

# MAINE STATE LEGISLATURE

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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 HUNDRED AND FIRST LEGISLATURE

JANUARY, 1963

STATE OF MAINE

SUMMARY REPORT

to

ONE HUNDRED AND FIRST LEGISLATURE

LEGISLATIVE RESEARCH COMMITTEE

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William R. Cole, Liberty  
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Norman K. Ferguson, Hanover  
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Director:

Samuel H. Slosberg, Gardiner

Assistant Director:

Samuel S. Silsby, Jr., Augusta

January, 1963

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PROPOSED BILLS TO BE SUBMITTED TO THE 101st LEGISLATURE

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LETTER OF TRANSMITTAL

December 21, 1962

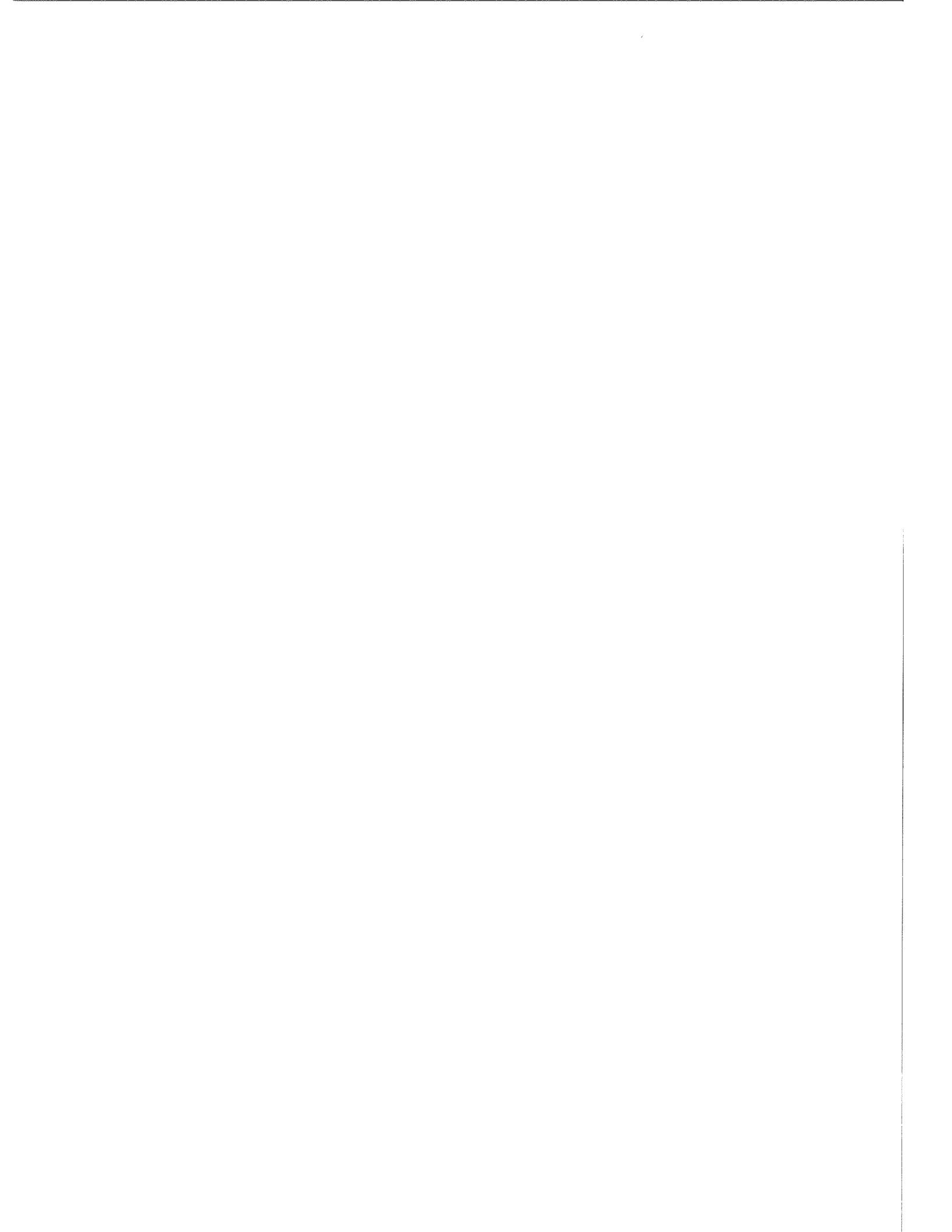
To the Members of the 101st Legislature:

I have the honor to transmit herewith the summary report of the Legislative Research Committee on studies authorized by the 100th Legislature for the period ending January, 1963. The report contains the findings and recommendations on 14 of the 15 matters assigned by the Legislature for Research Committee study and determination. The study of State Clerical and Data Processing Activities, authorized by Resolves, 1961, c. 109, was contractually studied and is separately reported as Committee Publication 101-1.

The members of the Committee take this opportunity to express their appreciation at having been chosen to participate in these assignments, and sincerely hope that the reports herein contained will prove of benefit to the members of the Legislature and the people of the State of Maine.

Respectfully submitted,

Harold Bragdon, Chairman



CIVIL DEFENSE AND MAINE PORT AUTHORITY OPERATIONS

ORDERED, the House concurring, that the Legislative Research Committee be and hereby is directed to make such studies of the operations of the Civil Defense Department and the Maine Port Authority as to give to the Committee a detailed understanding of the respective operations of these two agencies of State Government. From such studies and observations the Committee shall report to the 101st Legislature such recommendations as they conclude will be helpful in Legislative determination of future expansions or limitations, as may be, of these two agencies. The report of the Committee, if consistent with their conclusions, shall include any specific legislation deemed appropriate to carry out the recommendations of the Committee.

