classified as confidential.

3. That the landowner, especially where the value involved is not large, has little protection against the lawyers, appraisers and engineers the State must muster as required by State and Federal Law to present its case. If the landowner wishes to contest a case he is immediately faced with having an appraisal made at a current charge of around \$100 a day and subsequently bearing legal charges and expert witness fees which could, to estimate modestly, hit \$200 to \$300 a day. Any landowner who has suffered moderate damage thinks deeply indeed before he incurs this expense.

4. That members of the State Highway Commission could better spend their time administering the highway program. Full days devoted to Joint Board hearings were as follows during the years indicated:

1958 - 29
1959 - 53
1960 - 34

Federal Participation

As we have indicated, the impact of Federal Regulations necessarily arising out of increasing federal participation in right of way costs must be constantly borne in mind when considering any change in State law with regard to eminent domain. Non-compliance in any particular case could well mean the loss of Federal participation in acquisition costs. This, as you know, could run from 50 to 90% of such costs. Such Federal regulations have influence upon the nature and extent of original appraisals, any subsequent modifications of such appraisals, the conduct of hearings and decisions by any intermediate board or commission, the selection of attorneys for the trial of cases, the way the case is tried and whether or not a particular case should be appealed to the Supreme Court.

The Proposed Bill

There follows a brief discussion of the changes proposed in the present law by the bill now before you and an indication of how such changes are designed to meet the basic problems we have discussed and the criticisms made by attorneys.

1. Declaration of legislative purpose. (Sec. 20-A) This section is self-explanatory. The board is one of experts in each specialized field of condemnation. It is to be disinterested, impartial and well-qualified to balance the interests of the landowner against any weight of State testimony. It is hoped that the board, if created, will forward a copy of this section to the landowner with its notice of hearing. Much will be accomplished if the board, by actual performance, gains a deserved reputation for fairness and impartiality.
2. Appraisals. (Sec. 20-B and Sec. 20-C, II) This is undoubtedly one of the basic considerations in any attack upon the basic problem of reaching the goal of satisfactory "just compensation." By Section 20-B the State is required to appraise the property to be taken before condemnation proceedings are started. By Section 20-C, subsection II it is required to serve on the landowner with a notice of condemnation a statement setting forth the itemized conclusions arrived at in that appraisal and a definite offer based on those conclusions. This seems as far as the State can go at present towards making complete appraisals available to a landowner. Federal regulations disapprove such action. Where such appraisals have been made available it has been found to lead to profitless arguments as to methods of appraisal. The requirements of these two provisions will: a. eliminate bargaining with a landowner on the basis of incomplete appraisals or "preliminary" estimates inadequately made in the necessar

haste of road building; b. eliminate subsequent Yankee "horse-trading" between the landowner and a negotiator in a situation where the landowner has but little trading position anyway and can develop only opposition and perhaps hostility; c. give the State one offering price carefully arrived at after thorough study; d. give to the landowner a clear picture of the way the State has arrived at its offering price. This provision will undoubtedly require either an extended use of contract appraisers or an increase in the work of State appraisers.

3. Negotiation. (20-D) After condemnation the State is allowed 60 days in which to conduct negotiations with the landowner. With the change in law as to appraisals the role of the negotiator is modified. The State has one price carefully arrived at of which the landowner is fully informed. It becomes his job to listen to the landowner's claims, to explain why they can not be considered if that be the case, or, if they be justified, to see that the State's appraisal and price is adjusted accordingly. He becomes a public relations man and what could be an invaluable personal contact between the landowner and an impersonal State.

4. Proceedings before Land Damage Board. (Sec. 20-E) In commenting on this section may we only point out to the committee the following:

a. No roadside hearings may be held but all hearings must be held in "quarters suitable for a full presentation of all evidence."

b. A full and accurate record of the proceedings must be kept.

c. The decision of the board must be fully itemized as to value and damage as set forth in Sec. 20-C, II, III.

d. Interest, if any, allowed on the award from the date of taking must be separately itemized.

e. When a decision is to be appealed from or is appealed, the amount of the award is immediately paid into Court.

5. Withdrawal of deposit (Sec. 20-F) and interest. (Sec. 20-G) This provision allows the landowner to get all or part of his award promptly without prejudice to his appeal and without waiting for the appeal to be heard. From the State's standpoint interest (from the date of taking) stops running when the money is deposited in Court. This

can represent a substantial saving.

6. Interpleader. (Sec. 20-H) It is not contemplated that the Land Damage Board should decide difficult questions of law as to title or as to apportionment of awards. Its primary function is to estimate just compensation for the actual property taken. This provision enables the State Highway Commission to interplead claimants where such difficult questions are involved and the Land Damage Board has made its estimate of just compensation.

7. Land Damage Board. (Sec. 20-I) The membership of the board will consist of two more or less permanent members, an appraiser and an attorney. As they hold hearings throughout the state, they will gain invaluable experience which will enable them to set uniform and equitable values on comparable takings. Their expert knowledge will enable them to protect a landowner and insure that his case is fully presented. To represent local interest and concepts of valuation a member of the board of county commissioners of the county wherein the land lies will be designated to act as the third member of the Land Damage Board for each hearing or series of hearings as it or they occur in the particular county.

Cost

The bill calls for a per diem for members of the Land Damage Board. The amount is to be set by the Governor and Council. It is thought that to attract men of the necessary qualifications a per diem of \$100 would be necessary. Over the past three years the Joint Board has spent an average of 35 full days in hearings. We have allowed 40. As an estimate only the annual cost of the Land Damage Board might be as follows:

Members of Board, 40 days @ \$100	\$12,000.00
Clerk	9,000.00
Stenographer	3,000.00
Reporter 40 days @ \$50	2,000.00
Expenses	2,000.00
	<u>\$28,000.00</u>

Respectfully submitted,

EDWARD J. HARRIGAN

CHARLES P. NELSON

HIGHWAY USER'S COST SURVEY

RESOLVE, Authorizing the State Highway Commission to Make
a Study of the Public Ways of the State.

Highway Commission; authorized to study.

Resolved: That since section 210 of the Federal Highway Act of 1956 requires the State Highway Commission to make certain surveys and studies related to Maine's highway system the State Highway Commission is authorized and directed to so conduct that survey and study as to present via a report to the 99th Legislature essential data as may permit reasonably accurate legislative conclusions on the following questions:

1. Do current tax statutes reflect reasonable fairness in accomplishing an equitable distribution of costs among highway users or those otherwise deriving benefits from Maine's highways?
2. If the answer is in the negative, what changes should be made in the tax structure?

and be it further

Resolved: That the Legislative Research Committee be, and hereby is, authorized and directed to receive from the State Highway Commission such data as from time to time may be available to the end that the Research Committee may make recommendations to the 99th Legislature as the Committee may wish to conclude from its study and consideration of the data developed in the Highway Commission survey.

Resolves, 1957, c. 98 directed the Maine State Highway Commission to make certain studies required by section 210 of the Federal Highway Revenue Act of 1956, and report information on highway financing to the 99th Legislature. Information and data developed during the study was to be made available to the Legislative Research Committee to enable it to make such recommendations it deemed desirable concerning the State's future highway needs. In view of the fact that Federal data would not be available from the

Bureau of Public Roads within the time allotted to complete the study, it was decided to postpone making any final report on the matter pending the results of the Federal study. This decision was reported via Committee report (Publication No. 99-3, January, 1959) to the 99th Legislature. Through subsequent action taken by the State Highway Commission, with the approval of the Research Committee, arrangements were made for professional consultants to carry on the study for the Commission in developing the information needed to implement the studies contemplated in the resolve. The study was undertaken by Wilbur Smith and Associates of New Haven, Connecticut, whose report is accepted and hereby submitted to the Legislature as the final report of the Committee only with respect to the factual information contained. The recommendations developed in the report are submitted without the endorsement of the Committee only for the information of the Legislature.

Some Statistics
on
THE MAINE LEGISLATURE

Dates of Statutory Revisions	Number Legis- lature	Date Regular or Special Session		Number of Legislative	
		Commenced	Adjourned	Days	Weeks

ANNUAL SESSIONS^a

Portland

	1st	May 31, 1820 ^b	Jun 28	25	5
Laws of Maine . . .		Jan 10, 1821	Mar 22	62	11
Compiled, 1821	2nd	Jan 2, 1822	Feb 9	34	6
	3rd	Jan 1, 1823	Feb 11	36	7
	4th	Jan 7, 1824	Feb 25	43	8
	5th	Jan 5, 1825	Feb 28	47	9
	6th	Jan 4, 1826	Mar 8	55	10
	7th	Jan 3, 1827	Feb 26	47	9
	8th	Jan 2, 1828	Feb 26	48	9
	9th	Jan 7, 1829	Mar 6	51	9
	10th	Jan 6, 1830	Mar 19	62	11
	11th	Jan 5, 1831	Apr 2	76	13

Augusta^c

	12th	Jan 4, 1832	Mar 9	57	10
	13th	Jan 2, 1833	Mar 4	53	10
	14th	Jan 1, 1834	Mar 13	62	11
	15th	Jan 7, 1835	Mar 24	66	12
	16th	Jan 6, 1836	Apr 4	77	14
	17th	Jan 4, 1837	Mar 30	74	13
	18th	Jan 3, 1838	Mar 23	68	12
	19th	Jan 2, 1839	Mar 25	71	13
	20th	Jan 1, 1840	Mar 18	67	12
1st Revision . . .		Sep 17, 1840	Oct 22	31	6
R. S., 1841	21st	Jan 6, 1841	Apr 17	87	15
Passed Oct	22nd	Jan 5, 1842	Mar 18	63	11
22, 1840		May 18, 1842	May 30	11	3
	23rd	Jan 4, 1843	Mar 24	69	12
	24th	Jan 3, 1844	Mar 22	69	12
	25th	Jan 1, 1845	Apr 8	84	15
	26th	May 13, 1846 ^d	Aug 10	76	14
	27th	May 12, 1847	Aug 3	71	13
	28th	May 10, 1848	Aug 11	77	14
	29th	May 9, 1849	Aug 15	75	14
	30th	May 8, 1850	Aug 29	89	16
	31st	May 14, 1851	Jun 3	18	4
		Jan 7, 1852	Apr 26	94	17
	32nd	Jan 5, 1853	Apr 1	75	13
		Sep 20, 1853	Sep 28	8	2
	33rd	Jan 4, 1854	Apr 20	90	16

Dates of Statutory Revisions	Number Legis- lature	Date Regular or Special Session		Number of Legislative	
		Commenced	Adjourned	Days	Weeks
	34th	Jan 3, 1855	Mar 17	64	11
	35th	Jan 2, 1856	Apr 10	86	15
2nd Revision . . .	36th	Jan 7, 1857	Apr 17	86	15
R. S., 1857	37th	Jan 6, 1858	Mar 29	71	13
Passed Apr.	38th	Jan 5, 1859	Apr 5	78	14
17, 1857	39th	Jan 4, 1860	Mar 20	64	12
	40th	Jan 2, 1861	Mar 16	60	11
		Apr 22, 1861	Apr 25	4	1
	41st	Jan 1, 1862	Mar 19	67	12
	42nd	Jan 7, 1863	Mar 26	68	12
	43rd	Jan 6, 1864	Mar 25	69	12
	44th	Jan 4, 1865	Feb 25	46	8
	45th	Jan 3, 1866	Feb 24	46	8
	46th	Jan 2, 1867	Mar 1	51	9
	47th	Jan 1, 1868	Mar 7	58	10
	48th	Jan 6, 1869	Mar 13	56	10
	49th	Jan 5, 1870	Mar 24	66	12
3rd Revision . . .	50th	Jan 4, 1871	Feb 27	46	9
R. S., 1871	51st	Jan 3, 1872	Feb 29	49	9
Passed Jan.	52nd	Jan 1, 1873	Feb 27	49	9
25, 1871	53rd	Jan 7, 1874	Mar 4	46	9
	54th	Jan 6, 1875	Feb 24	39	8
	55th	Jan 5, 1876	Feb 23	38	8
	56th	Jan 3, 1877	Feb 9	28	6
	57th	Jan 2, 1878	Feb 21	36	8
	58th	Jan 1, 1879	Mar 5	49	10
	59th	Jan 12, 1880 ^e	Mar 19	55	10
	60th	Jan 5, 1881	Mar 18	56	11

BIENNIAL SESSIONS

Augusta

	61st	Jan 3, 1883	Mar 15	52	11
4th Revision . . .		Aug 29, 1883	Aug 29	1	1
R. S., 1883	62nd	Jan 7, 1885	Mar 6	40	9
Passed Aug.	63rd	Jan 5, 1887	Mar 17	56	11
29, 1883	64th	Jan 2, 1889	Mar 13	49	11
	65th	Jan 7, 1891	Apr 3	66	13
	66th	Jan 4, 1893	Mar 29	58	13
	67th	Jan 2, 1895	Mar 27	60	13
	68th	Jan 6, 1897	Mar 27	54	12
	69th	Jan 4, 1899	Mar 17	48	11
	70th	Jan 2, 1901	Mar 22	51	12
	71st	Jan 7, 1903	Mar 29	50	12
5th Revision . . .		Sep 1, 1903	Sep 1	1	1
R. S., 1903	72nd	Jan 4, 1905	Mar 24	53	12
Passed Sep.	73rd	Jan 2, 1907	Mar 28	58	13
1, 1903	74th	Jan 6, 1909	Apr 3	60	13
	75th	Jan 4, 1911	Mar 31	57	13
		Mar 20, 1912	Apr 6	9	2

Dates of Statutory Revisions	Number Legis- lature	Date Regular or Special Session		Number of Legislative	
		Commenced	Adjourned	Days	Weeks
	76th	Jan 1, 1913	Apr 12	73	15
	77th	Jan 6, 1915	Apr 3	56	13
6th Revision		Sep 29, 1916	Sep 30	2	1
R. S., 1916	78th	Jan 3, 1917	Apr 7	54	14
Passed Sep.	79th	Jan 1, 1919	Apr 4	60	14
29, 1916		Nov 4, 1919	Nov 7	4	1
		Aug 31, 1920	Aug 31	1	1
	80th	Jan 5, 1921	Apr 9	62	14
	81st	Jan 3, 1923	Apr 7	58	14
	82nd	Jan 7, 1925	Apr 11	57	14
	83rd	Jan 5, 1927	Apr 16	58	15
	84th	Jan 2, 1929	Apr 13	59	15
7th Revision		Aug 5, 1930	Aug 6	2	1
R. S., 1930	85th	Jan 7, 1931	Apr 3	49	13
Passed Aug.		Apr 1, 1932	Apr 1	1	1
5, 1930	86th	Jan 4, 1933	Mar 31	49	13
		Nov 14, 1933	Nov 14	1	1
		Dec 4, 1933	Dec 20	13	3
		Nov 6, 1934	Nov 10	4	1
	87th	Jan 2, 1935	Apr 6	54	14
		Dec 16, 1936	Dec 19	4	1
	88th	Jan 6, 1937	Apr 24	64	16
		Oct 26, 1937	Oct 29	4	1
	89th	Jan 4, 1939	Apr 21	61	16
		May 23, 1940	Jun 7	8	3
		Jun 26, 1940	Jun 27	2	1
		Jul 22, 1940	Jul 26	5	1
		Oct 21, 1940	Oct 23	3	1
	90th	Jan 1, 1941	Apr 26	68	17
		Jan 12, 1942	Jan 24	11	2
	91st	Jan 6, 1943	Apr 9	53	14
		Apr 17, 1944	Apr 19	3	1
8th Revision		Sep 18, 1944	Sep 20	3	1
R. S., 1944	92nd	Jan 3, 1945	Apr 21	62	16
Passed Sep.		Jul 8, 1946	Jul 26	13	3
20, 1944	93rd	Jan 1, 1947	May 13	80	20
	94th	Jan 5, 1949	May 7	76	18
		Feb 6, 1950	Feb 9	4	1
	95th	Jan 3, 1951	May 21	83	21
	96th	Jan 7, 1953	May 9	61	18
9th Revision		Sep 21, 1954	Sep 23	3	1
R. S., 1954	97th	Jan 5, 1955	May 21	70	20
Passed Sep.	98th	Jan 2, 1957	May 29	75	22
23, 1954		Oct 28, 1957	Oct 31	4	1
		Jan 13, 1958	Jan 16	4	1
		May 6, 1958	May 8	3	1
	99th	Jan 7, 1959	Jun 13	91	23
		Jan 19, 1960	Jan 29	9	2
	100th	Jan 4, 1961			

a Sessions of the Legislature were changed from annual to biennial by Article XXIII to the Constitution adopted in pursuance of Resolves, 1879, c. 151.

b Maine was admitted to the Union on March 15, 1820 (3 Stat. L. 555), and the first session of the Legislature began, in accordance with Article X, Sec. 1, "on the last Wednesday in May next."

c Augusta was established as the seat of government by Public Laws, 1827, c. 366; later as a constitutional provision, by Article XXXIII, adopted in pursuance of Resolves, 1911, c. 210.

d. Sessions of the Legislature were changed from the first Wednesday of January to the second Wednesday of May by Article V, adopted in pursuance of Resolves, 1844, c. 281. The date of session was changed back to the first Wednesday of January by Article VIII, adopted under Resolves, 1850, c. 274.

e The organizations of the Senate and House effected on January 7, 1880 were declared null and void by the Supreme Judicial Court in its opinion of January 16, 1880; and the Legislature organized on January 12, 1880.