The Legislative Research Committee, under this directive, has studied the operations of the Department of Civil Defense and the Maine Port Authority. The Committee held conferences with Mr. Leslie H. Stanley, State Director of Civil Defense, and with Mr. Edward Langlois, General Manager of the Maine Port Authority, on March 20, 1962 and April 17, 1962, and with members of their respective staffs. At the invitation of the Maine Port Authority, the Committee met at the Maine State Pier, at Portland, on August 23, 1962, for the purpose of viewing the overall operations of that installation. The final meeting relative to the study was held on December 10, 1962 for the purpose of reviewing data and preparing this report.

Civil Defense Operations

The present operation of the Maine Civil Defense and Public Safety Department is described in the following report prepared at the request of the Legislative Research Committee by the State Director of Civil Defense and submitted December



1, 1962. In presenting this report, the Committee expresses its appreciation to the Director of Civil Defense and his staff. The report in no way reflects any recommendations on the part of the Committee which feels that the operations of the Department, at the present time, are satisfactory and necessitate no recommendation for administrative or legislative modification.

### General Statement

The Civil Defense and Public Safety Agency was created by Legislative action to operate within the Executive Branch of State Government. Chapter 12 of the Revised Statutes of 1954 is the legal guideline under which Civil Defense, at all levels, operates in Maine. The purpose and mission of the Agency, from its inception, has never changed, and never will.

The whole concept of Civil Defense is "the preparation for, and carrying out of all emergency functions, other than the functions for which military forces are primarily responsible, namely to minimize and repair injury and damage resulting from disaster or catastrophes caused by enemy attack, sabotage or other hostile action, or by fire, flood, earthquakes or other natural causes." (Sec 3 Chapter 12)

Emergency planning at the various levels of Government is based on the utilization of existing services, (Fire, Police, Highway, Medical, Welfare etc.), and the training of additional personnel (Volunteers) to implement the regular forces during a prolonged period of operation. In many of our smaller communities, where paid personnel is at a minimum, the volunteer is the nucleus for the Civil Defense organization.

Civil Defense staffs at the State and County level operate as a coordinating agency, to assure that mutual aid and resources are used in the most efficient manner during any type of disaster. The State Operational Plan has designated and assigned emergency functions to such state departments as, State Police, State Highway, Health & Welfare, Inland Fisheries & Game, Sea & Shore Fisheries, Fire Prevention, Public Utilities, Employment Security Commission, and others whose normal duties could be expanded for emergency services.

Emphasis in the Civil Defense program has been, and will continue to be placed on:

1. Individual preparedness
2. Community protection (Civil Defense Operating Services)
3. Resources Management

### Individual Preparedness

Accomplishment of this depends on a sound, progressive public information and education program. Incidents during the last three years such as the Berlin Wall and the Cuban Crisis have given greater impetus to the teaching of survival measures to the Maine Citizens, and a more favorable acceptance of the program on their part.

Through teaching courses and lectures, the individual is oriented in just what he should do in the event of a nuclear attack. Such things as warning signals, Conelrad, Community and home shelters to protect against residual radiation, medical self-help and plans for the protection of school children, are covered in great detail by Civil Defense staff members, trained in these various subjects.

### Community Protection

This segment of our over-all program is assistance to local areas, in organizing and planning for their own emergency services (Police, Fire, Medical, Welfare etc.) so that individuals involved will know who does what, when and where. Written Civil Defense plans are a requirement by the Federal Government, under their Matching Funds and Surplus property programs mutual aid assignments are also developed in local planning with this Agency's assistance.

### Resources Management

This is one of the most important facets of survival planning. Each Community in its over-all planning, is responsible for compiling the inventories on such resources as food, fuel, medical supplies, transportation, etc. and keeping these inventories up-dated. At State level, working committees have already been appointed to work with Federal, State and Local Agencies on all resources, so that from these inventories, this Agency will know where commodities, by volume, are located before a possible attack, thereby enabling a quick appraisal of what might be left, through damage assessment, after an attack. The major segments of the Civil Defense Program are covered in more detail in the following paragraphs:

### Personnel and Administrative Program

This program, sponsored under P.L. 85 - 606, was initiated for the express purpose of having the Federal Government provide financial assistance to the nations subdivisions. Eligible expenses include salaries, travel, utilities, supplies and equipment. Stimulus of this nature has resulted in a marked increase in the operational capabilities of the participants.

Areas in which there has been little activity in the past are rapidly completing obligations which had heretofore been lagging because of the lack of funds. Until this time the primary responsibility for Civil Defense had been vested in the State and its subdivisions.

Through participation in this program, paid personnel have been obtained, so that we have been able to organize effective Civil Defense Programs at County and Local levels. These individuals have been able to devote adequate time, which volunteer forces heretofore were unable to provide.

The following table shows the breakdown of funds for the past and present fiscal years. Parenthetical figures indicate the portion of the year the subdivision has participated.

<u>Subdivision</u>	<u>F.Y.1962 Allocation</u>	<u>F.Y. 1963 Allocation</u>	<u>*Supplemental Request</u>
St. of Maine	111,944.00 (1 yr)	108,500.00	1,000.00
Androscoggin	8,069.50 (3/4)	9,000.00	650.00
Cumberland	7,400.00 (3/4)	8,000.00	930.00
Franklin	925.00 (1/4)	1,500.00	250.00
Kennebec	1,447.50 (1/2)	2,200.00	480.00
Penobscot	3,403.00 (1)	3,400.00	300.00
Piscataquis	3,250.00 (1)	4,850.00	1,560.00
Waldo	1,500.00 (1/2)	3,000.00	100.00
Auburn	789.00 (1)	700.00	50.00
Lewiston	1,272.00 (1)	1,200.00	400.00
Oxford	---	1,500.00 (1/2)	---
Somerset	---	1,250.00 (1/2)	---
Aroostook	---	---	800.00
Sagadahoc	---	---	480.00
Washington	---	---	1,500.00
York	---	---	625.00
Knox	---	---	1,000.00

<u>Subdivision</u>	<u>F.Y.1962 Allocation</u>	<u>F.Y.1963 Allocation</u>	<u>10 *Supplemental Request</u>
Ashland	---	---	100.00
Ft. Fairfield	---	---	600.00
Ft. Kent	---	---	350.00
Houlton	---	---	600.00
	<hr/>	<hr/>	<hr/>
Total	140,000.00	145,100.00	11,755.00

\*Supplemental Request: OCD Region I, on the basis of anticipated additional revenues, requested the States to file for additional funds. Approval of this request would permit all presently participating subdivisions to receive their complete request for Fiscal Year 1963. In addition it would permit new entrants to receive funds for one-quarter of this fiscal year.

Congressional action increased last years appropriation of \$12,000,000.00 by 2,500,000.00. This increase permitted participating subdivisions to operate from partial years to a full year and allowed for merit pay increases. Admission of Somerset and Oxford Counties absorbed the balance of this years allocation.

#### Additional Services

Additional services requested will provide for increased personnel for the repair and maintenance of radio and radiological equipment. In addition, we must provide for custodial care of the new emergency operating center and for clerical help in the office to assist in the fiscal matching fund program.

Additional instruments for fixed radiological monitoring stations granted to the State, the selection and stocking of fallout shelters, and the training of shelter management personnel will require a great deal of effort on the part of this agency. In addition to this, the accountability of shelter supplies; namely, food, water, medical and radiological equipment will rest with this agency. This agency's ability to process the proper lease forms and initiate distribution of these supplies, when received from the Federal Government, and to train the necessary personnel, will determine whether or not the new fallout shelter program will be implemented in the cities and towns of the State.

The requirement of furnishing assistance at the local level in community and home preparedness programs, and the problem of organizing and training local Civil Defense units, require increased expenditures in the all other category. It is also necessary to constantly keep the public informed and trained in certain phases of the Civil Defense program. This

requires personal contacts at public meetings, gatherings of local groups, clubs, and similar organizations.

### Operations

#### Radiological Defense

880 Operational Radiological instrument kits were allotted to the State of Maine by OCD - DOD. Of these, 646 sets were requested for 277 towns, 21 were requested for county Radiological Defense nets and 92 were requested for State agencies for establishment of fixed radiological monitoring stations. Each of these requests was accompanied by a list of qualified instrument operators, and all have been filled and the instruments distributed. This program was abruptly halted by the imposition of a requirement that there be a protection factor of at least 100 at all future fixed monitoring stations, as such protection from fallout radiation is rare in this state. It is expected that this requirement will be relaxed as more instruments become available and that with the justification that stations are necessary to give suitable radiological monitoring coverage of the State or political subdivision and certification that the location of the station affords the best protection against fallout available in the area such instrument kits will again be available for grant.

Training of new instrument operators and refresher training of instrument operators previously trained will be needed on a continuous basis to assure that these instruments are competently operated in an emergency.

A primary calibration facility has been constructed at the Dept. of Health and Welfare which will enable accurate calibration of instruments. Previous to the establishment of this facility the accuracy of readings of instruments, particularly of those which had been repaired was a question to which no answer was available.

A request is being made for a grant of funds by the Federal Government for a pilot project to mount a secondary calibration unit, which is to be granted to the State, in a truck or trailer to permit rapid calibration of radiological instruments throughout the State. If accomplished, this will avoid shipping these delicate instruments to and from Augusta with the shipping expenses and danger of damage involved in this process.

### Training

State, County and local CD organizations have continued to take advantage of partial Federal reimbursement to send students to courses at the CD Training Center at Brooklyn. At least one person has taken each of the fire courses offered which are:

1. Civil Defense Management
2. Civil Defense Planning & Operations
3. Shelter Management Instructor
4. Radiological Monitoring for Instructors
5. Radiological Defense Officer

These are all five-day courses except CD Planning & Operations which is a ten-day course.

Courses in the police and rescue services have continued to be held at the county and local levels, using regular police instructors and rescue instructors trained at the Federal Rescue School at Olney or the Massachusetts Training Center at Topsfield. Final training sessions of the Androscoggin Heavy Rescue Course were conducted at the State Rescue Training facility at Augusta. Students at this course came from several other counties in addition to Androscoggin.

It is expected to resume conducting State CD Staff Colleges, adapting the Federal CD Management course to conditions in Maine, as soon as training aids, which have been promised "soon" by OCD, become available.

Likewise, courses in Shelter Management are contemplated to be held at the county level when training aids are available.

#### Operational Exercises

Although no Operation Alert was conducted on a nationwide basis this year, members of the State Staff attended "Operation Spade Fork" which was an operational and resources management exercise conducted by OCD at the Regional level. Such an exercise to involve State and local participation can be expected next year.

A limited operational exercise was conducted between State and Androscoggin and Cumberland Counties, with other counties invited to observe on October 13th.

"Checkerboards" (simulated air raid warnings) were conducted by 26th Air Defense Division from their headquarters at SAGE, Syracuse, over the National Warning System (NAWAS) and fanned out from the NAWAS warning points at State Police Barracks at Augusta and Orono, municipal police headquarters at Portland, Houlton and Presque Isle and the Androscoggin County Sheriff's office in Auburn to secondary warning points throughout the State. These warning exercises were held monthly from January to June and bimonthly thereafter.