Legislative Session	Number of Introductions		Number of Approved		Bills and Resolves Passed			
	Acts	Resolves	Acts	Resolves	Vetoed	Over Veto		
ANNUAL SESSIONS								
<u>Portland</u>								
1st	May	31, 1820	---	---	32	0	---	---
	Jan	10, 1821	---	---	234	77	---	---
2nd	Jan	2, 1822	---	---	94	59	---	---
3rd	Jan	1, 1823	---	---	110	67	---	---
4th	Jan	7, 1824	---	---	101	81	---	---
5th	Jan	5, 1825	---	---	108	78	---	---
6th	Jan	4, 1826	---	---	102	69	---	---
7th	Jan	3, 1827	---	---	83	51	---	---
8th	Jan	2, 1828	---	---	117	64	---	---
9th	Jan	7, 1829	---	---	106	58	---	---
10th	Jan	6, 1830	---	---	86	54	---	---
11th	Jan	5, 1831	---	---	126	96	---	---
<u>Augusta</u>								
12th	Jan	4, 1832	---	---	125	121	---	---
13th	Jan	2, 1833	---	---	140	101	---	---
14th	Jan	1, 1834	---	---	179	74	---	---
15th	Jan	7, 1835	---	---	156	79	---	---
16th	Jan	6, 1836	---	---	290	89	---	---
17th	Jan	4, 1837	---	---	218	74	---	---
18th	Jan	3, 1838	---	---	153	106	---	---
19th	Jan	2, 1839	---	---	130	126	---	---
20th	Jan	1, 1840	---	---	88	94	---	---
	Sep	17, 1840	---	---	6	15	---	---
21st	Jan	6, 1841	---	---	107	87	---	---
22nd	Jan	5, 1842	---	---	92	109	---	---
	May	18, 1842	---	---	7	12	---	---
23rd	Jan	4, 1843	---	---	108	111	---	---
24th	Jan	3, 1844	---	---	110	92	---	---
25th	Jan	1, 1845	---	---	152	94	---	---
26th	May	13, 1846	---	---	168	89	---	---
27th	May	12, 1847	---	---	129	53	---	---
28th	May	10, 1848	---	---	152	67	---	---
29th	May	9, 1849	---	---	167	98	---	---
30th	May	8, 1850	---	---	175	122	---	---
31st	May	14, 1851	---	---	51	37	---	---
	Jan	7, 1852	---	---	274	130	---	---
32nd	Jan	5, 1853	---	---	234	76	---	---
	Sep	20, 1853	---	---	18	13	---	---
33rd	Jan	4, 1854	---	---	259	106	---	---
34th	Jan	3, 1855	---	---	216	92	---	---
35th	Jan	2, 1856	---	---	230	111	---	---
36th	Jan	7, 1857	---	---	188	120	---	---
37th	Jan	6, 1858	---	---	176	90	---	---

Legislative Session	Number of Introductions		Number of Approved		Bills and Resolves Passed	
	Acts	Resolves	Acts	Resolves	Vetoed	Over Veto
38th Jan 5, 1859	---	---	186	95	---	---
39th Jan 4, 1860	---	---	181	83	---	---
40th Jan 2, 1861	---	---	171	93	---	---
Apr 22, 1861	---	---	6	6	---	---
41st Jan 1, 1862	---	---	175	96	---	---
42nd Jan 7, 1863	---	---	157	86	---	---
43rd Jan 6, 1864	---	---	184	90	---	---
44th Jan 4, 1865	---	---	175	65	---	---
45th Jan 3, 1866	---	---	222	77	---	---
46th Jan 2, 1867	---	---	307	107	---	---
47th Jan 1, 1868	---	---	327	101	---	---
48th Jan 6, 1869	---	---	350	99	---	---
49th Jan 5, 1870	---	---	336	105	---	---
50th Jan 4, 1871	---	---	265	89	---	---
51st Jan 3, 1872	---	---	278	99	---	---
52nd Jan 1, 1873	---	---	277	109	---	---
53rd Jan 7, 1874	---	---	342	113	---	---
54th Jan 6, 1875	---	---	254	106	---	---
55th Jan 5, 1876	---	---	213	100	---	---
56th Jan 3, 1877	---	---	151	89	---	---
57th Jan 2, 1878	---	---	178	99	---	---
58th Jan 1, 1879	---	---	187	56	---	---
59th Jan 12, 1880	---	---	191	71	---	---
60th Jan 5, 1881	---	---	259	66	---	---

BIENNIAL SESSIONS
Augusta

61st Jan 3, 1883	---	---	352	97	---	---
Aug 29, 1883	---	---	3	0	---	---
62nd Jan 7, 1885	---	---	292	77	---	---
63rd Jan 5, 1887	---	---	435	123	---	---
64th Jan 2, 1889	---	---	434	126	---	---
65th Jan 7, 1891	---	---	484	130	---	---
66th Jan 4, 1893	---	---	485	106	---	---
67th Jan 2, 1895	---	---	493	134	---	---
68th Jan 6, 1897	---	---	408	131	---	---
69th Jan 4, 1899	---	---	337	117	---	---
70th Jan 2, 1901	---	---	456	118	---	---
71st Jan 7, 1903	---	---	664	148	---	---
Sep 1, 1903	---	---	3	0	---	---
72nd Jan 4, 1905	---	---	573	176	---	---
73rd Jan 2, 1907	---	---	634	237	---	---
74th Jan 6, 1909	---	---	679	344	---	---
75th Jan 4, 1911	---	---	500	226	---	---
Mar 20, 1912	---	---	4	6	---	---
76th Jan 1, 1913	---	---	462	369	---	---
77th Jan 6, 1915	---	---	565	404	---	---

Legislative Session	Number of Introductions		Number of Approved		Bills and Resolves Passed		
	Acts	Resolves	Acts	Resolves	Vetoed	Over Veto	
	Sep 29, 1916	---	---	4	2	---	---
78th	Jan 3, 1917	---	---	514	119	---	---
79th	Jan 1, 1919	---	---	353	160	---	---
	Nov 4, 1919	---	---	34	9	---	---
	Aug 31, 1920	---	---	4	2	---	---
80th	Jan 5, 1921	---	---	384	155	---	---
81st	Jan 3, 1923	---	---	347	123	---	---
82nd	Jan 7, 1925	---	---	325	123	---	---
83rd	Jan 5, 1927	---	---	396	234	---	---
84th	Jan 2, 1929	---	---	495	179	4	1
	Aug 5, 1930	---	---	9	3		
85th	Jan 7, 1931	---	---	415	147		
	Apr 1, 1932	---	---	3	2		
86th	Jan 4, 1933	706	779	351	215		
	Nov 14, 1933	---	---	6	2		
	Dec 4, 1933	---	---	64	12	2	
	Nov 6, 1934	---	---	5	3		
87th	Jan 2, 1935	626	1157	281	134	1	
	Dec 16, 1936	---	---	3	2	1	
88th	Jan 6, 1937	710	1310	350	155	1	
	Oct 26, 1937	31	11	12	4		
89th	Jan 4, 1939	860	1344	415	98	3	
	May 23, 1940	22	9	11	5		
	Jun 26, 1940	4	2	4	0		
	Jul 22, 1940	10	2	7	1		
	Oct 21, 1940	4	0	3	0	1	1
90th	Jan 1, 1941	790	1234	397	146	1	
	Jan 12, 1942	82	17	37	4		
91st	Jan 6, 1943	670	937	450	71	1	
	Apr 17, 1944	4	0	3	0		
	Sep 18, 1944	13	4	8	4		
92nd	Jan 3, 1945	769	874	512	116	2	
	Jul 8, 1946	39	17	18	5		
93rd	Jan 1, 1947	591	842	596	185	5	
94th	Jan 5, 1949	1087	1452	657	212		
	Feb 6, 1950	6	0	5	0		
95th	Jan 3, 1951	1011	1105	535	187	2	
96th	Jan 7, 1953	1046	612	603	204	2	
	Sep 21, 1954	25	12	21	10		
97th	Jan 5, 1955	1094	546	697	184	2	1
98th	Jan 2, 1957	1114	360	616	173	1	
	Oct 28, 1957	17	5	15	4		
	Jan 13, 1958	32	2	28	1		
	May 6, 1958	16	2	8	1		
99th	Jan 7, 1959	998	278	559	127		
	Jan 19, 1960	47	4	41	4		
100th	Jan 4, 1961	---	---	---	---	---	---

Legislative Session	Date Acts /Resolves Effective	Ch. of Resolves Re-Appportioning		Number of Members		Legis- lator's Salary	
		Senate	House	Senate	House		
<u>ANNUAL SESSIONS</u>							
<u>Portland</u>							
1st	May 31, 1820	---	f	f	20	141	\$2/diem
	Jan 10, 1821	---	70	77			
2nd	Jan 2, 1822	---			20	150	
3rd	Jan 1, 1823	---					
4th	Jan 7, 1824	---					
5th	Jan 5, 1825	---					
6th	Jan 4, 1826	---					
7th	Jan 3, 1827	---					
8th	Jan 2, 1828	---					
9th	Jan 7, 1829	---					
10th	Jan 6, 1830	---					
11th	Jan 5, 1831	---	48	31			
<u>Augusta</u>							
12th	Jan 4, 1832	---			25	186	
13th	Jan 2, 1833	---					
14th	Jan 1, 1834	---					
15th	Jan 7, 1835	---					
16th	Jan 6, 1836	---					
17th	Jan 4, 1837	---					
18th	Jan 3, 1838	---					
19th	Jan 2, 1839	---					
20th	Jan 1, 1840	---					
	Sep 17, 1840	---					
21st	Jan 6, 1841	---	142	142			
22nd	Jan 5, 1842	---	49	69	31	200	
	May 18, 1842	---					
23rd	Jan 4, 1843	---			31	151 ⁸	
24th	Jan 3, 1844	---					
25th	Jan 1, 1845	---					
26th	May 13, 1846	---					
27th	May 12, 1847	---					
28th	May 10, 1848	---					
29th	May 9, 1849	---					
30th	May 8, 1850	---					
31st	May 14, 1851	---					
	Jan 7, 1852	---	466	448			
32nd	Jan 5, 1853	---			31	151	
	Sep 20, 1853	---					
33rd	Jan 4, 1854	---					
34th	Jan 3, 1855	---					
35th	Jan 2, 1856	---					
36th	Jan 7, 1857	---					
37th	Jan 6, 1858	---					

Legislative Session	Date Acts /Resolves Effective	Ch. of Resolves Re-Appportioning		Number of Members		Legis- lator's Salary
		Senate	House	Senate	House	
78th	Jan 3, 1917	---				400
79th	Jan 1, 1919	---				
	Nov 4, 1919	---				
	Aug 31, 1920	---				
80th	Jan 5, 1921	Jul 9	122	160		
81st	Jan 3, 1923	Jul 7			31	151
82nd	Jan 7, 1925	Jul 11				
83rd	Jan 5, 1927	Jul 16				
84th	Jan 2, 1929	Jul 13				600
	Aug 5, 1930	Nov 5				
85th	Jan 7, 1931	Jul 3	114	127		
	Apr 1, 1932	Jul 1				
86th	Jan 4, 1933	Jun 30			33	151
	Nov 14, 1933	Feb 13				
	Dec 4, 1933	Mar 21				
	Nov 6, 1934	Feb 9				
87th	Jan 2, 1935	Jul 6				
	Dec 16, 1936	Mar 20				
88th	Jan 6, 1937	Jul 24				
	Oct 26, 1937	Jan 28				
89th	Jan 4, 1939	Jul 21				
	May 23, 1940	Sep 6				
	Jun 26, 1940	Sep 26				
	Jul 22, 1940	Oct 25				
	Oct 21, 1940	Jan 22				
90th	Jan 1, 1941	Jul 26	117	132		
	Jan 12, 1942	Apr 3				
91st	Jan 6, 1943	Jul 9			33	151
	Apr 17, 1944	Jul 19				
	Sep 18, 1944	Dec 20				
92nd	Jan 3, 1945	Jul 21				850
	Jul 8, 1946	Oct 25				
93rd	Jan 1, 1947	Aug 13				
94th	Jan 5, 1949	Aug 6				
	Feb 6, 1950	May 11				
95th	Jan 3, 1951	Aug 20	132			
96th	Jan 7, 1953	Aug 8			33	
	Sep 21, 1954	Dec 23				
97th	Jan 5, 1955	Aug 20		24		1,000
98th	Jan 2, 1957	Aug 28				1,250
	Oct 28, 1957	Jan 30			151	
	Jan 13, 1958	Apr 17				
	May 6, 1958	Aug 7				
99th	Jan 7, 1959	Sep 12				1,400
	Jan 19, 1960	Apr 29				
100th	Jan 4, 1961	---				1,600

f Constitution, Article X, Section 1.

g Number of Representatives fixed at 151 by Article IV, adopted in pursuance of Resolve, 1841, c. 181, approved April 16, 1841. Declared operative by Resolves, 1842, c. 73, approved March 17, 1842.

h Resolve to re-apportion passed both branches, but Governor did not approve. See 1881 Senate Journal for his objections and Senate reply, pp. 431-2, 433-5.

MILITARY LEAVE CREDITS

ORDERED, the House concurring, that the Legislative Research Committee be, and hereby is, authorized and directed to study the matter of granting military leave credits toward state retirement benefits to teachers and members of the Maine State Retirement System for service in the Armed Forces of the United States irrespective of the time of return to such employment following discharge; and be it further

ORDERED, that the Committee report the results of its study to the 100th Legislature.

The problem of military leave credits is summarized in the following statement prepared by the Trustees of the Maine State Retirement System.^{1/}

Military Leave Credits

At present the law^{2/} provides that a member of the Retirement System who enters military service directly from his job may be given credit if he returns to his employment within 90 days of his discharge from the Armed Forces. The military service is available to any member whose return to employ is delayed beyond the said 90 days if the delay is caused by a military service incurred illness or disability.

The intent of the law is to provide retirement rights to the employee, teacher, or employee of a participating district with continuing credit if he is forced to enter the Armed Services and, also, that there be incentive for him to return to his position upon completion of his military service within a reasonable period after his separation from said service.

It should, perhaps, be pointed out that when an individual

^{1/} Presented at the public hearing held by the Legislative Research Subcommittee on Military Leave Credits, March 8, 1960.

^{2/} R. S., 1954, c. 63-A, §3, sub-§VI, enacted by P. L., 1955, c. 417.

is in military service, that the State makes contribution for him on the same basis that he would have made had he been continuously employed and, at point of retirement, the years and the money are creditable to him and have the effect of increasing his retirement allowance. It should be mentioned that if the individual does not retire, the amounts put up by the State for his account are never refunded to him. The costs for this military service are accumulated each two years and, at the close of the biennium, are included in the biennial budget request and, where applicable, are appropriated by the Legislature from the general fund of the State. The funds to cover military leave contributions for the account of participating district employees are received from the district employing the member.

It would appear that to eliminate the 90-day re-employment clause, or to change the provision so that this service could be granted at any time and regardless of the date of return to employment, would defeat the purpose of the Statute, that is, to provide continuing credits and the desire to return to employ at the earliest moment, and would, at the same time, increase the military service costs; but to what extent these costs would be increased is anyone's guess.

The proviso of R. S., c. 63-A, §3, sub-§VI, with respect to members of the Retirement System, declares that "no member who is otherwise entitled to Military Leave credits shall be deprived of this right if his return to covered employment is delayed beyond the 90 days after his honorable discharge if the delay is caused by a military service incurred illness or disability." The Committee is of the opinion that this provision, which requires an employee's return to employment within 90 days following discharge as a condition to continuing his membership in the Retirement System during military service, does not impose an unreasonable limitation on the employee's eligibility for military leave credits, particularly in view of the fact that hardship cases which are not covered under the law may be remedied, as many frequently are

by special legislation. The Committee concludes, therefore, that expunging the present statute of the 90-day re-employment provision, for the sake of eliminating a comparatively few instances of hardship, is not warranted.

The Committee has considered the proposal that eligibility for military leave credits be extended to employees who enter military service while on probationary status. The Committee believes that eligibility for military leave credits should be limited as it now is under the law to those employees who enter the military service from permanent positions with the State. Irrespective of the obvious harshness worked by the limitation in certain cases, the Committee does not believe the proposal would be in the best interest of the State, and is not in favor of relaxing present eligibility requirements for the purpose of bringing the probationary employee within the purview of the statute. The fact that special legislation is available to overcome inequities arising under the present law reinforces this position, and the Committee, therefore, recommends no changes in the existing statute.

MOBILE BANKING

ORDERED, the House concurring, that the Legislative Research Committee be, and hereby is, authorized and directed to study mobile banking for the purpose of determining community needs for mobile banking services in the State and the impact of furnishing such services upon present banking operations, practices and procedures; and be it further

ORDERED, that the Committee report the results of its study to the 100th Legislature.

The proposition of mobile banking has been recently advanced as a method of providing banking services to small Maine towns whose comparatively low banking activity has made the establishment of branch banks in these towns impracticable. The question of the right to establish mobile banks was raised in this State a few years ago when the operation of a mobile bank unit by a Maine bank was temporarily authorized by the Banking Commissioner.^{1/} The question whether the Banking Commissioner could legally authorize the establishment of mobile banks was submitted to the Attorney General, who, in his opinion to the Commissioner in December, 1957, had this to say:

". . . You ask if the provisions of Chapter 59, section 124, R. S., 1954 (Establishment and closing of branches), would permit you to authorize the establishment of mobile banks.

^{1/} The Rumford Bank and Trust Company was temporarily authorized by the Banking Commissioner in 1945 to operate a mobile banking unit. Objection to this authorization by the Federal Deposit Insurance Corporation resulted in its subsequent revocation by the Commissioner.

A "mobile bank" is a bus that goes from place to place, picking up deposits and transacting a general banking business.

We are of the opinion that the present banking laws do not permit mobile banks.

Articles appear in the daily banking newspaper, "American Banker," which indicate that the Federal Deposit Insurance Corporation has recently approved "bank mobile" service where such service was legally authorized in Puerto Rico by legislative act. As indicated in articles in that newspaper dated November 12 and 14, 1957, bank mobile business was closely regulated either by legislative act or under rules and regulations in relation to such items as fixed locations, designated dates and times, telephone connections with the home office, return on a regular schedule to home offices, prohibitions against doing any banking business along the road between designated places and from their home offices, etc.

History-wise, the evils that accompanied mobile banks, or "saddle-bag banks," became so well known that as early as 1830 banking legislation precluded mobile banking. See the above publication of the "American Banker."

Our examination of the banking law convinces us that it was the intent of the legislature that banks or branches of banks should be in fixed locations.

Even if this were not in our opinion the clear intent of the legislature, it would seem that experiences of past years would demand that if such mobile banks could be authorized, such authorization would have to be expressed in our legislation, with the right to control the business set forth by statute or by means of rules and regulations. Presently, the Banking Commissioner has no authority to issue rules and regulations affecting banks except in times of banking emergencies.

It is for these reasons that we give our opinion that mobile banking is not presently authorized by the statutes of the State of Maine."

In view of this ruling that the Banking Commissioner could not approve mobile banking under the existing law, Bill: "AN ACT Authorizing Mobile Banking in Maine," was introduced at the regular session of the 99th Legislature

to remove this objection,^{2/} by permitting the Banking Commissioner to approve mobile banking operations at such times and places as he deemed "in the public interest." After a public hearing before the Committee on Business Legislation, in which considerable opposition to the bill was voiced by Maine banking institutions, it was recommended that the Legislature assign the matter of need for such legislation to the Legislative Research Committee for further study.

Briefly, the case for mobile banking legislation is that such legislation is a present day necessity for banks desiring to maintain a progressive position in their community by allowing them to extend their services to those persons living in surrounding areas too small to permit the successful operation of branch banks. The dissent is opposed on the grounds that the State is presently served with completely adequate banking facilities, and that legislation authorizing the operation of mobile banks in the State is entirely unnecessary. The following statement prepared by the Banking Commissioner on the question of state mobile banking needs contains an explanation of the problem:^{3/}

^{2/} The history and final disposition on this bill was reported in the 1959 Register of All Bills and Resolves, as follows: "An Act Authorizing Mobile Banking in Maine. S. P. 389, L. D. 1133. Thurston. Business Legislation. Leave to withdraw.

^{3/} Carleton L. Bradbury, Bank Commissioner. (Statement presented at the Subcommittee hearing, September 13, 1960).

". . . The matter of mobile banking has come before this Legislative Research Subcommittee as a result of the rejection of Legislative Document No. 1133 by the last Legislature. I appeared before the Legislature's Committee on Business Legislation to oppose that legislative document. As was indicated at that time, the Department's opposition to that proposal stemmed from its concern with the absence of suitable controls in the proposed legislation. No investigation was made nor was issue taken with the merits of the concept of mobile banking.

In view of the joint resolution of the Legislature directing the study of mobile banking by this Subcommittee, the Banking Department has attempted to assess the need for mobile banking services in the state. I have attended a meeting of a Subcommittee established by the Maine Bankers Association to study this subject and have exchanged correspondence with banking and supervisory officials in Puerto Rico where mobile banks are in operation. Out of this investigation we have developed certain information and comments for your consideration.

In our opinion, consideration of the merits of mobile banking for Maine should be centered on two aspects of the matter; namely, the extent to which the authorization of mobile banking would bring improved banking service to Maine and, secondly, to the possible effectiveness of control measures that could be employed to minimize disruptive competitive pressures that might be generated by this new authority.

We are of the opinion that references to, and concerns for, so called "saddle-bag banking" are outdated and irrelevant. We are also of the opinion that concern for the robbery hazard, lack of management control, etc. of mobile units is insufficient to warrant major attention although we do believe that these matters should be subject to supervisory control if enabling legislation is to be recommended. Some reference to these subjects will be made below, however, my further comments will be devoted primarily to what we consider to be the major issues of public need for this service and effective supervisory control of potential competitive pressures.

With respect to assessing the public need for this service, we have assembled a considerable volume of information concerning the proximity of banking facilities for the population of Maine - by the state as a whole, by county, by groupings of towns of various sizes, by various distances from existing facilities, etc. Many of our findings for Maine have been related to conditions

existing in other states for comparative purposes. We will be pleased to make copies of any or all of this information available for your examination.

I would like to summarize what we believe to be the more revealing disclosures of our investigation.

1. At the present time our state is one of 17 that permits statewide branch banking of some form. The remaining 33 states confine branch banking to limited geographic areas or prohibit branch banking. Our law permits the operation of part time, limited-service agencies but does not authorize mobile banking in the form envisioned by the proposal before you. Mobile banking of this type is not conducted in any of the 50 states at the present time.

2. We find that Maine currently has one banking facility (National Bank, Trust Company or Savings Bank office) for every 4,251 persons. In certain rural counties this figure drops to as low as 2,800 persons per banking office. This compares with the national average of 7,280 persons per banking office. For comparative purposes the figures in other New England states are as follows: New Hampshire 5,000; Vermont 3,800; Massachusetts 6,100; Rhode Island 6,400; Connecticut 6,300. Of the 50 states, Maine ranks 42nd in the number of persons per banking office. In other words only 8 of 50 states have fewer persons per banking office.

3. We find that 69% of the population of this state now has intown banking facilities. This compares with 68% for New Hampshire and 61% for Vermont which might be considered comparative states from the standpoint of the size of towns, population distribution, etc.

4. We find that 73% of the population now have banking facilities within a 3 mile radius, 79% within a 5 mile radius and 88% within a 10 mile radius of their residence.

5. To remove the influence of that segment of the population residing in remote areas of limited population density we have made other selective analyses. Obviously, any sampling of this nature requires a selection of arbitrary standards which may or may not be viewed as representative by others; therefore, we have used several standards for investigation purposes. I will summarize our findings for all towns with populations in excess of 500 persons, in excess of

1,000 persons and in excess of 2,000 persons. Ninety-two percent of Maine's population lives in towns with a population in excess of 500 persons. Seventy-four percent of this group have intown banking facilities. Eighty-six percent of this group have banking facilities located within 5 miles. Ninety-five percent have banking facilities within 10 miles and 99% have facilities within 15 miles. To avoid the confusion of still more statistics I will summarize by reporting that 93% of the population residing in towns of 1,000 or more have banking facilities within 5 miles. Ninety-nine percent is the figure for towns of 2,000 or more persons. . .

I should point out that it was necessary to use 1950 census figures for individual Maine towns. I believe it would be correct to assume that in the past decade the urban population has expanded relative to the rural population; therefore, the percentage of population having more proximate banking services would be increased somewhat if current population figures were used. It should also be mentioned that these figures give no recognition to the unmeasured, but probably sizable, number of people who regularly commute to work to a town having banking and other commercial facilities but who reside in a smaller and unbanked community.

Turning to the second factor, we offer the following observations regarding the supervisory authority necessary to control disruptive competitive pressures which might be generated by the authorization of mobile banking. The central problem is whether or not mobile banking can be regulated effectively to permit healthy competition and improve service but to avoid the competitive excesses which would impair the strength and stability of our banks and thereby adversely affect the public interest.

We are of the opinion that mobile banking probably can be controlled to the extent necessary to avoid any widespread disruption of safety and stability although we do foresee the possibility of some disruption of our present branch banking system in rural areas. I would like to repeat the word "probably" and I would like to emphasize that I believe this control could be obtained only through a carefully drafted statute entirely explicit in its limitations and containing broad regulatory authority on the part of the administrator with the respects to routes, stops, services, equipment, etc. Without suitable controls mobile banking could be used as competitive device to apply strong pressure, particularly to small banks serving outlying areas of limited population.

I will list several provisions which we believe should be contained in any legislation authorizing mobile banking. We do not represent this list to be entirely complete but it is thought to be indicative of the nature of restriction deemed desirable. For the most part, these restrictions are similar to those now in force in Puerto Rico.

1. Specific authority to operate mobile branches should be given to specified types of financial institutions.
2. Specific standards should be included to guide the supervisor in the approval or disapproval of mobile bank applications.
3. Specific geographical limits of operation should be provided.
4. Limitations should be placed on a number of vehicles operated by one bank.
5. Regulatory authority should be provided the supervisor to define equipment, routes, operating methods, etc.
6. The banking services to be permitted should be specified.
7. A minimum distance from existing banking offices should be established with special provisions for small banks and branches in outlying areas.
8. A provision that mobile banking in any community shall cease when a fixed branch is established.

It should be noted that, in some measure, any mobile banking statute which might be enacted would be administered by at least four agencies. The Banking Department would administer the law for all state chartered banks. The Comptroller of the Currency would, in effect, administer the law for all national banks. The attitudes of the Federal Reserve Board and the Federal Deposit Insurance Corporation toward mobile banking would be reflected in the exercise of their authority to deny or approve mobile branch offices for insured and reserve member banks. I am confident that these federal agencies would continue to exercise the same sound supervisory judgement in the matter of mobile banking that they have displayed in the past with respect to a wide range of banking matters in which state and federal authority overlap and commingle. This is a matter to be considered, however, by the Legislature and by all bankers. Differences of attitude

by the various supervisory agencies could develop important obstacles to the fair and equitable use of this proposed service by all banks in the state.

As indicated above, we believe that inclusion of suitable restrictive provisions can protect against the concern for "fleets of mobile banks," etc. that have been expressed by bank supervisory agencies in the past. As also indicated above, we do have concern for the maintenance of orderly competition in rural areas. It should be recognized that the branch banking system of Maine has been developed rather extensively. Few states offer as many banking offices in relation to their whole population as does Maine. In rural areas of low population density, the area for which mobile banking appears best suited, many branch offices now in existence require a business volume considerably in excess of that which is generated by, for example, the population located within a 5 mile radius. It would seem desirable that very careful attention be given to standards that could be developed and applied to mobile bank applications which would request routes covering trade areas now served by fixed branches. Too restrictive standards would seem to severely limit the number of areas remaining in this state that could be served by mobile offices. On the other hand, if these marginal banking areas are made more marginal, the necessary long run result would be the closing of fixed branch offices. This, of course, leads to the question of whether or not the public interest is promoted by the possible substitution of mobile, part-time facilities more proximate to all residents of an area for fixed, full-time facilities located at a distance for some residents of an area.

If mobile banking legislation is to be proposed, we believe that it should contain a clear legislative directive on this point. An administrative reading of ambiguous legislation could well defeat the purposes of the legislation as well as impairing the public interest as conceived by the Legislature. Furthermore, it is with the subjective elements involved in branch banking decisions such as the need for facilities, trade area concepts, etc., that the state and federal bank supervisory agencies are most likely to conflict in exercising their overlapping authority with respect to the granting or withholding the branches.

In summary, the Banking Department finds no evidence of urgent need for mobile banking services by any sizable segment of our state's population. At the same time, we find no clear evidence of a potential for widespread disruption of existing banking facilities provided comprehensive and explicit regulating authority is contained

in enabling legislation. Finally, we do have concern for the possibility of some disruption of fixed banking offices in rural areas. To minimize this disruption enabling legislation should contain a clear directive to the supervisor that mobile banking should be permitted to supplement, not supplant, fixed banking locations."

Based on its review of the facts, the Committee is of the opinion that mobile banking services are not needed in Maine, and that banking operations should be limited, as they now are, to the presently authorized system of permanently fixed banks and bank branches. In view of the fact, that mobile banking legislation could jeopardize the sound operation of existing banking facilities, the Committee feels that the enactment of such legislation for the purpose of achieving small increases in total banking coverage is unwise, and, in the absence of a more urgent need, would not promote the best interest of the State in maintaining a sound and adequate banking system. The Committee, therefore, is not in favor of recommending the enactment of mobile banking legislation.

MUNICIPAL REVENUE LOSSES

ORDERED, the Senate concurring, that the Legislative Research Committee be, and hereby is, authorized and directed to study losses in tax revenues to municipalities in the State caused by the withdrawal of municipally taxed private property for public use; and be it further

ORDERED, that the Committee report the result of its study to the 100th Legislature.

The exemption of state-owned property from municipal taxation has complicated the revenue problem of the State's municipalities, all of which are dependent on the property tax as a major support of their activities and services.^{1/} This situation, with the possible exception of several cities and towns more adversely affected by the problem, has created little state-wide demand for a change in the present statute (R. S., 1954, c. 91-A, §10)^{2/} exempting such property from municipal taxation.

The withdrawal of state-owned property through tax exemption does not cancel the demand for municipal services, since state-owned property may require fire and police protection, streets and roads, water and sewer facilities, as well as a

^{1/} The scope of this report is limited to state-owned property. The Committee has made no study of tax exempt federal property in the State, and has not considered the effect on municipal revenues of the various other exemptions to the property tax provided under c. 91-A, §10. These exemptions are summarized in Appendix A of this report.

^{2/} Enacted by P. L., 1955, c. 399.

number of other services commonly furnished by a municipality. Be this as it may, the presence of a state installation in a municipality generally confers certain benefits which in most instances probably offset any additional burdens imposed on the municipality through losses in its tax revenues. The extent to which the exemption of state-owned property from municipal taxation has resulted in loss of taxable valuation to the municipalities in the State cannot be readily determined, but in order to provide some information as to the amount of exempt state and federally-owned property in Maine, data concerning such property is incorporated into this report as Appendixes B through E.

It is clearly evident that there may be substantial losses in the revenues of some municipalities because of tax exempt state property; but from an overall standpoint, there is considerable strength to the argument that the total burdens and benefits to the municipalities from tax exempt state property, considered in the light of state-wide experience, will cancel out.

With this in mind, the Committee concludes: 1) that there is little justification for eliminating present immunity of state-owned property from municipal taxation; and, 2) that the State should not be obliged to reimburse the municipalities for any losses in tax revenues resulting from the exemption of state-owned property. The Committee, therefore, recommends no changes in the existing statute.

APPENDIX A

Property Tax Exemptions

I. Because of ownership:

- A. The property of the United States (Sec. 10,I-A)
- B. The property of the State of Maine (Sec. 10,I-B)
- C. The property of any public municipal corporation (Sec. 10,I-E)
- D. All property exempt under the articles of separation (Sec. 10,I-C)
- E. All obligations issued by the State or its subdivisions (Sec. 10,I-D)
- F. All public airports and landing fields (Sec. 10,I-G)
- G. All property owned by religious, benevolent, charitable, literary, educational and scientific institutions; the American Red Cross, veterans' associations and chambers of commerce (Sec. 10,II-A, B,D,E,F)

II. Because of personal status: under defined conditions--

- A. Polls and estates of service men and veterans (Sec. 10,III)
- B. Polls and estates of persons under guardianship, the blind, the aged, and Indians on tribal reservations (Sec. 110,IV-A,B,C)

III. Because of type of property:

A. Personal property:

1. Household personalty--except television sets--including wearing apparel, "farming utensils" and "mechanics tools" (Sec. 10,V-A (1959))
2. Hay, grain, potatoes, orchard products and wool owned and in the possession of the producer (Sec. 10,V-B)
3. Livestock--mules, horses, neat cattle, sheep swine, fowl, goats, etc.--as defined by age or number (Sec. 10,V-C)
4. All radium used in the practice of medicine (Sec. 10,V-D)
5. Loans secured by mortgages on real estate situated within the State (Sec. 10,V-E)

B. Real property: under defined conditions--

1. The aqueducts, pipes and conduits of any corporation supplying a municipality with water (Sec. 10,VI-A)

2. Mines of gold, silver or baser metals for a period of 10 years (Sec. 10, VI-B)
3. The landing area of a privately owned airport (Sec. 10,VI-C)
4. Reforestation projects for a period of 20 years (Sec. 10,VI-D)

IV. Because of interstate relations: under defined conditions--

- A. Property in interstate transportation or awaiting transshipment (Sec. 10,V-F)
- B. Food products in a warehouse awaiting shipment outside the state (Sec. 10,V-G)
- C. Vessels owned by persons residing out of the state (Sec. 10,V-H)
- D. Pleasure boats whose owners reside out of the state (Sec. 10,V-I)
- E. All hides and leather owned by persons residing out of the state (Sec. 10,V-J)

V. Because of in-lieu taxes:

- A. The capital stock of manufacturing, mining, smelting, agricultural, stock-raising, and real estate corporations (Sec. 10,V-L; Sec. 9,XI)
- B. Personal property in another state or country (Sec. 10,V-K; Sec. 9,IX)
- C. Telephone and telegraph companies: personal property (Ch. 16, Sec. 128-A)
- D. Express companies: personal property (Ch. 16, Sec. 135)
- E. Parlor car companies: personal property (Ch. 16, Sec. 123)
- F. Railroads: the right of way and property thereon (Ch. 16, Sec. 115)

Source: R. S., Chapter 91-A.