#### Conferences

In addition to exercises previously mentioned many conferences were held with OCD Region, and county and local organizations at Augusta in the field and at various locations in the Region. The latter included RADEF conferences at the University of Connecticut, Tracerlab in Waltham, Mass.,

and at the Regional Headquarters in Harvard, are on the use of fluorescent antibody techniques to identify biological warfare agents and are on Industrial Defense, conducted by the Provost Marshal Generals School Staff in Boston.

### Planning

During the month of September 1961, an accelerated program for organizing local political subdivisions of the State of Maine into competent Civil Defense units was inaugurated. This included not only organizing, but writing of basic plans and services annexes to this plan in compliance with existing state laws and federal regulations.

This program consisted of a meeting at County Headquarters of all local Civil Defense Directors. At this meeting the basic organization of a civil defense unit was explained and an organizational chart was exhibited. A "prototype" organizational Plan was explained and distributed, and after a question and answer period, the State Plans & Training Officer announced that he would be in their county for the ensuing two weeks, daytime and/or night-time, and requested each local director make an appointment at the time most convenient to him and guidance and assistance in writing operational plans.

Prior to the inauguration of this program, the State of Maine's Civil Defense and Public Safety Organizations at the County and local level were somewhat apathetic to the purpose of Civil Defense. Counties and local organizations were permitted to participate in the Matching Funds and Surplus Property Programs by simply applying and promising to write their plans and annexes. They had little or no active organizations and submitted the minimum of paperwork demanded of them, as there was no pressure on anyone from the Federal or State level to comply with laws or regulations. This situation does not exist today.

Since September 1961, all sixteen counties have been contacted and visited and approximately forty-three (43) percent of the State's political subdivisions have submitted a Basic Organizational Plan and twenty-three (23) percent have an approved complete plan on file at State Headquarters.

This contact and visitation program is continuing with the ultimate goal of one hundred (100) percent participation.

Because of the geographic, economic, population spread and the natural and/or man-made resources of the State of Maine being so varied, the task of this agency is extremely difficult.

As of the end of November 1962, the summary of this program by County is as follows:

<u>County</u>	<u>Basic Plan</u>	<u>Complete Plan</u>	<u>Total Local Subdivisions</u>	14	
				<u>Basic Plan</u>	<u>Complete Plan</u>
Androscoggin	Yes	Yes	14	14	14
Aroostook	Yes	Yes	69	17	8
Cumberland	Yes	Yes	26	24	8
Franklin	Yes	Yes	21	21	16
Hancock	Yes	No	37	7	1
Kennebec	Yes	Yes	29	15	9
Knox	Yes	No	18	14	3
Lincoln	Yes	Yes	19	8	2
Oxford	No	No	35	14	8
Penobscot	No	No	62	11	1
Piscataquis	Yes	Yes	20	5	0
Sagadahoc	Yes	No	10	6	1
Somerset	Yes	Yes	33	5	0
Waldo	Yes	Yes	26	22	11
Washington	No	No	47	13	1
York	No	No	28	9	1
Totals	12	9	494	205	84

Developing organizations and plans, for local subdivisions, and training of the personnel in the techniques of the services necessary to complete the Civil Defense mission will be our primary concern in the coming months.

#### Health-Medical Services

The State Health-Medical Services Division is charged with the responsibility to provide for the treatment and care of the sick and injured during and after an emergency. These services include the prevention of communicable disease among the general population. The identification, preparation and burial of the dead, monitoring of radiation in foods, milk, water and drugs, combating the effects of any chemical and biological agents used in enemy attacks to include action required to reduce casualties from these agents and treatment of human and animal casualties resulting from such attack.



This service also includes the control of environmental sanitation, the procurement, control and allocation of medical-health supplies including medical, blood, sanitation, veterinary and mortuary supplies and the radiological monitoring for health-medical service operations.

The efficiency and effectiveness of this mission is based on the planning, training, organizing and coordination of the State Medical, dental, nursing, osteopathic, veterinary, hospital, pharmaceutical and Red Cross organizations and societies as well as other allied medical, paramedical and health groups.

This Health-Medical group will have available a Civil Defense Emergency Hospital. It is a civilian adaptation of the Mobile Army Surgical Hospital unit which proved so effective in the Korean conflict. It is an austere but completely functional 200 bed general hospital designed to be set up within an existing structure, such as a school or church building or community center which has been pre-selected by competent local authorities.

The State of Maine has eighteen of these hospitals located throughout the State from St. Agatha in Aroostook County to Springvale in York County, the custodian in all instances are the County Civil Defense Directors, who work in close cooperation with the Health-Medical Services of the Civil Defense Agency in planning, organizing and coordinating the medical and paramedical personnel required to service these hospitals, there is a continuing program to provide training for the medical and allied medical personnel in disaster medicine.

#### The Medical-Self-Help Program

In a world where international discussion is on the level of hydrogen bombs, it behooves us to focus our attention upon what we might expect in the event of an all-out attack upon this country and what we might do about preparing ourselves and our population to survive such an attack.

Every family in the United States is a potential survivor of such an attack and must be prepared to exist for an extended period of time isolated from outside assistance. During this time the services of a physician may not be available and the family must be prepared to meet its own health needs. To do this, preferably every member but at least one member of each family group be trained in Medical-self-help.

Overriding the possibility of abuse in normal times of the knowledge gained is the urgent need for preparing people to meet their own health requirements to the best of their ability in the event of a national disaster. This is necessitated by the following assumptions:

1. People may be isolated for extended periods of time in the event of an attack upon this country.
2. The physician population may be reduced to one-half its present size.
3. Organized health service may be delayed by radioactive fallout for days or weeks in many communities.
4. The requirements for professional services and other health resources by the casualty and non-casualty survivors may exceed many times the capacity for providing these services and resources. Such circumstances will require setting up priorities of treatment and shunting large groups of patients, who normally would be given professional care to self or family care.

The American Medical Association has recognized the need for a structured training program in Medical self-help and has endorsed the development of appropriate training aids.

The medical-self-help training kit that has been produced is a complete training unit. It contains everything necessary for both instructor and student. Although the principal design is for instruction by medical and allied medical personnel, it is expected that the course will be taught in some areas by untrained but well motivated instructors, so the kit is designed to help the novice become a teacher. It is written in plain language using a minimum of technical terms and avoiding complicated descriptions. The kit is small, compact, light, durable, inexpensive and extremely simple, and is designed to teach groups of 25 to 50 people in eight 2 hour sessions.

The course consists of 12 lessons which can be given in 16 hours of instruction, the lessons include the following topics: Radioactive fallout and shelter, hygiene, sanitation and vermin control, water and food, shock, bleeding and bandaging, artificial respiration, fractures and splinting, transportation of the injured, burns, nursing care of the sick and injured, infant and child care, and emergency childbirth.

The disparity between need for medical care and the medical resources available to serve these needs, aggravated by problems of prolonged shelter living required in an all-out national disaster dictates the institution of an ambitious program of medical self-help training.

Through such a program of instruction in basic disaster oriented health care we may expect to produce a strong deterrent to attack upon this country. In the event of a national disaster this knowledge may be vital to the survival and recovery of our free nation.

The State of Maine now possess twenty of these training kits and additional units are expected to be available in January 1963.

This is an expanded program throughout the State, interest is stimulated and maintained through contacts with many women's organizations, plus the acceptance of speaking invitations from Rotary, Kiwanis, and Lions Service Clubs; P.T.A.; Church groups and the active support of our County Civil Defense Directors.

### Emergency Welfare Service

The Welfare Service at the State level is under the supervision of the Director of the Bureau of Social Services, Department of Health and Welfare. This report contains only four months of progress in this service - January first to May 14, 1962 - as the Welfare Chief was transferred to another position within the Agency on that date and no replacement has been made for the welfare position.

Monthly conferences designed to maintain liaison and increase interest in this important civil defense service were held with the Director of the Bureau of Social Services. These discussions involved ways and means of coordinating welfare personnel with CD activities.

The condensed manual "Guide for Emergency Welfare Services" was approved by the Office of Civil Defense and the Department of Health and Welfare, and copies issued to the sixteen county directors and their county welfare chiefs. These were used as valuable aids in setting up welfare courses for local personnel.

Welfare briefing meetings, using the guidance manual for instructions, were held with city and county welfare employees, Red Cross personnel, county and local directors, and county and local welfare chiefs in Androscoggin, Waldo, Kennebec, Somerset, Penobscot, Cumberland and York Counties.

Many counties have conducted welfare training courses, have a strong welfare organization at the county level, and are working to bring about the same results at the local level.

### Communications Service

The State Communications Service is composed of a State CD Communications Officer, Radio Maintenance Supervisor, and a Radiological Technician Repairman.

Communications Officer The Communications Officer administers and supervises Radio Maintenance and Radiological repair. He issues service orders to the telephone company pertaining to telephone, teletype and NAWAS (National Warning System).

Maintains liaison with Commercial Radio Broadcasters for planning, records, and circuits pertaining to the CONELRAD (Controlled Electromagnetic Radiation) system. Briefing, planning and checking of RACES (Radio Amateur Civil Emergency Service) Plans at County and Local levels in the State. Planning of communication systems with County and Municipal authorities throughout the State when requested.

He assists in the planning and justification of communication projects for CD within the State at all levels.

Radio Supervisor The radio supervisor maintains the State CD base radio station with its microwave control link along with base stations installed in 15 counties. Waldo County radio base station project is now approved and will be completed by December 1, 1962. He maintains 62 mobile radio installations and prepares the license applications for this State to County radio network. Additional casual labor was hired during the past emergency situation to provide fast repair service that one man cannot furnish within the large area of this State efficiently. One more maintenance man should be hired when funds become available.

Radiological Technician Repairman This employee checks, repairs and issues all radiological instruments within the State. The total number of all types of radiological instruments is approximately 5,000. An assistant should be hired to learn this specialized type of repair work and relieve the load of this man when funds become available.

### Training.

#### Radio

Weekly radio drills are held twice a week from State Control to County Controls on Sunday mornings between 11 and 12 noon on 3993 kc and on Wednesday nights between 7 and 9 pm on 3 networks 3530.5 kc, 45.64 mc and 50.38 mc. The average attendance at these drills on Wednesday nights has been 11 counties and an average of 90 radiological monitor readings are being transmitted weekly from local towns to counties which in turn relay to State Control. These messages are turned over to Dr. Campbell, Sanitary Engineer, Bureau of Health who records this information in his office weekly.

#### Teletype

Weekly test of NACOM I (National Communications System #1) teletype machine is made each Wednesday afternoon with the Portland N.E. Tel. & Tel. Office. During the recent emergency situation this system was manned during working hours 8 a.m. to 5 p.m. for a period of 3 weeks.

### Current Projects

Waldo County A new base station has been approved and installation will be completed by December 1, 1962.

Piscataquis County Three 100 ft. pole antenna system for new control center at Milo is approved and in the procurement stage. Radio equipment project for this system is being prepared. Two radio networks have been moved to temporary wooden pole installation and are operating at this time.

Aroostook County A six sector network which was planned last year is nearing the project application stage and should be submitted before end of this fiscal year.

Penobscot County A new base station repeater is planned for Fish Hill. Study for this installation is now being made and quotations expected in the near future from two commercial companies. We would like to submit this project to Region before end of fiscal year if possible.

Farmington Control Center Work on this project is continuing.