APPENDIX B

State Owned Property - Locations, Area, and Valuations

<u>Department</u>	<u>Site Location</u>	<u>Approx. Area</u>
<u>Adjutant General</u>		
Camp Keyes	Augusta	Not shown on deeds
Artillery Range	Twp. 4	31,425 acres
Auburn Armory	Auburn	Not shown on deed
Augusta Armory	Augusta	900' x 150'
Bangor Armory	Bangor	406' x 1090'
Bath Armory	Bath	Not shown on deed
Belfast Armory	Belfast	24.9 acres
Brewer Armory	Brewer	6 acres
Brunswick Armory	Brunswick	200' x 400'
Calais Armory	Calais	370' x 600'
Caribou Armory	Caribou	Leased
Fort Fairfield Armory	Ft. Fairfield	Not shown on deed
Fort Kent Armory	Ft. Kent	Not shown on deed
Gardiner Armory	Gardiner	130,356 sq. ft.
Houlton Armory	Houlton	Not shown on deeds
Millinocket Armory	Millinocket	72,000 sq. ft.
Newport Armory	Newport	1 acre
Norway Armory	Norway	6 acres
Milk Street Armory	Portland	24,259 sq. ft.
Stevens Avenue Armory	Portland	9.25 acres
Presque Isle Armory	Presque Isle	660' x 400'
Rockland Armory	Rockland	Not shown on deed
Rumford Armory	Rumford	1.5 acres
Saco Armory	Saco	Not shown on deed
Sanford Armory	Sanford	380' x 450'
Skowhegan Armory	Skowhegan	Not shown on deed
South Portland Armory	So. Portland	Not shown on deed
Waterville Armory	Waterville	150' x 150'
Westbrook Armory	Westbrook	Not shown on deed
<u>Augusta State Airport</u>	Augusta Hallowell	Not shown on deeds 6.97 acres
<u>Agriculture</u>		
Maine Egg Laying Test Seed Potato Board	Monmouth Masardis	U. of M. Property 499 acres

C. P. R. VALUATIONS 6/30/1959

Land	Buildings	Structures and Improvements	Total
12,142.99	783,065.29	219,322.51	1,014,530.79
30,124.00	-----	-----	30,124.00
1.50	239,838.76	-----	239,840.26
-----	465,362.40	2,514.24	467,876.64
13,310.00	111,942.94	12,137.57	137,390.51
2,726.53	34,864.54	2,172.50	39,763.57
275.00	80,217.81	-----	80,492.81
800.00	133,634.12	-----	134,434.12
1,050.00	70,918.97	-----	71,968.97
1,256.08	235,292.89	-----	236,548.97
2.50	485,414.14	18,850.19	504,266.83
58.18	340,939.72	334.27	341,332.17
3.00	239,307.24	-----	239,310.24
1,401.00	70,002.91	-----	71,403.91
1,504.60	251,930.55	-----	253,435.15
2,882.80	83,645.89	-----	86,528.69
530.00	53,246.78	157.50	53,934.28
1,002.00	92,998.47	-----	94,000.47
46,000.00	107,275.05	710.50	153,985.55
8,400.00	402,886.06	12,800.06	424,086.12
1.00	217,219.96	413.55	217,634.51
1.53	-----	-----	1.53
9,000.00	112,268.08	-----	121,268.08
1,600.00	124,286.90	7,023.04	132,909.94
1.50	225,913.70	-----	225,915.20
-----	247,646.75	-----	247,646.75
5,442.20	122,979.50	2,706.00	131,127.70
5,625.00	123,850.88	-----	129,475.88
990.48	226,281.89	43.04	227,315.41
<u>146,131.89</u>	<u>5,683,232.19</u>	<u>279,184.97</u>	<u>6,108,549.05</u>
47,506.00	107,704.32	711,583.31	866,793.63
650.00	-----	-----	650.00
<u>48,156.00</u>	<u>107,704.32</u>	<u>711,583.31</u>	<u>867,443.63</u>
-----	33,621.64	-----	33,621.64
19,248.36	55,525.40	3,061.00	77,834.76
<u>19,248.36</u>	<u>89,147.04</u>	<u>3,061.00</u>	<u>111,456.40</u>

<u>Department</u>	<u>Site Location</u>	<u>Approx. Area</u>
<u>Economic Development</u>		
Information Center	Dexter	Not shown on deeds
	Fryeburg	Unknown
	Kittery	Leased
Publicity Bureau	Portland	75,906 sq. ft.
Farmington S T College	Farmington	Not shown on deeds
Washington S T College	Machias	26.4 acres
Aroostook S T College	Presque Isle	31 acres
Gorham S T College	Gorham	Not shown on deeds
Fort Kent S N School	Ft. Kent	Not shown on deeds
Schooling-Unorg. Territory	State Wide	Unknown
Maine V T Institute	So. Portland	28 acres
Maine Maritime Academy	Castine	Not shown on deeds
Maine E S Commission	Augusta	42,500 sq. ft.
Health and Welfare	Augusta	100' x 125'
Jefferson Relief Camp	Jefferson	150.2 acres
Penobscot and Passamaquoddy Indians	Old Town, Perry Princeton	Unknown
Highway M. Trans Div	Augusta	Not shown on deeds
	Ft. Kent	" " " "
	Kennebunk	" " " "
	Pembroke	" " " "
	Presque Isle	" " " "
	Scarboro	51,642 sq. ft.
	Van Buren	Not shown on deeds
	Wiscasset	" " " "
	Belgrade	Unknown
	Baileyville	"
	Brownville	"
	Caribou	"

C. P. R. VALUATIONS 6/30/1959

Land	Buildings	Structures and Improvements	Total
-----	-----	-----	-----
6.00	6,017.70	-----	6,017.70
1.20	73,930.55	27,781.68	101,718.23
7.20	44,773.64	876.56	45,651.40
-----	-----	-----	-----
7.20	124,721.89	28,658.24	153,387.33
177,435.81	864,038.47	2,545.75	1,044,020.03
4,051.50	510,862.68	9,932.34	524,846.52
10,400.00	832,576.74	26,256.99	869,233.73
71,059.00	1,601,605.67	108,963.58	1,781,628.25
12,728.50	451,936.66	5,942.90	470,608.06
4,510.50	393,066.64	11,077.85	408,654.99
56,000.00	755,594.56	6,821.24	818,415.80
18,759.02	211,442.53	25,288.61	255,490.16
38,100.00	-----	-----	38,100.00
1,987.00	18,118.18	-----	20,105.18
4,535.00	62,224.31	11,974.25	78,733.56
1,452.00	49,319.94	64,976.73	115,748.67
3,001.32	437,947.21	23,930.83	464,879.36
500.00	7,261.63	-----	7,761.63
150.75	7,337.50	-----	7,488.25
500.00	5,886.64	-----	6,386.64
852.90	16,492.30	156.12	17,501.32
4,199.25	65,733.36	290.22	70,222.83
500.00	7,464.70	146.16	8,110.86
300.00	7,662.30	-----	7,962.30
-----	1,970.51	-----	1,970.51
-----	953.29	-----	953.29
-----	173.89	-----	173.89
-----	86,820.94	931.43	87,752.37

Department	Site Location	Approx. Area
<u>Highway M Trans Div (cont.)</u>		
	Ellsworth	5 acres
	Ellsworth Falls	Unknown
	West Farmington	"
	Freeport	"
	Forks	"
	Gray	"
	Jackman	"
	Mexico	"
	Oxford	"
	Stillwater	"
	Topsfield	"
	Topsham	"
	Waldoboro	"
	Winn	"
	Winthrop	"
	York	"
<u>Inland Fisheries and Game</u>		
Auburn Hatchery	Auburn	13.25 acres
Dead River Hatchery	Dead River	91.6 acres
Deblois Hatchery	Deblois	98.75 acres
Dry Mills Hatchery	Gray	44.25 acres
Enfield Hatchery	Enfield	Not shown on deeds
Governor Hill Hatchery	Augusta	120.55 acres
Grand Lake Stream Hatchery	Grand Lake Stream	1.8 acres
Littleton Hatchery	Littleton	Not shown on deeds
Moosehead Hatchery	Greenville Junction	Not shown on deeds
Oquossoc Hatchery	Oquossoc	8 acres
Sebago Hatchery	Sebago	Not shown on deed
Tunk Lake Hatchery	TLOSD Hancock Cty.	5 acres
Birch River Rearing Station	Winterville Plt.	Not shown on deed
Enfield Rearing Station	Enfield	Not shown on deeds
Lily Bay Rearing Station	Lily Bay	Leased
Lovell Bass Pools	Lovell	Leased
New Gloucester Rearing Station	New Gloucester	52.7 acres

C. P. R. VALUATIONS 6/30/1959

Land	Buildings	Structures and Improvements	Total
----	74,596.57	4,202.29	78,798.86
----	1,986.70	----	1,986.70
----	3,190.80	----	3,190.80
----	5,392.21	----	5,392.21
----	901.32	----	901.32
----	9,607.36	----	9,607.36
----	7,832.44	----	7,832.44
----	897.75	----	897.75
----	2,777.44	----	2,777.44
----	3,044.94	----	3,044.94
----	789.58	----	789.58
----	2,664.49	----	2,664.49
----	1,802.87	----	1,802.87
----	6,224.65	2,292.07	8,516.72
----	3,555.22	----	3,555.22
----	8,213.42	----	8,213.42
<u>10,004.22</u>	<u>779,182.03</u>	<u>31,949.12</u>	<u>821,135.37</u>

559.25	19,069.78	13,763.63	33,392.66
54,748.36	78,929.58	190,423.37	324,101.31
35,961.39	71,002.36	149,637.14	256,600.89
5,607.97	58,612.42	147,321.75	211,542.14
4,941.73	110,867.89	284,354.98	400,164.60
1,207.00	39,148.12	99,096.10	139,451.22
251.50	17,281.77	23,251.24	40,784.51
8,551.98	36,040.26	50,930.74	95,522.98
445.07	15,650.33	16,298.78	32,394.18
1,223.67	50,085.45	112,623.02	163,932.14
2,638.24	7,656.74	32,998.50	43,293.48
156.82	8,741.94	16,168.50	25,067.26
2.50	35,208.07	108,858.56	144,069.13
403.34	5,583.11	15,825.83	21,812.28
----	2,857.95	18,420.76	21,278.71
22.00	200.00	15,850.11	16,072.11
2,364.76	31,926.86	50,486.72	84,778.34

<u>Department</u>	<u>Site Location</u>	<u>Approx. Area</u>
<u>Inland Fisheries and Game (cont.)</u>		
Newport Rearing Station	Newport	Not shown on deeds
Palermo Rearing Station	Palermo	14.3 acres
Phillips Rearing Station	Phillips	10.83 acres
Grand Falls	Grand Falls	16 acres
	Plt.	
Casco Rearing Station	Casco	10 acres
Salem Hatchery	Salem	16.94 acres
Embden Rearing Station	Embden	13.7 acres
Head Tide Rearing Station	Alna	Unknown
State Game Farm	Gray	Not shown on deeds
Warden Division	Eagle Lake	257' x 188'
	Augusta	149' x 132'
	Greenville	Not shown on deeds
	Statewide -	Unknown
	Small Facilities	
Wildlife Division	Belgrade	2 acres
	Brownfield -	Not shown on deeds
	Fryeburg	
	Charlotte -	Not shown on deeds
	Pembroke	
	Chesterville	482.68 acres
	Embden	Not shown on deeds
	Montville	81.2 acres
	Edmunds	640.86 acres
	Hodgdon	Not shown on deeds
	Jonesboro	712.31 acres
	Palmyra	295.11 acres
	Newfield	1859.25 acres
	Steuben	500 acres
	Montville -	447.40 acres
	Searsmont	
	Stockton	540 acres
	Springs	
	Eastbrook -	1251.84 acres
	Franklin	
	Swan Island	Not shown on deeds
<u>Mental Health and Corrections</u>		
Augusta State Hospital	Augusta	Not shown on deeds
Bangor State Hospital	Bangor	Not shown on deeds

C. P. R. VALUATIONS 6/30/1959

Land	Buildings	Structures and Improvements	Total
348.20	12,598.95	14,049.36	26,996.51
5,014.62	50,999.61	208,029.71	264,043.94
254.25	5,911.08	8,105.26	14,270.59
2,049.23	-----	-----	2,049.23
1,403.00	33,135.87	120,142.53	154,681.40
696.90	5,200.00	-----	5,896.90
17.50	45,157.58	172,764.49	217,939.57
-----	-----	2,717.67	2,717.67
2,872.12	47,787.84	50,237.07	100,897.03
5,800.00	10,220.11	88.00	16,108.11
3,000.40	23,299.72	1,200.00	27,500.12
31,452.44	22,025.82	358.79	53,837.05
725.00	59,991.33	182.22	60,898.55
1.00	4,000.00	785.98	4,786.98
21,239.88	4,595.71	2,696.46	28,532.05
4.56	-----	6,789.21	6,793.77
5,149.69	400.00	16,146.23	21,695.92
141.00	-----	9,685.01	9,826.01
603.90	1,196.87	-----	1,800.77
2,370.99	135.00	33,353.01	35,859.00
7,787.15	-----	-----	7,787.15
2,710.40	125.00	5,348.29	8,183.69
2,121.78	-----	12,012.73	14,134.51
7,103.41	-----	9,972.79	17,076.20
309.24	-----	763.33	1,072.57
6,596.25	300.00	31,317.02	38,213.27
1,996.94	-----	-----	1,996.94
10,052.08	-----	17,393.35	27,445.43
21,249.87	23,150.81	10,281.93	54,682.61
<u>262,157.38</u>	<u>939,093.93</u>	<u>2,080,730.17</u>	<u>3,281,981.48</u>
36,447.15	7,522,965.71	96,089.80	7,655,502.66
29,199.04	2,843,786.83	38,653.99	2,911,639.86

<u>Department</u>	<u>Site Location</u>	<u>Approx. Area</u>
<u>Mental Health and Corrections (cont.)</u>		
Pineland Hospital and Training Center	New Gloucester	Not shown on deeds
Boys Training Center	So. Portland	213.5 acres
Stevens Training Center	Hallowell	Not shown on deeds
Reformatory for Men	So. Windham	Not shown on deeds
Reformatory for Women	Skowhegan	Not shown on deeds
Maine State Prison	Thomaston Warren	Not shown on deeds Not shown on deeds
Military and Naval Children's Home	Bath	Not shown on deeds
Governor Baxter School for the Deaf	Falmouth	100 acres
<u>Central Maine Sanatorium</u>	Fairfield	100 acres
<u>Northern Maine Sanatorium</u>	Presque Isle	28 acres
<u>Western Maine Sanatorium</u>	Hebron	Not shown on deeds
<u>Liquor Commission</u>	Hallowell	Not shown on deed
<u>Park Commission</u>		
Aroostook State Park	Presque Isle	493.3 acres
Bradbury Mountain State Park	Pownal	271 acres
Camden Hills State Park	Camden- Lincolnville	4968.31 acres
Two Lights State Park	Cape Elizabeth	40 acres
Fort Knox State Park	Prospect	124.5 acres
Lake St. George State Park	Liberty	5311 acres
Lamoine State Park	Lamoine	55 acres
Lily Bay State Park	Lily Bay	573 acres
Mt. Blue State Park	Weld	4921 acres
Reid State Park	Georgetown	791.15 acres
Sebago Lake State Park	Naples-Casco	1296 acres

C. P. R. VALUATIONS 6/30/1959

Land	Buildings	Structures and Improvements	Total
40,968.69	3,855,529.76	294,452.17	4,190,950.62
23,281.20	598,233.59	34,731.54	656,246.33
8,428.00	369,326.68	15,615.83	393,370.51
30,725.00	833,096.48	7,691.06	871,512.54
6,050.00	425,221.97	44,661.56	475,933.53
9,218.00	1,227,283.17	209,996.36	1,446,497.53
17,919.98	162,474.66	745.82	181,140.46
3,168.00	49,802.66	2,419.49	55,390.15
<u>23,660.00</u>	<u>1,625,500.71</u>	<u>281,784.01</u>	<u>1,930,944.72</u>
<u>229,065.06</u>	<u>19,513,222.22</u>	<u>1,026,841.63</u>	<u>20,769,128.91</u>
4,323.25	882,970.48	64,025.56	951,131.29
5,050.00	363,716.51	49,915.58	418,682.09
6,775.00	342,189.39	59,728.01	408,692.40
18,386.18	469,976.15	32,344.39	520,706.72
4,930.00	17,758.84	46,436.99	69,125.83
6,289.08	20,269.39	35,633.62	62,192.09
89,973.18	84,003.65	121,727.24	295,704.07
28,238.31	----	3,201.26	31,439.57
6,510.00	13,055.78	11,127.00	30,692.78
71,798.21	29,783.51	46,806.59	148,388.31
9,895.87	22,505.69	16,438.19	48,839.75
213.65	1,618.26	1,231.30	3,063.21
39,872.64	29,841.24	88,981.22	158,695.10
12,183.40	168,253.87	275,728.12	456,165.39
38,317.50	132,204.65	348,407.59	518,929.74

<u>Department</u>	<u>Site Location</u>	<u>Approx. Area</u>
<u>Park Commission (cont.)</u>		
Fort Pownall	Stockton Springs	5 acres
Salmon Falls State Park	Buxton	80 acres
Fort Machias	Machiasport	2 acres
Fort St. George	St. George	2.6 acres
No. and So. Sugar Loaf Islands	Kennebec River	2 acres
Vaughan Woods Memorial	So. Berwick	250 acres
Carver Property	Searsport	150 acres
Narrows Island	Boothbay	2.75 acres
Fort Baldwin	Phippsburg	45.13 acres
Fort Popham	Phippsburg	7.45 acres
Fort William Henry	Bristol	1 acre
Fort McClary	Kittery	25.67 acres
Fort Kent	Fort Kent	.14 acres
Fort George	Castine	3 acres
Fort Edgecomb	Edgecomb	3.15 acres
John Paul Jones Memorial	Kittery	Not shown on deeds
Mere Point Memorial	Brunswick	.25 acres

Maine State Police

Augusta	Hospital land
Wells	200' x 100'
Houlton	Not shown on deed
Thomaston	Prison land
Scarboro	32 acres
Orono	Not shown on deed
Carroll	Not shown on deed
Skowhegan	234' x 300'
Castle Hill	100 sq. ft.
Fayette	1 acre
Kittery	51,154 ft.
Bath	Unknown
Dedham	"
Frenchville	"
Ossipee	"
So. Portland	Turnpike property

<u>Bureau of Public Improvements</u>	Augusta	Not shown on deeds
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C. P. R. VALUATIONS 6/30/1959

Land	Buildings	Structures and Improvements	Total
207.00	----	----	207.00
80.00	----	----	80.00
100.00	----	----	100.00
22.50	----	----	22.50
25.00	----	----	25.00
2,000.00	----	----	2,000.00
4,250.00	----	----	4,250.00
200.00	----	----	200.00
2,500.00	2,500.00	----	5,000.00
6,600.00	272.67	----	6,872.67
101.00	----	----	101.00
3,100.00	2,850.00	3,682.51	9,632.51
300.00	----	----	300.00
500.00	----	----	500.00
501.00	----	1,611.62	2,112.62
30,750.00	----	36,700.00	67,450.00
113.00	----	1,025.00	1,138.00
<u>359,571.34</u>	<u>524,917.55</u>	<u>1,038,738.25</u>	<u>1,923,227.14</u>
----	200,489.12	4,002.52	204,491.64
1,201.00	9,154.53	2,555.50	12,911.03
1.00	18,276.63	2,723.12	21,000.75
----	13,806.82	3,082.70	16,889.52
3,500.00	42,873.09	1,634.69	48,007.78
2,422.11	40,893.54	4,100.37	47,416.02
25.00	1,493.00	1,110.00	2,628.00
1,055.30	48,590.70	1,643.74	51,289.74
57.50	1,107.20	2,824.11	3,988.81
75.00	446.61	581.00	1,102.61
20,728.90	94,577.94	79,134.56	194,441.40
4,888.00	----	347.07	5,235.07
----	287.12	3,323.90	3,611.02
----	833.40	1,189.50	2,022.90
----	817.71	3,701.72	4,519.43
----	----	495.55	495.55
<u>33,953.81</u>	<u>473,647.41</u>	<u>112,450.05</u>	<u>620,051.27</u>
558,556.07	5,480,509.72	145,439.59	6,184,505.38

Department	Site Location	Approx. Area
<u>Sea and Shore Fisheries</u>	Beals Boothbay Harbor	Not shown on deed Federal

Totals

Schedule does not include Forestry Department or Highway Commission as these are not set up on our records for valuations at the present time. All valuations listed are original cost figures wherever obtainable, others at estimated costs.