State House Control Center Telephone company is increasing wire capacity to State House at this time. Antenna study has been completed, quotations are near complete on antenna mast installation with antennas and project will be submitted within two weeks for this work. Distribution cable trays, equipment floor layout and telephone PBX, frame room and distribution of telephone circuits are now under study. When power circuits are installed, telephone facilities extended and antenna mast erected equipment from Camp Keyes will be moved into this Control Center.

Mobile Feeding Vans Project application has been approved for radio equipment to be installed in the 16 mobile feeding vans one of each now within each county. Procurement of this equipment is now in progress.

RACES Plans New RACES plans have to be completed by January 1, 1963. This planning is in progress and concerns the preparation of approximately 24 new plans.

### Shelter Program

The National Fallout Shelter Survey was designed to locate shelter areas in public and private buildings to accommodate 60,000,000 Americans. The areas selected must provide space for at least 50 persons and afford a protection factor against fallout radiation of 100 or greater. People within the shelter will be subjected to only 1/100 the intensity of the outside unprotected effects. Each person should have 10 square feet of floor space and at least 6 1/2 feet of head room. The shelter area must have proper ventilation, lighting and sufficient space to store emergency food, water, medical supplies, sanitation facilities and radiological monitoring equipment.

The Department of Defense through the Army and Navy Engineers, who were accustomed to making contracts with private architects or engineering firms, made contracts for the collection of necessary data to be processed by an electronic computer. This information has been returned to us in the form of "print outs" which have been distributed to the county and local level concerned.

In addition to the "print outs" we have been furnished three copies of a sketch of each shelter area by the architects & engineering firms that gathered the data. One copy is presented to the building owner at which time the local Civil Defense Director asks the owners permission to use it as a public shelter. Upon granting this privilege to the public, the building owner signs the "license." The license is the key that triggers the mechanics of stocking the shelter areas and permits the posting of Fallout Shelter signs on the outside and inside of the buildings that qualify.

The National Fallout Shelter Survey has produced 373 shelter areas with space for 99,974 people in the State of Maine. There were 1,563 buildings processed with 354 rejections netting 1209 buildings with a protection factor of between 40 and 100 but with only 373 buildings with a PF of 100 or over. Of the total spaces available 50,620 are located in the Portland and Bangor areas.

The emphasis at present is on the marking of shelter areas. To speed up this phase of the program, the State of Maine has accepted the responsibility to provide direction and assistance to political subdivisions in posting shelter signs. The Department of Navy was charged with this responsibility of posting shelter areas but has requested the various States to do their own posting in the interest of urgency.

Meetings have been held with local CD Directors, County Directors, City Managers and building owners in an effort to expedite the Fallout Shelter sign posting program.

It is anticipated that the Public Fallout Shelter program will be expanded in the coming year. Federal officials expect Congress to appropriate additional funds for this purpose and to include monetary assistance for building shelters in newly constructed school buildings, health institutions and welfare facilities.

#### Emergency Management of Resources

Resources Management is the governmental control of the distribution, allocation, conservation and use of the essential resources and services in an emergency that they may be assigned to top priority activities. In previous emergencies the Federal Government has directed and controlled the total national mobilization effort and has enforced economic and

resource control measures. In the event of nuclear attack, this will still be the goal, but the State and local government must be prepared to exercise on their own authority these controls immediately necessary for an interim period. Disruption of Federal Control could last for many weeks after a nuclear attack on this country.

Principal resources which must be identified and located during a so-called pre-attack period are: Manpower, food, water, fuel, energy, transportation, telecommunications, production and economic stabilization.

To provide the necessary controls at the State level for the anticipated interim period during disruption of Federal control, the State of Maine has organized an Emergency Planning Committee composed of Chairmen of the various Task Groups, for each resource listed in preceding paragraph, with the State Civil Defense Director acting as Emergency Planning Director. Inasmuch as Civil Defense is State Government, in an emergency, many of the Task Group chairmen were assigned from State Departments where a like function prevailed. Food - Dept. of Agriculture; Water - H. W., Dept. of Sanitary Engineering; Health - Dept. of H. & W.; Transportation - P.U.C.; Production - D.E.D.; Public Information - D.E.D.; Manpower - E.S.C. Other Task Groups not having a like State function are Fuel & Energy, Charles Austin, Texaco Inc. Chairman, Economic Stabilization; H. Merrill Luthe, Chairman; and Construction & Housing, Chairman to be chosen.

Much time is consumed in conferences with these chairmen and assisting them in building up their task groups, keeping them posted on activities at the Region and Federal level. Attending conferences on Resource Management with neighboring states, at Regional and National level.

To completely man each task group involves over 150 people who are volunteers chosen from business and industry. These gentlemen have accepted a challenging assignment and we have a responsibility to direct their activities and provide them with the Federal policy, and assist in any way possible in their State planning for the post-attack period. Assistance is needed to provide more personnel to meet the challenge of this expanding program.

### Emergency Operating Centers

The first underground emergency operating center east of the Rockies was completed by Cumberland County at South Windham.

A State Emergency Operating Center, first requested of the Legislature in 1957 was approved by the Special Session of the 100th Legislature during the Berlin Crisis, after having been denied by the regular session in spite of the fact that it was the only new building rated B-1 by the

Bureau of Public Improvements (i.e. essential to continuation of program and having to do with safety of life and preservation of property).

Region 1, OCD, was requested to allow BPI to handle the project, as is done in the case of National Guard armories, but the request was refused. Region was then warned that failure to approve preliminary plans by early June would not allow for start of construction before cold weather sets in. Plans were submitted May 15, 1962, approval received August 23, 1962. Bidding will take place early in December with construction planned to start as soon as weather permits.

An underground EOC for Piscataquis County was begun at Milo in November 1961 and is now in operation, although some work remains to be done before it can be officially dedicated.

Bids for a \$50,000 blast resistant, fallout proof EOC were received at Madawaska on November 21, 1962. This appears to be the first such building in the entire country planned by a town government. Ground will be broken as soon as weather permits.