Source: Bureau of Public Improvements - Property Records Division Memorandum, May 24, 1960.

C. P. R. VALUATIONS 6/30/1959			
Land	Buildings	Structures and Improvements	Total
8,000.00	-----	-----	8,000.00
-----	50,540.44	9,215.85	59,756.29
<u>8,000.00</u>	<u>50,540.44</u>	<u>9,215.85</u>	<u>67,756.29</u>
<u>2,110,404.09</u>	<u>41,575,557.65</u>	<u>5,947,645.96</u>	<u>49,633,607.70</u>

APPENDIX C

Federal Installations in Maine

State	Number of installations	Total acreage	Total acreage of State
Connecticut	123	4,472.2	3,135,360
Maine	205	124,747.4	19,865,600
Massachusetts	290	57,967.3	5,034,880
New Hampshire	59	695,300.9	5,770,880
Rhode Island	66	7,772.5	677,120
Vermont	59	247,772.1	5,937,920
Total	802	1,138,032.4	40,421,760

Source: Inventory Report on Jurisdictional Status of Federal Areas Within the State as of June 30, 1957. Prepared by General Services Administration, 1959.

APPENDIX D

Federal Land Status in Maine

Agency and bureau	Number of installations	Total acreage
MAINE		
Civil:		
Agriculture:		
Agricultural Research Service...	1	5.0
Forest Service.....	3	50,281.0
Total.....	4	50,286.0
Health, Education, and Welfare:		
Public Health Service.....	1	6.9
Total.....	1	6.9
Interior:		
Fish and Wildlife Service.....	4	22,722.3
National Park Service.....	1	30,971.9
Total.....	5	53,694.2
Post Office.....	42	21.9
Total.....	42	21.9
Treasury:		
Coast Guard.....	75	589.0
Bureau of Customs.....	5	2.0
Total.....	80	591.0
General Services Administration..	23	328.3
Veterans Administration.....	1	1,308.5
Total civil agencies.....	156	106,236.8

Agency and bureau	Number of installations	Total acreage
MAINE		
Defense:		
Military functions:		
Army.....	14	401.0
Air Force.....	23	13,635.5
Navy.....	10	4,465.0
Total military.....	47	18,501.5
Civil functions: Corps of Engineers--Civil.....		
	2	9.1
Total Defense.....	49	18,510.6
Total all agencies	205	124,747.4

Source: Inventory Report on Jurisdictional Status of Federal Areas Within the State as of June 30, 1957. Prepared by General Services Administration, 1959.

APPENDIX E

Inventory of Federal Land in Maine

Municipality	Description	Acreage (To nearest tenth)	
		Urban	Rural
Auburn	Post Office	.3	
Lewiston	Post Office	.4	
Auburn	Army Installation	154.0	
Presque Isle	Maine Agri. Exp. Sta.	5.0	
Caribou	Post Office	1.3	
Fort Fairfield	Post Office Cu. House	.6	
Fort Kent	Post Office	.5	
Houlton	Post Office Cu. House	.6	
Presque Isle	Post Office	.6	
Bridgewater	U. S. Customhouse		.8
Hamlin	U. S. Customhouse		.5
Hodgdon	U. S. Customhouse		.2
Littleton	U. S. Customhouse		.3
Monticello	U. S. Customhouse		.2
Houlton	Army Installation		2.0
Caswell	Army Installation	33.0	
Limestone	Army Installation	32.0	
Caribou	Army Installation	36.0	
Caribou	Army Installation	32.0	
Fort Fairfield	Border Station		1.6
Fort Fairfield	Border Station		.6
Houlton	Border Station	2.7	
Limestone	Border Station		1.6
Orient	Border Station		.9

Municipality	Description	Acreage (To nearest tenth)	
		Urban	Rural
Wilton	Border Station		.9
Easton	Border Station		.6
Mars Hill	Border Station		.9
Presque Isle	Air Force Installation		1719.0
Limestone	Air Force Installation	964.0	
Limestone	Air Force Installation	8414.0	
Limestone	Air Force Installation		.3
Limestone	Air Force Installation		3.0
Presque Isle	Air Force Installation		3.0
Presque Isle	Air Force Installation		.2
Presque Isle	Air Force Installation		1.0
Presque Isle	Air Force Installation		186.0
Presque Isle	Air Force Installation		3.0
Caswell	Air Force Installation		11.0
Caribou	Air Force Installation		198.0
Caribou	Air Force Installation		197.0
Fort Fairfield	Air Force Installation		4.0
Brunswick	Navy Installation		2869.0
Portland	Navy Installation		322.0
Portland	Navy Installation	20.0	
Portland	Navy Installation	181.0	
Brunswick	Post Office	1.3	
Portland	Post Office Maine Off	2.5	
Westbrook	Post Office	.2	
South Portland	USCG Base So Port. Me.	11.0	
Cape Elizabeth	Cape Eliz. Lt. Life Sta.		21.0
South Portland	Halfway Rock Lt. Sta.		1.5
South Portland	Ram Is Ledge Lt. Sta.		5.0

Municipality	Description	Acreage (To nearest tenth)	
		Urban	Rural
South Portland	Spring Pt Ledge Lt Sta		8.3
	Fort Scammel Pt Light		.1
	Little Mark Isl Mon Lt		1.0
Portland	Crow Island Light		2.2
Portland	Portland Light Sta		.7
Portland	Ft. Gorges Military Res	1.5	
South Portland	USCG Base Annex So. Port.	2.3	
Cape Elizabeth	Army Installation	91.0	
Bridgton	Army Installation	4.0	
Portland	Court House	.9	
Portland	U. S. Custom House	.3	
Portland	Post Office Courthouse	.4	
Portland	Peaks Island Mil Res		172.8
Portland	Fort Levett Mil Res		125.6
Brunswick	Air Force Installation		24.0
South Portland	Air Force Installation	5.0	
Portland	P H S Outpatient Clinic	6.9	
Farmington	Post Office	.4	
Wilton	Post Office	.4	
Eustis	Border Station		3.6
	Craig Brook Fish C.Sta		134.6
Bar Harbor	Acadia National Park		30971.9
Winter Harbor	Navy Installation		648.0
Bar Harbor	Post Office	.4	

Municipality	Description	Acreage (To nearest tenth)	
		Urban	Rural
Castine	Courthouse and Post Office	.1	
Ellsworth	Post Office Cu. House	.3	
Northeast Harbor	Baker Island Light Sta		10.0
McKinley	Bass Har Hd Light Sta		2.0
Northeast Harbor	Bear Is Light Sta		2.0
Swan Island	Burnt Coat Har Lgt Sta		1.0
Stonington	Deer Is Thorfare Lt Sta		3.0
Sunset	Eagle Is Light Sta		6.0
Bar Harbor	Egg Rock Lt Sta		3.0
Southwest Harbor	Great Duck Is Lt Sta		10.1
Southwest Harbor	Mount Desert Lt Sta		10.0
Vinalhaven	Saddleback Ledge Lt Sta		1.0
Southwest Harbor	Southwest Harbor Depot	1.0	
Gouldsboro	Prospect Harbor Light		.2
	Isle au Haut Light		.1
Brooklin	Blue Hill Bay Light		.1
Castine	Army Installation		3.0
Gardiner	Post Office	.2	
Hallowell	Post Office	.3	
Waterville	Post Office	.7	
Augusta	Army Installation	1.0	
Togus	VA Center		1308.5
Augusta	Post Office & Courthouse	.3	

Municipality	Description	Acreage (To nearest tenth)	
		Urban	Rural
Waterville	Portion of Post Office Site	.1	
	Widow Island Nat Ref		12.0
Rockland	Navy Installation		1.0
Rockland	Post Office Court House	.6	
Camden	Post Office	.2	
Vinalhaven	Browns Hd Lt Sta		6.0
	Burnt Is Lifeboat Sta		1.0
North Haven	Goose Rocks Lt Sta		.1
Vinalhaven	Heron Neck Lt Sta		10.0
Port Clyde	Marshall Point Lt Sta		10.0
Rockland	Matinicus Rock Lt Sta		8.0
Owls Head	Owls Head Light Sta		17.3
Rockland	Rockland Moorings	1.1	
Spruce Head	Two Bush Is Lt Sta		2.0
Spruce Head	Whitehead Lt Sta		11.1
	Whitehead LB Sta		2.7
Rockland	Rockland Lt Sta		1.1
	Boothbay Harb Fish Sta		9.9
Waldoboro	Post Office & Court House	.2	
Wiscasset	Post Office & Court House	.5	
Boothbay Harbor	Burnt Is Light Sta		5.0
	Cuckolds Lt Sta		7.0
Monhegan	Manana Is Fog Sig Sta		1.0

Municipality	Description	Acreage (To nearest tenth)	
		Urban	Rural
Monhegan	Monhegan Is Lt Sta		2.0
Boothbay Harbor	Ram Is Lt Sta		4.0
Bristol	Pemaquid Point Lt		.1
Boothbay Harbor	Damariscove Isl Lbt Sta		.5
	White Mountain N F		45862.0
Norway	Post Office	.4	
Rumford	Post Office	.3	
Bangor	Post Office	.6	
Dexter	Post Office	.3	
Millinocket	Post Office	.6	
Old Town	Post Office	.5	
Orono	Post Office	.8	
Dexter	Army Installation	3.0	
Bangor	Army Installation	5.0	
Dexter	Fayscott Corp	.2	
Dow AFB	Air Force Installation	1507.0	
Bangor	Air Force Installation	28.0	
Bangor	Air Force Installation	24.0	
Bangor	Air Force Installation	229.0	
Charleston	Air Force Installation		70.0
Dover-Foxcroft	Post Office	.5	
Bath	Post Office Customhouse	1.2	
Woolwich	Doubling Pt Rge Lt Sta		4.5
Parker Head	Perkins Is Lt Sta		7.0
Popham Beach	Pond Is Lt Sta		10.0

Municipality	Description	Acreage (To nearest tenth)	
		Urban	Rural
Popham Beach	Seguin Is Lt Sta		10.0
Phippsburg	Squirrel Pt Lt Sta		4.5
Popham Beach	Kennebec Riv LFBT Sta		.7
Fairfield	Post Office	.5	
Skowhegan	Post Office	.4	
Jackman	Border Station		10.1
Belfast	Post Office Court House	.3	
Camden	Curtis Is Lt Sta		6.0
Stockton Springs	Fort Point Lt Sta		6.0
Islesboro	Grindel Point Lt		.1
	Moosehorn N W Refuge		22565.8
Calais	Post Office Court House	.4	
Eastport	Court House Post Office	.6	
Machias	Post Office Court House	.2	
Jonesport	Jonesport Dir Fin Sta		110.0
	Libby Is Lt Sta		45.0
Cutler	Little River Lt Sta		15.0
Jonesport	Moose Pk Lt Life Sta		4.0
South Addison	Nash Is Light Sta		4.0
West Jonesport	Peti Manan Lt Sta		9.0
Red Beach	St. Croix Riv Lt Sta		1.2
Lubec	West Quoddy Hd Lt Sta		100.0
Calais	Whitlock Mills Lt Sta		2.0

Municipality	Description	Acreage (To nearest tenth)	
		Urban	Rural
Calais	Avery Rock Light		.8
Lubec	Lubec Channel Light		9.0
	Franklin Isl Light		12.0
Eastport	Dog Island Light		.8
Jonesport	Crumple Island		1.7
	Quoddy Head Lb Sta		5.0
	Cross Isl Lifeboat Sta		5.0
Calais	Ferry Point Border S		.4
Calais	Milltown Border Sta		.2
Calais	Union Bridge Border		.1
Eastport	Passamaquoddy Tid Pow		3.1
Machias	Air Force Installation		25.0
	Waterways Exp Sta		3.1
	Massabesic Exp Forest		3694.0
Kennebunk	Navy Installation	16.0	
Kittery	Navy Installation		326.0
Kittery	Navy Installation		33.0
Biddeford	Post Office	.4	
Kennebunk	Post Office	.9	
Kennebunkport	Post Office	.6	
Saco	Post Office	.3	
Sanford	Post Office	.5	
Boon Island	Bon Is Lt Sta		3.0
York Beach	Cape Ned Lt Sta		6.0

Municipality	Description	Acreage (To nearest tenth)	
		Urban	Rural
Biddeford	Fletchers Neck Lifensta	.3	
Cape Porpoise	Goat Is Lt Sta		3.5
Biddeford	Wood Is Lt Sta		8.0
Biddeford Pool	Fletchers Neck Lbt Sta		.8
Kittery Point	Army Installation	2.0	
Saco	Army Installation	3.0	
Kennebunkport	Kennebunk Riv Jetto		6.0
	So Central Lu Proj		725.0
	Navy Installation	49.0	
Searsport	Air Force Installation		20.0

Source: Legislative Jurisdiction over Federal Lands within the States as of June 30, 1957-Maine. Compiled by General Services Administration, based on reports submitted by various federal agencies.

RURAL ELECTRIFICATION COOPERATIVES

ORDERED, the Senate concurring, that the Legislative Research Committee be, and hereby is, directed to study and report to the 100th Legislature on the feasibility of placing Rural Electrification Cooperatives under the jurisdiction of the Public Utilities Commission for regulatory purposes in the same manner as private utilities are now regulated under the Revised Statutes of 1954, chapter 44, as amended, and specifically as to whether or not said Cooperatives should be permitted to exercise the power of eminent domain.

Five rural electrification cooperatives^{1/} are operated in this State under the Cooperative Enabling Act (R. S., 1954, c. 51)^{2/} which furnishes the necessary statutory authority for incorporation^{3/} and operation of Maine's REA-sponsored cooperatives. Cooperatives formed under the Act are non-profit, membership corporations organized for the purpose of providing electrical service to persons living in rural areas who do not have it. Electric cooperatives are financed by the Rural Electrification Administration through the loan provisions of the Rural Electrification Act of 1936, and with only one exception,^{4/} are exempt from the regulatory jurisdiction of the Maine Public Utilities Commission specified in

^{1/} Eastern Maine Electric Co-op., Inc., Calais, Me.
Farm-Home Electric Co-op., Inc., Patten, Me.
Kingman Electric Co-op., Kingman, Me.
Swan's Island Electric Co-op., Inc., Minturn, Me.
Union River Electric Co-op., Inc., Aurora, Me.

^{2/} Enacted by P. L., 1941, c. 281.

^{3/} Certain corporations meeting the requirements of §17 may be converted into cooperatives.

^{4/} See text following note 5.

R. S., c. 44. Essentially, cooperatives are electric distributing organizations which purchase most of their power from regulated utilities formed under R. S., c. 50, §3.

Rural electrification cooperatives function entirely as consumer cooperatives controlled by a Board of Directors elected by the consumer members. Each cooperative serves its consumer members over sparsely inhabited areas of the State which are not served by electric utilities. The consumer member stands in close relationship to the operation of his cooperative and has a direct and substantial interest in its overall policy and management. "In theory the REA cooperatives are customer owned and directed. Excess earnings may be used, as voted by the owners, to pay dividends or finance new construction, provided certain safeguards prescribed by federal regulations are met. The rates are similarly approved by the customers."^{5/}

Limited regulatory jurisdiction over cooperatives is given the Public Utilities Commission under R. S., c. 51, §24 which provides that "any person who has been refused membership in or service by a cooperative may complain of such refusal to the Public Utilities Commission which may, after hearing, upon finding that such service may reasonably be rendered, order such person to be served." Section 24 relieves the Commission of further regulatory jurisdiction

^{5/} Public Utilities Commission Memorandum, April 17, 1960.

by providing that". . . cooperatives shall not be deemed to be public utilities."

Regulated utilities, subject to PUC approval, may take line rights-of-way under R. S., c. 50, §9 by eminent domain. Cooperatives are not given the advantage of eminent domain under the Cooperative Enabling Act, and their exemption from the Commission's jurisdiction prevents them from exercising the eminent domain power authorized utilities under §9. The Legislature has not deemed the existence of the power of eminent domain in cooperatives a matter of public interest, and has withheld a grant of the power to them under the general law. The Legislature has occasionally granted the power of eminent domain by special act for limited purposes.^{6/}

Whether electrification cooperatives should be permitted to exercise the power of eminent domain granted to utilities under R. S., c. 50, §9 should depend upon a clearly recognized legislative need for such authority. The Committee is not convinced that the legislative need is sufficient to justify an extension of this authority to cooperatives. The inherent importance of the power and the necessity for safeguarding it against its improper use transcends any grant of the power

^{6/} P. & S. L., 1959, c. 147, enacted at the 1959 Legislative session, authorized the Eastern Maine Electric Co-op., Inc. to exercise eminent domain, subject to the approval of the Public Utilities Commission, for transmission lines in excess of 5,000 volts.

in the absence of a clearly defined need. The Committee is of the firm opinion that the power should not be granted merely on the possibility of some future need.

Exemption of cooperatives from the jurisdiction of the Public Utilities Commission relieves them from complying with PUC regulations governing electric utilities operating within the State. Though not subject to PUC procedures and reports, cooperatives are required to report detailed information concerning their operations periodically to the Federal authorities. In view of the self-regulating nature of cooperatives and the fact that state regulation, if required, would tend to duplicate existing federal requirements, the Committee can see little justification in placing cooperatives under the regulatory jurisdiction of the PUC. Should the Legislature, in its wisdom, deem cooperatives in the State to be utilities, the Commission would then exercise the same control over them as it does over utilities regulated under R. S., c. 44. The Committee does not feel, however, that the need for such control is sufficiently in the public interest, and is, therefore, not in favor of legislation giving the PUC authority to regulate REA-sponsored cooperatives in this State.

SOCIAL SECURITY FOR STATE EMPLOYEES

ORDERED, the House concurring, that the Legislative Research Committee be, and hereby is, directed to study and to report to the 100th Legislature on the feasibility of permitting State of Maine employees to receive Federal Social Security Benefits.

The feasibility of permitting State of Maine employees to receive Federal Social Security benefits has been studied by this Committee with reference to the comprehensive study on the Maine State Retirement System made in 1954 by actuarial consultants for the Legislative Recess Committee created under Resolves, 1953, c. 82, " . . . to study all phases of the Maine State Retirement System and related titles of the Social Security Act." Since the revision of the Maine State Retirement System (P. L., 1955, c. 417), various proposals have been made for amendment to the law, including the Group Life Insurance provision, enacted by P. L., 1955, c. 451, and the Survivors Benefit provision, enacted by P. L., 1957, c. 367. No fundamental changes have been made in the basic law, however, since 1955. The proposal to combine the Maine State Retirement System with the Federal Social Security System was rejected by the Legislative Recess Committee which, after full study, recommended that " . . . the Maine State Retirement System should be retained without supplementation or integration with the Federal Social Security System." The Recess Committee observed, however, that " . . . subsequent Federal Social Security legislation could

easily necessitate additional State legislation for our Retirement System," and requested that the Legislature give consideration to the advisability for continued study. With respect to the occurrence of such changes in the Federal Social Security System since this time, the Trustees of the Maine State Retirement System had this to say:^{1/}

. . . (The Board of Trustees) has followed changes in Federal Social Security legislation for evidence of important adjustments that might constitute grounds for reconsideration of the conclusions of the 1954 study. To date, we have found no legislation of such nature or import as to impair the validity of these earlier conclusions . . .

Important additions to the range of benefits to members of the Maine State Retirement System have been made available since the 1954 study. Since that time there have been added to the Retirement System a survivors benefit provision and a group life and disability insurance program which has broadened the scope of the Maine retirement program to a degree that permits its very favorable comparison with the retirement programs of virtually all other public retirement systems.

In summary, the Board of Trustees is of the opinion that the conclusions of the 1954 Legislative Recess Committee remains valid today. Interim changes in Federal legislation have not adversely affected the merit of those conclusions; and, at the same time, the expansion of services by our own Retirement System has eliminated the most important deficiencies in the system at the time of the 1954 survey. Obviously, it is essential that future changes in Federal legislation be followed carefully in order that possible advantages made available to the state and its employees as a result of new legislation be secured at the earliest possible date.

^{1/} Statement of trustees of the Maine State Retirement System, presented at the public hearing held by the Legislative Research Subcommittee on March 9, 1960.

Irrespective of the question of social security coverage, the following methods discussed below represent 3 possible ways social security benefits could be made available to state employees:^{2/}

One method is to eliminate the State Retirement System and supplant it with Social Security. The immediate annual cost to the State would be reduced, as the present employer cost of Social Security is considerably less than the employer cost of the Retirement System, however, the Social Security Law now provides that the rates of contribution shall increase, as shown in the table in a succeeding paragraph . . . and as the employer cost of the Retirement System will be reduced when the accrued liability, or prior service cost, is amortized, by approximately 50% of the present annual cost, it is entirely conceivable that the ultimate cost of the Social Security would be the greater cost.

At the present time, it is expected that the accrued liability will be completely paid off sometime around 1975 if there are no liberalizing changes in the Statute between now and then and, also, if there are no material upward changes in salary schedules. The computations to amortize this cost included salary increments that are standard and foreseeable, but it is not possible to compensate for highly inflationary periods which could cause extreme increases in salary. Also, if this type of program were contemplated, it would mean that those persons who are now receiving a retirement allowance should be given consideration, as it would be impracticable, if not impossible, for many to ever obtain Social Security rights and those who are approaching retirement could not build their Social Security Benefits to a basis comparable with the Retirement System amounts within the time allotted to them between the date the Social Security coverage might be made effective and the date of their retirement eligibility. The two groups just mentioned are those that would presumably be hurt to the greatest extent, but every member of the Retirement System would be affected to some degree, regardless of his length of service.

The second method would be to add Social Security to the Retirement System which would provide not only all rights of the Retirement System, but also the rights of

^{2/} Maine State Retirement System Memorandum, December 7, 1959.

Social Security. This method is the most costly, as it would entail continuation of the present employer cost, which for the 1959-60 fiscal year is \$2,025,000 for the State Employees, plus the employer's cost of Social Security, which, if based upon the gross annual personal services of \$32,739,000 for the year ended June 30, 1959 and the 1959 rate of two and one-half percent Social Security Tax, would be \$818,475 approximately. Not only is the employer faced with increasing costs under this method, but the employee would be required to continue his contribution of 5 percent to the Retirement System, one quarter of one percent to the Survivor Benefit Program and he would also pay the two and one-half percent Social Security Tax, which increases to four and one-half percent by periodic steps up to 1969 which means that at that time the member would be paying nine and three-quarters percent of his gross income toward future benefits.

The third method would be to adjust the Retirement System benefits downward and add Social Security, so that the resulting contributions by both the employer and the employee are unchanged dollar-wise, but would flow to two different pools, that is, the Retirement System being one pool and Social Security being the other. If this method were selected, it would be expected that as the Social Security Tax increased, then the amounts available to the Retirement System would decrease in direct proportion and, therefore, would severely limit the benefits available under the Retirement System, and, in ten years, could conceivably decimate the Retirement System benefits, as, at that time, of the total 5% deducted from the employee, four and one-half percent would apply to the Social Security Program and one-half of 1% to the Retirement System.

Of course, there are other methods of integration which would guarantee certain minimal provisions of the Retirement System, however, such guarantees would have to be paid for and thus the costs for both the employer and the employee would increase, and perhaps approach those costs under the pure supplemental plan.

As . . . mentioned earlier, the total gross annual personal services of the State for the year ended June 30, 1959, was \$32,739,000 and the following table shows what the Social Security costs would be in each of the years from 1959 through the next ten years, or through to 1969, when the maximum Social Security Tax, as presently set forth in the Federal Statute, is reached:

<u>Year</u>	<u>Social Security Tax</u>	<u>Annual Cost</u>
1959	2½%	\$ 818,475
1960-62	3 %	982,170
1963-65	3½%	1,145,865
1966-68	4 %	1,309,560
1969-	4½%	1,473,255

For the 1959-60 fiscal year the State will pay into the Retirement System a total of 7.91% of the gross salaries of members, which is comprised of 3.79% for current or membership service and 4.12% for the accrued liability or prior service. The annual amount is approximately \$4,720,000 of which \$2,025,000 is for the account of the State Employees and the balance of \$2,695,000 is for the account of the teachers . . .

It is not possible to offer a general statement of comparable benefits provided by either the Retirement System or Social Security as under either plan examples may be found which would refute any such statement. Social Security provides a minimum monthly payment but requires a minimum period of service before becoming eligible.

The Retirement System has no minimum payment nor does it require specific minimum creditable service.

Thus it can be seen that the older employee, with shorter periods of employment could obtain greater benefits under Social Security than under the Retirement System.

Conversely, the Social Security has a maximum payment, but the Retirement System does not, therefore the long term employee can obtain greater benefits under the Retirement System than he can under Social Security.

One other point of comparison is the amount of benefit available to an eligible wife; under Social Security the benefit is increased by one-half for the wife and at the primary beneficiary's death the gross is halved; under the Retirement System the retirant may provide for a wife but his pension is reduced to do so. Here again is found an area where both programs can cite examples of advantage for one individual but to generalize would be impossible.

The decision whether the benefits of Federal Social Security should be made available to the employees of this State unquestionably calls for some expression of opinion by the employees. An effort was made by the Committee

through the Maine State Employees Association to ascertain employee sentiment by making arrangements with the Association to poll its members as to the desirability of social security coverage. It was agreed that prior to conducting the poll that the Association would provide information to acquaint the individual state employee with the advantages and disadvantages of each retirement program. The Association, after publishing two issues of its news bulletin^{3/} devoted exclusively to an analysis of the provisions of each system, decided against completing the survey for the following reasons:^{4/}

1. There would be so many possible options which might be offered.
2. Despite . . . efforts to educate, it is recognized that many State employees are still unaware of the benefits of both the Maine State Retirement System and Old Age and Survivors Insurance.

The Maine State Employees Association voiced the following beliefs that:

1. The majority of the Association members would have no objection to Social Security, plus the Maine State Retirement System.
2. Many transient employees would favor Social Security instead of the Maine State Retirement System.
3. Some employees who have attained full and current Social Security Coverage would approve of an integrated system.

^{3/} For a concise analysis of the provisions of both laws, see especially Maine State Employee Association News Bulletin, Nos. 52 (Jl'60) and 53 (Ag'60).

^{4/} Maine State Employees Association Letter, October 31, 1960.

The Association, feeling" . . . that eventually O.A.S.I. (Old-Age and Survivors Insurance) will cover all employees in the United States including the Federal employees" and that ". . . the Federal employees will have a very favorable integrated system when they accept O.A.S.I. coverage," requested ". . . the Legislative Research Committee to hold in abeyance any recommendation for State employee coverage of Social Security until the Federal employees are so covered."

In view of the foregoing, the Committee is of the opinion that the present Maine State Retirement System Law is basically sound, and, with respect to total costs to both the employees and the State, provides reasonably adequate benefits to the State employee. The Committee is not unaware that substantive changes in the Federal Social Security Law could drastically alter these conclusions, and, for this reason, concurs in the earlier recommendation of the Recess Committee that continuous Legislative attention be focused on future developments in the field of Federal Social Security legislation. At the present time, however, the Committee does not feel that it is desirable to permit the State of Maine employees to receive Federal Social Security Benefits, and, therefore, recommends that the Legislature take no action leading toward obtaining social security coverage for members of the Maine State Retirement System.

STABILIZATION OF PENSION INCOME

ORDERED, the Senate concurring, that the Legislative Research Committee be, and hereby is, directed to study methods of stabilizing pension incomes for members of the Maine State Retirement System. Such study shall include, but is not limited to, investigation into current trends and developments in private and public retirement systems, aimed at keeping benefits in line with inflationary trends, financial factors and possible investment media.

Attached is a summary statement on problems and recommendations on the question of stabilizing pension incomes prepared by the Trustees of the Maine State Retirement System.^{1/}

Stabilization of Retirement Income

The Board of Trustees of the Maine State Retirement System recognizes the exposure of retired personnel to the hardships and inequities created by the declining purchasing power of their fixed retirement benefits. Because of this, the Board has sought to collect and appraise the increasing supply of available information covering proposed means by which private and public retirement programs might be modified to permit payment of pension benefits that would provide substantially equivalent purchasing power year in and year out.

It must be recognized that the inequities and hardships created for retired persons living on fixed retirement benefits are not due directly to defects of a retirement program. These same inequities and hardships are suffered by other segments of our population, not necessarily retired, living on fixed incomes. The root of the problem lies in the declining real value of the nation's currency--a phenomenon beyond the control of the employer, the employee or their retirement program.

Several proposals have been advanced over the years which

^{1/} Presented at the public hearing held by the Legislative Research Subcommittee on Stabilization of Pension Income on March 9, 1960.

seek to stabilize retirement purchasing power through retirement plan modification. Proposals range from well-tested devices such as the final pay formula used by our own system to new and more complex methods, the adoption of which would require basic adjustments to our retirement program philosophy and operation. The development of these newer and more complex methods has cast doubt on the comparative effectiveness of earlier proposals. At the same time, the testing of newer approaches has not yet been sufficient to prove their real value in the eyes of most persons expert in this field. Actual adoption of advanced stabilization proposals has been limited largely to private retirement funds. Less than a handful of public retirement programs have yet to adopt these newer proposals.

At the present time, the Board of Trustees recognizes no approach to this problem as being clearly superior to the status quo or clearly superior to any of the other several approaches to attempted stabilization of retirement income. Information available indicates to the Board that most public retirement program planners are demanding cautious study and further testing of proposals before recommending basic alterations to existing retirement programs. Accordingly, the Board does wish to emphasize that a proper evaluation of this matter necessitates prolonged, intensive study preferably supplemented by professional counseling. Substantial benefits to retired state employees might flow from a modification of our present retirement program. On the other hand, poorly conceived modifications of basic goals and operations would engender hardship, ill-will and a grave moral obligation on the part of the State to recompense adversely affected employees.

The necessity for stabilized retirement income is of great and obvious significance to all retired persons. The study of retirement income stabilization is a specialized undertaking, calling for the assistance of highly trained personnel. The Committee's investigation of the State Retirement System has indicated a definite need for intensive study of the complex problems involved in stabilizing retirement incomes. The Committee feels that it is of the utmost importance that the Legislature have the benefit of advice from competent, objective experts in the field.

The Committee recommends, therefore, that a professional study, by actuarial and other experts in retirement systems, be authorized by the 100th Legislature to develop concrete recommendations to alleviate the impact of this problem on the retirement incomes of members of the Maine State Retirement System.

STATE PERSONNEL ADMINISTRATION

ORDERED, the Senate concurring, that the Legislative Research Committee be, and hereby is, directed to study the full scope of the Personnel Law, including the administration thereof; and be it further

ORDERED, that a report of such study, together with any recommendations to either amend the Personnel Law or to install a Civil Service Law for state employees, be submitted to the 100th Legislature.

The Committee, as on several past occasions^{1/}, has studied the operation and administration of the Personnel Law. It has examined personnel records, held public hearings, and provided an opportunity for interested persons to state any grievances or complaints.

The fact that considerable confusion exists concerning the impact of the law upon those in state service and the public apparently results from the lack of any clear understanding of the requirements and procedures of the present statute (R. S., c. 63). Consequently, many rumors of discrimination and unfair treatment have arisen.

As far as the administration of the law is concerned, of the few complaints actually received by the committee during its investigation, most were not because of any inequitable operation of the law, but rather to misunderstandings with personnel procedures. A few individual complaints were in relation to examinations and came primarily from those who,

^{1/} For the most recent, see: Summary Report to Ninety-Fifth Legislature, January 2, 1951.

for one reason or another, failed to pass. It is generally assumed that the various state departments are satisfied with the results accomplished under the Personnel Law, since none have voiced complaints either against the law or its administration.

The Committee feels that the present law is good law which for the most part has been administered in a satisfactory manner. The Personnel Department has cooperated fully in providing the Committee with the information it desired and in making prompt adjustments in its procedures suggested by the Committee. With respect to the operation of the Personnel Law, the Committee has found nothing substantive at which it desires to recommend amendments to the law. It is the Committee's firm belief that administrative matters should not be the subject of legislative action, but should be presented to the Personnel Department for correction. The Committee, therefore, recommends no changes in the present statute.

TOXIC EFFECT OF INSECTICIDES

ORDERED, the Senate concurring, that the Legislative Research Committee be, and hereby is, authorized and directed to secure the latest scientific information and opinion concerning the use and toxic effect of insecticides, herbicides and rodenticides upon human beings and wild and domestic animals, and to make a full and complete report of such information to the 100th Legislature or to any special session of the 99th Legislature.

The increasing use of insecticides, herbicides, rodenticides and other agricultural chemicals^{1/} brought about by the rapid advances made in the discovery and synthesis of these new and highly effective materials, while instrumental in the improvement of agricultural productivity, has created a great deal of apprehension concerning their ultimate effect upon plant, animal and human life. The careless or uninformed application of these chemicals has caused widely-publicized damage in numerous areas of the country.^{2/} Maine's experience, in contrast, has been substantially less severe. The

^{1/} Agricultural chemicals include:

Insecticides to control insects harmful to plants, animals and humans;
Herbicides to eradicate weeds;
Rodenticides to control rodents;
Fungicides to prevent or cure fungus caused plant diseases;
Antibiotics to cure bacteria and virus caused plant diseases;
Plant regulators to control plant growth;
Desiccants to dry plant tissue;
Defoliant to cause leaves to drop off plants.

^{2/} Frequently cited is the fire-ant control program carried out by the United States Department of Agriculture Plant Pest Control Division in certain Southeastern States which resulted in serious losses to wildlife, particularly in Alabama.

possibility that the benefits derived from these toxic substances may be greatly outweighed by their harmful potentialities has resulted in intensive federal and state programs to promote their safe and intelligent use. The nature of these activities is shown below:

Maine Agricultural Experiment Station^{3/}

The agricultural industry realizes . . . that consumers . . . are concerned about the safety of our food supply, and that assurance is needed that adequate safeguards are available in the testing and handling of new pesticides. This is important not only to consumers, but also to Maine farmers, processors, and marketing agencies who cannot afford to have a cranberry scare result in a loss of our Maine markets. Thus all of us are vitally interested in a sound, effective program for the intelligent use of agricultural chemicals.

The . . . United States Department of Agriculture, and the Food and Drug Administration of the United States Department of Health, Education and Welfare . . . provide an effective setup, in cooperation with industry and state agencies, in insuring^{4/} the safety and wholesomeness of our national food supply.

Intensive research is conducted on any new agricultural chemical for several years before it can be considered for use in agricultural production. In most cases, the research specialists of the Maine Agricultural Experiment Station cooperate with the chemical companies, and the United States Department of Agriculture in testing these new products. First, it must be determined as to whether the new product is useful for various crops in controlling insects, diseases

^{3/} Dr. George F. Dow, Director, Maine Agricultural Experiment Station. (Statement presented at the public hearing held by the Legislative Research Subcommittee on Toxic Effect of Insecticides on April 13, 1960)

^{4/} See Appendix A for the responsibilities of Federal agencies on chemical residues. (Paper by Dr. George F. Dow, April 7, 1960)

or other pests; and what minimum rates of application are effective. Secondly, it is necessary to determine what chemical residues, if any, remain on the crop at harvest time, from using the recommended treatments. It is then the responsibility of the Food and Drug Administration to establish tolerances of safe levels for any such residues. These tolerances vary from zero to infinitesimal quantities of only a few parts in one million. The registration and sale of agricultural chemicals for use in agriculture are not permitted unless research results show conclusively that the chemical product, when used as directed, will be well within the tolerances established.

All groups affiliated with agriculture are cooperating in the responsibility to see that agricultural chemicals are used, as recommended, so that consumers will continue to be assured of a safe food supply, of high quality, at reasonable prices. Each year recommendations are reviewed by the chemical companies, by government agencies, by research and extension workers, by processors, and other agencies. The Cooperative Extension Service of the University of Maine then distributes annually the best recommended practices in the use of pesticides for effective control of insects, diseases, and other pests. These lists include only those products that have been tested in Maine to prove their effectiveness, and which have been cleared for safety by U.S.D.A. and F.D.A.