Since the Cuban Crisis, many municipalities have begun to upgrade their emergency operating centers. The Agency is giving all possible technical help to communities asking for such aid.

In addition to the above noted EOC's, the Governor and Council at a special council meeting on October 30, 1962, voted to permit the CD & PS Agency to create an Alternate EOC in the basement of the State Office Building. Prior approval of matching funds was received for Region 1 on November 1, 1962. This work is proceeding with all possible speed.

Work 95% completed on an underground Radiological Calibration Facility built under the parking lot south of and connected to the Health and Welfare Building. This building, to be used to calibrate radiological instruments will be in operation shortly.

Technical advice on fallout shielding in school, community, bank, and industrial, as well as home shelters has been given in answer to inquiries from every part of the State. The number of inquiries did not, as was anticipated, rise sharply immediately after the President's Message of October 22nd. For the first two weeks thereafter, there was very little change, but when the change occurred, the requests for information and assistance increased steadily, both in number and what might be best described as intensity, i.e. the requests were the result of greater knowledge of shielding factors, and a determination to achieve the best protection available at the moment, plus the willingness plan for ever greater protection as soon as additional funds could be found.



### Women's Activities

The first six months of 1962 were spent in an accelerated effort to teach the Home Preparedness Course to thousands of people from various organizations and clubs throughout the State including over 2000 military dependents at Loring Air Force Base and Brunswick Naval Air Station. Assistance in this effort was given by 15 State Staff instructors from various counties who were employed on a project basis through Matching Funds.

The Rural Civil Defense Program progressed rapidly until responsibility for this was taken away from Civil Defense, and given to the U.S.D.A. Extension Service. However, since this department had no plans for furthering this important project, much of Rural CD was absorbed by the Home Preparedness Course. Since Extension groups were already working closely with Civil Defense on mass feeding and Home Preparedness, Rural Civil Defense has become part of this training. County Extension agents taking the courses have in turn gone out, and taught approximately 8,000 extension workers.

Several meetings were held through the year with the Women's State CD Council, to discuss ways and means to further spread the information on home preparedness. Much time was spent with The American Red Cross to help set up First Aid and Home Nursing training classes. With the arrival of twenty Medical Self-Help Emergency Kits at the department, aid was given in helping set up classes to train instructors, and a Medical Self-Help course was given at the University of Maine during Farm and Home Week. Cooperation with D.H.E.W. resulted in a pilot Self-Help course for State employees.

At the beginning of the new fiscal year, the Department of Defense officially dropped the Home Preparedness Program, eliminating matching funds for State Staff instructors. Therefore many of the women working on this program dropped out, but a few stayed on a volunteer basis. This slowed down the training classes considerably. However, the Office of Civil Defense had no intention of stopping so effective and useful a program, so it was continued by the State under a new name - Survival Measures - Nuclear Age. The instruction booklet was revised and up-dated during the summer under this new title, and in November the program was reinstated under matching funds, enabling once again the hiring of instructors, and speeding up the survival program.

Thousands of people were contacted during the summer, and information pamphlets distributed at CD exhibits at all major State Fairs, Festivals, etc. The State fallout shelter on wheels proved to be an interesting and valuable display at these affairs.

The Shelter Management Course in Brooklyn was attended in May, and valuable information obtained from the experience of living in a simulated shelter with 24 other men & women for 48 hours.

The Cuban crisis brought floods of requests for information from people all over the State, resulting in recruitment of volunteers, who assembled 5,000 Emergency Information Kits which were distributed on request. Also as a result of the crisis, plans were coordinated with the Augusta Junior Chamber of Commerce to distribute door-to-door 8,800 CD booklets to residents and to follow this up with a 2-hour course on Survival Measures to be presented to a large audience at Central Maine Power Co. to acquaint a large segment of the population with CD facts on survival. These courses open the door to many other phases of Civil Defense and pave the way towards better understanding and further knowledge for the citizens of Maine.

#### Public Information and Education

Functions in the Public Information Section during the past year have embraced a broad area in the field of information, with special emphasis being directed to educating the public in the need for erecting and stocking home fallout shelters, and the correlated program of making available community fallout shelters, where feasible.

An important phase of this section's work has been a continuing release to press, radio and TV of items designed to keep the public informed on all late developments concerning what Civil Defense is doing, what its objectives are, and how the public may benefit by the information given. As noted above, a great deal of emphasis has been laid on the advisability of building home fallout shelters, since the greater state population lives in rural areas. When possible, stories and pictures of families who have constructed their own home shelter have been publicized as an incentive to this overall objective.

Press, radio and TV have also been used to report meetings and other public functions where state Civil Defense personnel have participated. Announcements of an emergency nature have similarly been made available to the public, along with helpful instructions to follow in the event of a natural or man-made disaster.

Another activity of this section has been in the field of displays. Besides utilizing a mobile home fallout shelter exhibit, owned by this agency, at numerous fairs and festivals throughout the state, two displays furnished by the regional Civil Defense office were also used at similar public functions.

An attendant from Civil Defense manned these units at each locality, answering questions and distributing instructional material dealing with fallout protection and approved home fallout shelter plans.

Besides these displays we have also received smaller units from the regional office, including electrically powered window displays, featuring community shelter messages, and table-model exhibits of different home shelters. These units have been, and are being, widely used in the state through the cooperation of county directors.

An important function of this section is the distribution of training and general interest films, and the loan of motion picture and film strip projectors, as well as sound recording equipment, both to state Civil Defense personnel and to private clubs and organizations. The film library plays an important role when used by staff members who fill speaking engagements, as a valuable supplement to talks given to all types of organizations and audiences.