An example is the . . . (Pamphlet) "Blueberry Management and Dust Program." This carries special information as to time of application so that the grower can be assured of meeting the requirements of F.D.A. The letter accompanying these recommended practices, states that this "1960 Blueberry Dust Schedule was held up to assure clearance of materials and practices by the F.D.A." It further emphasizes "To be sure that you meet tolerance requirements, be sure to read and understand the schedule. Read and use manufacturer's directions for the various products."

. . . this presentation will help to indicate . . . the setup of various agencies, and the wide-spread cooperation that exists for insuring effective use of chemicals in agricultural production, with detailed safeguards to provide a safe food supply.

Maine Department of Agriculture^{5/}

. . . the Department of Agriculture is very much concerned
. . . with insecticides, herbicides, rodenticides, and in

^{5/} E. L. Newdick, Commissioner of Agriculture. (Statement presented at the Subcommittee hearing on April 13, 1960)

fact, the whole field of pesticides and agricultural chemicals. We work very closely with the USDA, the Department of Health and Welfare, and most especially with the Food and Drug Administration.

We have felt that down through the years, the procedure that was followed has been good for our people. It has resulted in making available a supply of good food for the nation's consumers. Our Department considers the safety of the food which is in our stores and in our processing plants, a matter of great responsibility. We endorse the safe use of carefully tested chemicals as required to maintain the quality, variety, and economy of the foods we eat. We cannot continue to produce adequate amounts of safe and wholesome foods without chemicals. If we abandon their use on farms and in our processing plants, it would result in immediate decline in the quantity and quality of our food supply. In addition, a rise in food prices could not be avoided.

We aren't talking about anything new. The use of chemicals in foods goes back many years. However, many of our chemicals are new and the need that they meet the requirements of law regarding safety and wholesomeness is very much apparent. The Federal Government continues to withhold approval of the use of chemicals that do not meet the requirements. Consumers, farmers, and the food industry as a whole, have a vital stake in the safe use of chemicals in food production.

. . . We know that there are 16 to 18 different chemicals used in the preparation, planting, growing, and storage of our potato crop. We know that all of these materials have been tested and have been approved for sale by the manufacturer. It is our feeling that reasonable tolerances have been established and that the job of those of us in agriculture is to get our producers to follow the instructions on the label and not digress because these printed instructions are the result of scientific research.

Maine Forestry Department^{6/}

Responsibility - The Maine Forest Service thru the State Entomologist's Division advises on insect and disease control; principally of forest and shade trees, mosquitoes and black-flies. By statute the department carries out pest protection on forest lands. (R. S., c. 36, §§16, 20-7)

^{6/} Robley W. Nash, State Entomologist. (Statement presented at the Subcommittee hearing on April 13, 1960)

Need - Pesticides are essential to continued adequate production of food, fibers and the protection of man's health and property. Likewise, a high degree of protection from pest damage as well as from fire is demanded to protect the increasingly important forest values, water and recreational facilities, and wildlife habitat.

Values - 34% of the working people of Maine derive their income from the forest and wood products industries valued at \$550 million, representing one-third of the State total. In the past, pests have accounted for an estimated \$3 million annual damage to Maine forests - 11 billion board feet of timber per year nationally.

Contention - It is known that contention exists concerning the use of chemicals and possible adverse side effects. Some side effects have occurred. It seems too that this contention has been accentuated in the public mind by popular articles, sensational in nature. Natural phenomena have been attributed to pesticides. Facts need to be publicized as to application of chemicals without irreparable damage to other life.

Present Regulations - Exhaustive tests of pesticides and strict labeling as to their proper uses are necessary, under the Federal Insecticide, Fungicide, and Rodenticide Act of 1947 and the Miller Amendment of 1954, before they can be registered and offered for sale. Tolerances are established. Improvement studies on chemicals and their applications are presently continuing by Federal and State agencies. Biological means of pest control are receiving great emphasis.

Practice - Method-approaches to forest protection in Maine are management, biological and chemical. When a pest-outbreak stage is reached the only approach possible is chemical control for resource protection. Area delineations and recommendations for controlled spraying are based on analysis of detailed field data. Best overall benefits are sought. Application technique are those developed and recommended by research agencies. Control over large infestations involves one pound or less of DDT per acre and dispenses with annual applications to any given area. Considerable spraying has been carried out in Maine without catastrophic side-effects. Much of this has been around lakes and water-ways for which precautions are taken to keep deposits at a minimum. Fishery biologists cooperate in checking these jobs. Their reports have been made. ✓ Two professional forestry groups

✓ See Appendix B for Department's report on the effect of forest insect spraying on northern Maine trout streams.

in the northeast have endorsed the need and value of aerial spraying. Industry is behind the program.

Policy - Operations are carried out under the policy of multiple or full use and the obligation to all, maintained through protection by spraying only after natural control factors are unable to alleviate a pest outbreak.

Maine Department of Inland Fisheries and Game^{8/}

I have previously submitted to the Research Committee considerable written material I have been able to procure on the use of pesticides. I have expressed concern, and serious concern, because as far as I know the quantity of information available about chemicals used for agricultural purposes is not available for non-farm uses, and because there is no state law to protect wildlife by controlling the indiscriminate use of these chemicals, particularly in spraying from airplanes.

We have found no serious effects on fish and wildlife from spraying done by the Forestry Department to control outbreaks of the spruce budworm.^{9/} However, a control law would be helpful in deterring irresponsible people from doing this work in a manner which might be harmful to fish, wildlife, and, in some instances, even to human beings. So long as the strength of the solution is controlled and there is no overlapping of sprayed areas, there have been only minor losses to wildlife. I feel that with careful use, spraying can be done without any appreciable ill effect to fish and wildlife, but there is plenty of evidence to show that the misuse of these chemicals can be very harmful, especially since the long range effects which may be the most important are not yet clearly known. There is a continuing need for extensive research over a long period of time to find out the adverse effects of these chemicals.

The Committee recognizes that judicious use of agricultural chemicals is indispensable to the efficient and economic control of unwanted plant, animal and insect pests, and is deeply concerned with the problem of careless and uninformed

^{8/} Roland H. Cobb, Commissioner of Inland Fisheries and Game. (Statement at the Subcommittee hearing on April 13, 1960)

^{9/} See Appendix B.

use of these necessary agents. It recognizes that the problem can be alleviated to a considerable extent if the persons utilizing these substances will cooperate to minimize their dangerous potentialities. The Committee is favorably impressed with the cooperative efforts of both Federal and State agencies to regulate and provide guidance to the problem, and it hopes that through research and education, that persons using such chemicals in this State will be impressed with their responsibility to keep it free from the effects of dangerous contamination. The Committee, though aware that the delayed hazards of many of these chemicals on fish, wildlife, soil, crops and humans are not clearly known, has reached the opinion that degree of chemical misuse in this State is not sufficiently acute to warrant the establishment of comprehensive chemical-protection standards at the State level. In the event the residue hazards of these chemicals are found dangerous to public health and safety, it may well become necessary for the Legislature to enact control legislation to protect the public. The Committee considers, however, in the absence of more convincing evidence to the contrary, that such legislation is not necessary at this time, and feels that the Legislature should pursue a course of "watchful waiting" pending the outcome of careful research into the short and long-term hazards of these substances. The Committee, therefore, makes no recommendation for legislation.

APPENDIX A

RESPONSIBILITIES OF FEDERAL AGENCIES ON CHEMICAL RESIDUES

The March 6, 1960 Deadline

On March 6, 1960, the 1958 Food Additives (Delaney) Amendment became fully effective. This gave the Food and Drug Administration of the Department of Health, Education and Welfare all of the powers included in the 1958 amendment and shifted to industry full responsibility for establishing the safety of any new chemical additives before using them in foods. The amendment of 1958 was not made fully effective at once to allow time for industry tests. For many products extensions have been granted as of March 6 for one more year in order to permit more time to obtain information on previously sanctioned chemicals.

The 1958 amendment also specifies that no substance which can cause cancer, in so much as a laboratory mouse, can be added to feed or sprayed on plants or animals to be used as food--if residues remain. It doesn't matter that the substance requires massive doses over an extended time; or that as little as one part per million of the additive may show up in meat, milk or eggs. The trouble with this law is that it leaves no room for scientific judgment. Previously the Food and Drug Administration has allowed tolerances of some 2,000 potent substances which are judged by scientists to be safe in negligible amounts.

Actually it has been proved that salt, pepper, or glucose solutions can produce cancer in experimental animals as readily as diethyl stilbestrol, which produced the recent poultry scare. Other estrogens, which act much like stilbestrol, occur naturally in alfalfa hay, corn and wheat.

It is anticipated that a change in this law will be necessary to permit scientific judgment as to what amounts of a given substance are actually harmful to humans.

HEW can set deadlines on individual items at any time. A recent case in point is the change in the heptachlor tolerance. On October 27, 1959, FDA published a proposed change in tolerance and asked for public reaction to the proposal. On January 19, 1960, an action stopping any further usage of the pesticide heptachlor under conditions which result in residues on harvested crops was announced. The action was effective on publication in the Federal Register. Even so, there is still a 30-day period during which objections may be filed and a public hearing requested.

This particular action was taken because continued residue

research has shown that while heptachlor as such may not be present--a breakdown product--heptachlor-epoxide--can be detected and has been shown to carry over into milk and meat. Non-food uses of heptachlor are not affected.

Government Agencies Responsible for Food Safety

For more than half a century--since passage of the original Food and Drug Act and the Meat Inspection Act--the Federal Government has had national responsibility for insuring that foods in interstate commerce are safe, pure, wholesome, and produced under sanitary conditions, and that all such products are honestly and informatively labeled and properly packaged.

Effective enforcement of these laws, in which the Department of Agriculture has an essential part, is the foundation for the widespread and soundly based confidence consumers have in the foods they buy.

USDA, the state experiment stations, and industry research develop methods for the safe use of chemicals by farmers and the food industry. Educational programs of the Department and the State Extension Services, geared with this research, provide field guidance to farmers and others in the safe and economical use of approved chemicals.

Legal responsibility for insuring the safety and wholesomeness of our national food supplies is shared by the Department of Agriculture and the Department of Health, Education and Welfare, and by their counterparts in every state. The Food and Drug Administration is a part of the Department of Health, Education and Welfare--actually a rather small part. FDA is responsible for carrying out the provisions of the law relating to foods and drugs and, of course, must report to the Secretary of Health, Education and Welfare on its activities.

USDA and HEW work together in determining and evaluating the safe use of chemicals by farmers, processors, and distributors of food products. If chemicals are not properly used, and foods are found to be contaminated or otherwise unsafe, HEW's Food and Drug Administration and USDA's meat and poultry inspection services seize or condemn the products.

Federal Meat and Poultry Inspection

The Department of Agriculture has responsibility in the Federal Government for inspection of such food products as fresh and processed meat and poultry, to assure that they are wholesome, and free from disease, are unadulterated and are accurately labeled. For these inspection activities, USDA maintains chemical and biological laboratories to furnish inspectors with the information they need to make

proper decisions in their daily work.

Other foods moving in interstate commerce are the responsibility of the Department of Health, Education and Welfare. This responsibility is carried out on the basis of compliance by food producers and distributors with standards established by the Food and Drug Administration. Products found not to comply with these standards are subject to seizure. State and local governments of course have similar jurisdiction over foods in intrastate and local commerce.

Pesticide Regulation

The Department of Agriculture is responsible for registering and safe labeling of insecticides, fungicides, rodenticides, chemical weed-killers, defoliants, desiccants, and plant-growth regulators, and germicidal chemicals for use on inanimate surfaces. Before a product is registered a list of its ingredients, directions for safe use to obtain the results claimed, and precautions necessary in handling must appear on the label. All label statements must be both factual and clear.

USDA's registration of pesticides and instructions for their use appearing on the labels requires determinations that use of the product according to instructions is safe and will not result in residue on the crop at harvest time that is harmful or exceeds the tolerance established by FDA.

Under current legislation, the Food and Drug Administration established residue tolerances or exemptions from tolerances for pesticides. USDA has responsibility for determining whether a proposed pesticide use will leave residues on food or feed. These determinations are made by the USDA on the basis of data secured from various sources and usually assembled by the manufacturer who wishes to have his product approved. Tests may be conducted by industry, state experiment stations, ARS personnel or even private laboratories.

Recommendations by USDA for the safe and effective use of agricultural chemicals by farmers are based on a determination that the recommended practices will not result in health hazards due to contamination of foods.

Label Claims

Pesticides used in accordance with label directions provided by manufacturer or distributor will ordinarily be within tolerances and there should be no trouble except as tolerances may be changed from time to time. Such changes should be publicized by the Extension Service wherever possible. The cranberry case was one where improper use was made of a chemical.

Pesticide Residues

Much more work needs to be done on the fate of chemicals. FDA, we feel, realizes the need for pesticides in agricultural production and is urging the cooperation on the part of growers in order to protect the consuming public.

Biological control methods offer the best chance for control of destructive insect pests by non-chemical means. In a few cases--as in the recent campaign against the screwworm pest of livestock in the Southeast, where radioactively sterilized screwworm flies were used--biological methods have proved successful. But the biological agents we have discovered and learned to use so far cannot begin to solve our pest-control problems. Farmers must still depend primarily on safe, effective, and economical chemicals to produce the quantity and quality of crops and livestock necessary for the nation's needs.

It Pays to Use Chemicals Carefully

Farmers, processors, and distributors all have a stake in the proper use of agricultural and food chemicals. Their concern with the safety and wholesomeness of the food supply is identical with that of consumers.

Growers have still another reason to use chemicals exactly as directed. If harmful residues are found on their products it means that they cannot be marketed. The continued confidence of consumers is essential to maintenance of stable markets.

Consumers, as well as farmers and the food industry, have a vital stake in the safe use of chemicals in food production, and in the research and regulatory programs of our Federal and State governments that assure wholesome, high-quality foods in economical abundance. Only wide public understanding of these facts can provide the necessary basis for a continuing supply of good foods we can enjoy in safety.

G.F.D. 4-7-60

APPENDIX B

Maine Department of Inland Fisheries and Game

EFFECTS OF FOREST INSECT SPRAYING ON NORTHERN MAINE TROUT STREAMS

Preliminary Summary of 1958 Field Data

In June, 1958, 302,000 acres of spruce-fir forest in Aroostook County were sprayed by the Maine Forest Service with one pound per acre of DDT to control a severe infestation of the spruce budworm. Fisheries studies were undertaken to gather information on the extent and distribution of fish kill and to evaluate the effects of DDT spraying on fish abundance, trout food habits, and trout growth. Blocking nets were operated to determine the extent of fish kill following spraying. Population estimates were made, using electrofishing apparatus, once before and twice after spraying. Except for observed mortality, the data summarized are considered preliminary, pending analysis of the 1959 field data. A summary of the 1958 studies follows:

1. Blocking nets operated in 13 streams for 36 pre-spray days showed an observed mortality of 17 fish, mostly small minnows. No trout were found dead prior to spraying.
2. Blocking nets were operated in 13 streams for a total of 170 net-days after spraying. The total mortality observed was 8,884 fish, of which 216, or 2%, were brook trout.
3. The largest trout mortality was observed in Gardner Brook where 82 trout were collected from two blocking nets after spraying. Young-of-the-year trout made up 30 percent of all dead trout collected from blocking nets.
4. Suckers, minnows, sculpins, and sticklebacks appeared to be most readily affected by DDT. In the first 5 days after spraying, 668 dead suckers were collected from two blocking nets in Big Goddard Brook.
5. There is good evidence that populations of young-of-the-year trout were reduced in sample sections by DDT spraying. Further observations will be made on the fate of the 1958 year class of trout in the sprayed area.
6. With few exceptions, stomachs of trout taken from blocking nets immediately after spraying did not indicate that trout had gorged on aquatic insects

after spraying. While feeding on DDT-affected insects probably contributed to trout mortality, it was not considered the primary cause of mortality.

7. Trout stomach analyses showed no clear-cut difference in utilization of mayfly nymphs, stonefly nymphs, or caddisfly larvae before and immediately after spraying.
8. Larger aquatic insects were more common in trout stomachs after than before spraying. Large caddisfly larvae without cases occurred more commonly in trout stomachs after spraying.

We can conclude at this time that the DDT spraying has reduced the population of trout and other fishes in the DDT-treated area, but no serious effect on the overall long-term trout population is apparent.

The Maine Forest Service made a conscientious effort to minimize the effects on fish and cooperated throughout the project with the Inland Fisheries and Game Department.

UNFAIR SALES PRACTICES

ORDERED, the House concurring, that the Legislative Research Committee be, and hereby is, authorized and directed to study unfair sales and marketing practices adversely affecting the sale of commodities in commerce, with particular attention to the impact of such practices upon business in the State, the need, if any, for corrective unfair sales legislation and the manner by which any controlling law may be adequately enforced; and be it further

ORDERED, that the Committee report the results of its study to the 100th Legislature.

The question of inadequacy of the Unfair Sales Act (R. S., c. 184) to regulate unfair sales and marketing practices in this State has been previously studied by this Committee in connection with its investigation of unfair trade practices in 1958,^{1/} in which it concluded that there was no "acute legislative need to substantiate the claims of proponents for adequate state business practice legislation."

Further study by the Committee as a result of the current directive of the 99th Legislature has likewise failed to indicate any widespread dissatisfaction with the existing law, and testimony taken by the Committee has not been indicative of any serious infraction of its provisions. From the few complaints made to the Committee, apparently there is some question as to whether or not the Unfair Sales Act in its present form has fulfilled the intent of the law with maximum efficiency. It is the conclusion of the Committee that the

^{1/} Summary Report to Ninety-Ninth Legislature, Publication No. 99-1. January, 1959.

law should be continued in the absence of specific instances of abuse not presently covered by the law until such time as the law is clearly proven to be inadequate. The Committee firmly believes that every effort should be made under the present act toward obtaining its maximum benefits.

AUTHORITY (R. S., c. 10, §§24-27)

R. S., c. 10, §24. Legislative Research Committee; membership. A Legislative Research Committee, as heretofore established, shall consist of 7 Senators to be appointed by the President of the Senate, and 7 Representatives to be appointed by the Speaker of the House of Representatives during each regular session. The President of the Senate and the Speaker of the House of Representatives shall be members ex officio. The Committee shall elect a chairman who shall serve as such at the pleasure of the Committee. (1955, c. 381).

R. S., c. 10, §25. Term of office; vacancies. Members of the Committee shall hold office from the date of their appointment until the final adjournment of the next succeeding regular session of the Legislature following their appointment. Any vacancy arising in the membership from the Senate shall be filled by the President of the Senate and any vacancy arising in the membership from the House of Representatives shall be filled by the Speaker of the House of Representatives.

R. S., c. 10, §26. Authority; studies; purposes. The Committee shall have authority:

I. To collect information concerning the Government and general welfare of the State;

II. To examine the effects of constitutional provisions and previously enacted statutes and recommend amendments thereto;

III. To study the possibilities for consolidation in State Government, for elimination of all unnecessary activities and of all duplication in office personnel and equipment, and for the coordination of departmental activities, and for methods of increasing efficiency and economy;

IV. To assist the Legislature in the proper performance of its constitutional functions by providing its members with impartial and accurate information and reports concerning the legislative problems which come before it, which information may be obtained by independent studies or by cooperation with and information from similar agencies in other states as to the practice of other states in dealing with similar problems;

V. The Committee shall meet as often as may be necessary to perform its duties and, in any event, shall meet at least once in each quarter. Six members shall constitute a quorum and a majority thereof shall have authority to

act in any matter falling within the jurisdiction of the Committee. The Committee may hold either public or private hearings at its discretion and may hold executive sessions, excluding all except members of the Committee. At any public hearing, witnesses who testify, whether summoned or not, shall be subject to cross-examination at the will of any interested party or his attorney. In such public hearings, at the request of any interested party or his attorney, common law or statutory rules of evidence shall apply and the Attorney General or any attorney in his Department designated by him shall, at the request of the Committee or such interested party or his attorney, be present at such public hearings and shall rule on the admissibility of any evidence;

VI. In the discharge of any duty herein imposed the Committee shall have the authority to administer oaths, issue subpoenas, compel the attendance of witnesses and the production of any papers, books, accounts, documents and testimony; and to cause the deposition of witnesses, either residing within or without the State, to be taken in the manner prescribed by law for taking depositions in civil actions in the Superior Court. In case of disobedience on the part of any person to comply with any subpoena issued in behalf of the Committee, or on the refusal of any witness to testify to any matters regarding which he may be lawfully interrogated, it shall be the duty of the Superior Court of any county, or of the judge thereof, on application of a member of the Committee, to compel obedience by proceedings for contempt, as in the case of disobedience of the requirements of a subpoena issued from such court or a refusal to testify therein. Each witness who appears before the Committee by its order, other than a State officer or employee, shall receive for his attendance the fees and mileage provided for witnesses in civil cases in courts of record, which shall be audited and paid upon the presentation of proper vouchers sworn to by such witness and approved by the secretary and chairman of the Committee;

VII. The Legislative Research Committee shall appoint a qualified Director of Legislative Research. He shall be chosen without reference to party affiliations, and solely on the ground of fitness to perform the duties of his office. He shall be well versed in economics, in political science and law, and in methods of research. He shall hold office for a term of 6 years from the date of his appointment and until his successor has been appointed and qualified. He shall receive a salary of \$10,000 per year and any necessary traveling expenses; (1955, c. 473, §1. 1957, c. 418, §1. 1959, c. 361, §1).

VIII. Appropriations for carrying out the purposes of

sections 24 to 27 shall be made biennially by the Legislature;

IX. Each State Department shall furnish to the Legislative Research Committee such documents, material or information as may be requested by the Committee or by the Director of the Legislative Research Committee;

X. Each officer, board, commission or department of State Government shall make such studies for the Committee as it may require and as may be reasonably made without derogating from its chief functions and duties;

XI. The Governor may from time to time send the Committee messages containing his recommendations for legislation and explaining the policy of the administration;

XII. The Committee shall keep minutes of matters considered and votes taken at its meetings and shall make reports to the Legislature on all matters which come before the Committee, the actions taken thereon, and the progress made in relation thereto;

XIII. Reports of the Committee may be made from time to time to members of the Legislature and to members of the incoming Legislature and to the public and a final report shall be made to the Legislature not later than during the first week of each regular session;

XIV. The members of the Committee shall be compensated for the time spent in attendance at meetings of the Committee and of its duly constituted subcommittees, and when engaged in performance of duties under the instructions of the Committee and authorization by its chairman at the rate of \$10 per day and actual expenses incurred; provided, however, that no compensation shall be paid hereunder for attendance at any meeting of the Committee held while the Legislature is in session. (1955, c. 473, §1).

R. S., c. 10, §27. Certain specific functions and services of the Director. The Director shall perform the following functions and duties:

I. Provide a comprehensive research and reference service on legislative problems;

II. Prepare reports setting forth the political, social and economic effects of legislation enacted, or proposed to be enacted, in this State or elsewhere, when so directed by the Legislative Research Committee or by either or both branches of the Legislature;

III. Assist and cooperate with any interim legislative

committee or other agency created by the Legislature or appointed by the Governor;

IV. Upon request, assist any agency appointed to revise the statutes of the State or any portion thereof, and at the direction of such agency, to consolidate, revise and clarify the statutes of the State;

V. To furnish to the members of the Legislature the assistance of expert draftsmen qualified to aid the Legislature in the preparation of bills for introduction into the Legislature. During regular sessions of the Legislature he shall perform such duties in addition to those provided for in sections 24 to 27, as the Legislature shall direct;

VI. Prepare and index for printing as promptly as possible after the adjournment of each session the session laws thereof, which compilation shall include all acts and resolves which the Legislature has adopted during the session and which have received the approval of the Governor, when such approval is necessary, and any other material of a general nature that the Committee may determine;

Immediately after each session of the Legislature to distinguish private and special laws from the public laws, and to cause cumulative tables to be prepared showing what general statutes have been affected by subsequent legislation in such manner as to furnish ready reference to all such changes in the statutes and in addition thereto shall make a complete index of the public laws of the State passed since the last revision of the statutes. The tables and index so prepared shall be printed in the official edition of the laws of the State;

VII. After each session of the Legislature, to cause the public laws enacted thereat to be printed on good paper and in suitable type and to distribute the same within the State to all citizens thereof making a request therefor;

VII-A. After each session of the Legislature to cause to be published cumulative pocket supplements of the volumes of the Revised Statutes, and any replacement or recompiled volumes thereof, which shall contain an accurate transcription of all public laws, the material contained in the next preceding pocket supplement, complete and accurate annotations to the statutes, appendix and other material accumulated since the publication of the next preceding pocket supplement and a cumulative index of said material. (1955, c. 463, §1).

VIII. After each session of the Legislature to prepare a report inserting in their proper places in the Revised Statutes public laws enacted since the last revision of the statutes, and after each subsequent session of the Legislature to prepare and file a report supplementing the report so that such reports and supplements thereto shall form the basis of the next revision of the statutes, such reports to be made to the Secretary of State;

IX. After each session of the Legislature to prepare a report to the Legislature recommending legislation that will keep the statutes continuously revised and to file this report with the Secretary of the Senate on or before January 1st immediately preceding each biennial session of the Legislature;

X. The offices of the Director shall be kept open during the time provided for other State offices, and when the Legislature is in session at such hours, day and night, as are most convenient for legislators;

XI. The Director shall appoint, with the approval of the Legislative Research Committee, an Assistant Director and such technical assistants, and shall appoint, subject to the provisions of the Personnel Law, such clerical assistants, as may be necessary to carry out the provisions of sections 24 to 27. (1955, c. 463, §1. 1957, c. 397, §5).

RULES (Adopted July 16, 1957)

Rule 1. Regular meeting dates. Regular meetings of the Committee shall convene on the second Tuesday of each calendar month, unless otherwise ordered by the Chairman or by two-thirds vote of those present at a previous meeting.

Rule 2. Regular meeting hours. The Committee shall convene each day at 1:30 P. M. unless otherwise ordered by the Chairman.

Rule 3. Official meeting place. The Judiciary Room of the State House shall be the official meeting place of the Committee.

Rule 4. Special meetings. Special meetings of the Committee may be held at such times as the Chairman may determine.

Rule 5. Notice of special meetings. The Director upon the request of the Chairman shall issue written calls for all special meetings of the Committee. The call shall give the date and time of the meeting and such other information as the Chairman may direct.

Rule 6. Subcommittee meetings. The Director upon the request of the Chairman of a Subcommittee shall issue written calls for a meeting of the Subcommittee. The call shall give the date, and time of the meeting, and such other information as the Chairman may direct.

Rule 7. Meetings public. All meetings of the Committee and Subcommittees shall be public, except for executive sessions of the Committee or Subcommittees.

Rule 8. Minutes of meetings. The Director shall maintain an accurate, permanent record of all minutes and proceedings of the Committee and Subcommittees.

Rule 9. Order of business. The regular order of business of the Committee shall be:

- (a) Call to order.
- (b) Roll call.
- (c) Reading and correction of minutes.
- (d) Reading of communications.
- (e) Original motions.
- (f) Reports of Subcommittees.
- (g) Committee meeting.

Rule 10. Rules of order. The proceedings of the Committee shall be conducted in accordance with Robert's Rules of Order, except as otherwise specified in these rules.

Rule 11. Naming of Subcommittees. All Subcommittees shall be named by the Chairman and shall consist of not less than 3 members.

Rule 12. Appointment of Chairman and Vice-Chairman. The Committee shall select a Chairman, who shall preside at all meetings of the Committee when present. The Committee shall select a Vice-Chairman, who shall act as Chairman in the absence of the Chairman. The Vice-Chairman shall not be a member of the same branch of the Legislature as the Chairman.

Rule 13. Progress reports. Each Subcommittee may make a progress report on the matters referred to it at the regular meetings of the Committee. When a Subcommittee reports progress, a member of the Subcommittee may read or explain the report, and the Committee may immediately consider the information, facts and opinions presented in the report and may instruct the Subcommittee regarding its further action. Progress reports shall be of such a nature as to inform other members of the Committee of the problems involved and the possible solutions which might be considered.

Rule 14. Final reports. Each Subcommittee shall present a written, final report on the matters referred to it on or before the regular meeting of the Committee in October during the year the Legislature is not in regular session.

Rule 15. Expense accounts-subcommittees. The members of a Subcommittee shall incur no expenses in connection with Committee business except upon the approval of the Committee Chairman.

Rule 16. Release of information. Statements to the press or public relative to Committee matters shall not be made except by the Chairman or by those members authorized by him.

Rule 17. Change of rules. These rules may be altered, suspended or amended upon a two-thirds vote of the Committee present and voting.

SUBCOMMITTEES

1959-1960

Aid to Dependent Children

Clarence W. Parker, Chairman
Lucia M. Cormier
Cleveland P. Curtis
William G. Earles
J. Hollis Wyman

Credit Insurance

Dwight A. Brown, Chairman
Arthur H. Charles
Albert W. Emmons
Alton A. Lessard
Clarence W. Parker

County Jails

Carl M. Stilphen, Chairman
Dwight A. Brown
William G. Earles
Robert G. Wade
J. Hollis Wyman

District Court System

William G. Earles, Chairman
Cleveland P. Curtis
Albert W. Emmons
Alton A. Lessard
Clarence W. Parker
Robert G. Wade

Health and Welfare Vacancies

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Harold Bragdon
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Earle M. Hillman
Clarence W. Parker

Herring Fishery Economy

J. Hollis Wyman, Chairman
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Dwight A. Brown
Joseph T. Edgar
Carl M. Stilphen

Highway Land Damages

Harold Bragdon, Chairman
Arthur H. Charles
Joseph T. Edgar
Alton A. Lessard
Clarence W. Parker
Carl M. Stilphen

Legislative Centennial

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Harold Bragdon
Earle M. Hillman
Carl M. Stilphen
Robert G. Wade

Military Leave Credits

Lucia M. Cormier, Chairman
Ezra James Briggs
Dwight A. Brown
Arthur H. Charles
Joseph T. Edgar
Albert W. Emmons

Mobile Banking Services

Ezra James Briggs, Chairman
Dwight A. Brown
Arthur H. Charles
Joseph T. Edgar
Robert G. Wade

Municipal Revenue Losses

Joseph T. Edgar, Chairman
Dwight A. Brown
Arthur H. Charles
Albert W. Emmons
Carl M. Stilphen

Quoddy Power Project

Harold Bragdon
Dwight A. Brown
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Albert W. Emmons
Earle M. Hillman
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Revolving Credit Accounts

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Ezra James Briggs
William G. Earles
Joseph T. Edgar
Albert W. Emmons

Rural Electrification Cooperatives

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Harold Bragdon
Ezra James Briggs
William G. Earles
Earle M. Hillman
J. Hollis Wyman

Social Security for State Employees

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Lucia M. Cormier
Cleveland P. Curtis
Alton A. Lessard
Robert G. Wade

Stabilization of Pension Incomes

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William G. Earles
Albert W. Emmons
Earle M. Hillman
Clarence W. Parker

State and Municipal Tax Structure

William R. Cole, Chairman
Harold Bragdon
Lucia M. Cormier
Joseph T. Edgar
Earle M. Hillman
J. Hollis Wyman

State Personnel Administration

Albert W. Emmons, Chairman
Lucia M. Cormier
Cleveland P. Curtis
Carl M. Stilphen
J. Hollis Wyman

Toxic Effect of Insecticides

Harold Bragdon, Chairman
Ezra James Briggs
Dwight A. Brown
Cleveland P. Curtis
Clarence W. Parker

Unfair Sales Practices

Robert G. Wade, Chairman
Arthur H. Charles
William G. Earles
Joseph T. Edgar
Alton A. Lessard
Carl M. Stilphen

LEGISLATIVE RESEARCH COMMITTEE MEMBERS
1941-1959

Earle W. Albee, Portland (R'51; R'53)
Frederick N. Allen, Portland (R'47; S'49; S'51)

Harry W. Bearce, Hebron (R'51; R'53)
Louis D. Bearce, Caribou (R'51)
Earl V. Bibber, Kennebunkport (R'55)
Jean Charles Boucher, Lewiston (S'41; S'55)
Ernest A. Boutin, Lewiston (R'43; R'45)
Harold Bragdon, Perham (R'57; R'59)
Albert C. Brewer, Presque Isle (S;51)
Ezra James Briggs, Caribou (S'59)
Gordon D. Briggs, Hampden (R'41)
Carl J. Broggi, Sanford (R'47)
Dwight A. Brown, Ellsworth (R'59)
Harry M. Brown, Unity (R'43; R'45; R'47; R'49)

Riley M. Campbell, Guilford (R'51; R'53)
Miles F. Carpenter, Skowhegan (S'53; S'55; S'57)
John H. Carter, Bethel (R'51; S'53)
Arthur H. Charles, Portland (S'59)
Edward E. Chase, Cape Elizabeth (R'47; R'51; S'51; S'53)
Dana W. Childs, Portland (R'55; R'57)
Robert E. Cleaves, Jr., Portland (S'45)
William R. Cole, Liberty (S'57; S'59)
Samuel W. Collins, Caribou (R'45; R'47; S'51; S'53)
James A. Connellan, Portland (R'45)
Lucia M. Cormier, Rumford (R'57; R'59)
Cleveland P. Curtis, Bowdoinham (R'59)

Earl W. Davis, Harrison (S'57)
Edward B. Denny, Jr., Damariscotta (S'45; S'47)
John T. Doughty, Gray (R'43)
Robert B. Dow, Norway (S'41)
George G. Downs, Rome (R'43; R'45)
Lloyd T. Dunham, Ellsworth (R'51)
Armand Duquette, Biddeford (R'55)

William G. Earles, South Portland (R'59)
Joseph T. Edgar, Bar Harbor (R'57; R'59)
Albert B. Elliot, Thomaston (S'43)
Ross Elliott, Corinth (R'47)
Albert W. Emmons, Kennebunk (R'57; R'59)

E. Sam Farwell, Unity (R'41)
David W. Fuller, Bangor (R'51)
Lynwood E. Hand, New Limerick (R'51; R'53)
Percy K. Hanson, Gardiner (R'55)
Robert N. Haskell, Bangor (R'45; S'47; S'49; S'55; S'57)
John P. Hayward, Jr., Machias (R'47; R'49)

Horace A. Hildreth, Cumberland (S'41)
Earle M. Hillman, Bangor (S'59)

Louis Jalbert, Lewiston (R'47; R'51; R'53)
R. Pierpont Jordon, Saco (R'43)

Alton A. Lessard, Lewiston (S'57; S'59)
Roy S. Libby, Caribou (R'41)
Seth Low, Rockland (R'51; R'53; S'55)

Romie L. Marsans, Jr., Monmouth (R'47; R'49)
Robert W. Maxwell, Winthrop (R'55; R'57)
Leroy M. McCluskey, Warren (R'55)
Harry B. McKeen, Lovell (R'47; R'49)
Robert C. McNamara, Winthrop (R'41)

Linwood E. Palmer, Jr., Nobelboro (R'49)
Clarence W. Parker, Sebec (S'55; S'57; S'59)
W. Mayo Payson, Portland (R'41; R'43)
Lorenzo J. Pelletier, Sanford (R'41)
Roland J. Poulin, Waterville (R'41)
George D. Pullen, Oakland (R'51; R'53; R'55)

John H. Reed, Fort Fairfield (S'59)
Norman R. Rogerson, Houlton (S'57)
Rodney E. Ross, Jr., Bath (R'55; S'57)

Lauren M. Sanborn, Portland (S'43)
Brooks E. Savage, Skowhegan (S'45; S'47; S'49)
William S. Silsby, Aurora (R'47; R'49)
Roy U. Sinclair, Pittsfield (R'51; S'55)
Stanley G. Snow, Auburn, (R'45)
Leslie H. Stanley, Hampden (R'55)
Lawrence E. Stanwood, Steuben (R'55)
Carl M. Stilphen, Rockland (S'59)

Foster F. Tabb, Gardiner (S'51; S'53)
John E. Townsend, Bangor (S'43)
Willis A. Trafton, Jr., Auburn (R'55)
Jarvis L. Tyler, Farmington (R'49)

Robert G. Wade, Auburn (R'57; R'59)
George W. Weeks, South Portland (S'55)
E. A. Welch, Mars Hill (R'43)
J. Hollis Wyman, Milbridge (S'55; S'57; S'59)