Speaking engagements are arranged for, scheduled and filled by personnel of this section. In recent months, letters were sent to program chairmen of such organizations across the state as PTA's, Granges, women's clubs, all veterans organizations, service clubs, etc., requesting that one program on their agendas be devoted to Civil Defense. The response to this mailing has been most gratifying, with speakers appearing on an average of three nights weekly. Besides this, many requests have been filled, when received without solicitation. Similarly, requests for literature and instructional material are acknowledged, on a continuing basis.

A new project, begun in June this year, has been publication of a monthly newsletter. Copies totaling 1,500 are distributed to all local and county directors, town and city officials, all state departments, to radio and TV stations and to other interested parties. In addition, copies are sent to offices of similar publications in the Nation, on a mutual exchange basis.

This newsletter, titled Fanout, contains activity reports of state staff personnel in Augusta, together with items received by county directors, and miscellaneous articles from a variety of sources, all designed to interest, enlighten and inform the readers.

Another publication used to disseminate information on Civil Defense is The Maine Townsman, a monthly publication with wide circulation among municipal officials in Maine. Each month an article is submitted by one of the staff here, covering such material as Emergency Hospitals, Medical Self-Help, Radiological Monitoring, Fire and Police Support, Shelter Construction, etc.

With the recent "Cuban Crisis", the work of this section has been stepped-up considerably, due to the need to inform and counsel the public on ways and means to protect themselves and their property should a disaster occur.

The campaign to encourage the public on the advisability of providing themselves with home fallout shelters, and the encouragement of private building owners to make their property available for use as public fallout shelters, was intensified during this critical period, and the results of publicity brought some results, for a time. In addition to news releases, appropriate literature was made available to fill numerous requests received by this section from both individuals and organizations.

This section will continue all phases of its activities toward the goal of keeping the public informed concerning anything that may help it to protect itself and its property from either natural or man-made disaster, with the primary objective being to encourage adoption of home and community fallout shelters.

#### Surplus Property Program

Administration of Surplus Property program as outlined in AM-7 dated July 1, 1960 and National Civil Defense policy Guidance Memorandum No. OCD-3 dated June 29, 1962, is under the supervision of the Surplus Property Officer (Civil Defense) working with the Director of the Surplus Property Agency of the State of Maine in allocating surplus property to eligible civil defense donees. His duties consists of the following:

1. Coordinates compliance reports and submission of weapons reports to OCD Region 1, for all units having same.
2. Processes necessary OCD and OCDM Forms for subdivisions. Receive from subdivisions and submit requests for disposition of items with an original acquisition value of \$2500.00 or more per item.
3. Performs a similar function with the State Agency of Surplus Property on items of less than \$2500.00 acquisition value.
4. Maintains a request card file for items in demand which exceeds the supply.
5. Maintains liaison with OCD Region 1, in reference to Surplus Property regulations and compliance, keeping subdivisions informed via memorandums.

On June 1962, the Department of Defense, Office of Civil Defense, Region 1, issued a memorandum stating that contributions of Surplus Property would be limited to items required in shelters, emergency control centers and warning devices.

The below list indicates surplus property donated to the counties and local organizations in each county, at acquisition value and service charge. Items donated range from office furniture, heavy construction equipment, vehicle all types, and some fire equipment.

September 1, 1961 to November 1, 1962

<u>County</u>	<u>Acquisition Value</u>	<u>Service Charge</u>
Androscoggin	\$152,714.73	\$6,747.54
Aroostook	110,801.73	2,083.80
Cumberland	65,826.34	3,174.30
Franklin	4,209.37	379.05
Hancock	11,078.25	281.69
Kennebec	35,173.66	2,089.58
Knox	11,652.39	990.91
Lincoln	4,200.94	284.15
Oxford	16,491.03	574.05
Penobscot	26,232.54	1,565.64
Piscataquis	6,860.42	625.71
Sagadahoc	17,928.58	628.85
Somerset	4,450.66	158.15
Waldo	61,576.94	4,048.01
Washington	1,588.74	80.75
York	10,165.97	880.23
	<hr/>	<hr/>
Total	\$540,952.29	\$24,592.41

### Matching Funds Program

The purpose of the Matching Funds Program is to aid the state and the political subdivisions in making those financial outlays on a 50-50 basis, for materials and equipment that are required for Civil Defense emergencies and are considered to be above and beyond their peace time needs. This particular aspect of Civil Defense is divided into twelve (12) programs; namely, Rescue, Warning, Welfare, Training, Health and Special Weapons, Communications, Engineering, Public Information, Police, Helicopter, Control Center, and Chemical, Biological, and Radiological. Financial aid may be received from OCD for materials, supplies and equipment in connection with the above mentioned programs, which will help any political subdivision to cope more successfully with a disaster, natural or man-made.

This State's participation in this program as of July 1, 1962 is as follows:

Communications	\$31,926.04	Health & Special	
		Weapons	\$ 890.50
Warning	5,571.60	Public Information	3,500.00
Training	7,070.00	Radiological	3,500.00
Engineering	990.00	Control Center	125,200.00

Of the amounts noted above, OCD will reimburse the State and the subdivisions one-half of the actual cost of the items procured. This program has, since its initiation, varied from \$250,000.00 to \$500,000.00 a year.

OCD has within recent months, placed special stress on any requests for control centers and related equipment, warning equipment, and communications equipment in relation to the Shelter Program.

All indications are that considerable use will be made of the Matching Funds Program by the subdivisions in this fiscal year to further their operational capability.

### Field Inspections

This Civil Defense activity consists of:

1. Inspecting all political subdivisions to evaluate their operational capabilities and make any recommendations pertaining to organization and training to improve the readiness in the event of a disaster, either man-made or natural.
2. Inventoring all property in the custody of political subdivisions to assure compliance to State and Federal regulations regarding the care and use of property.

3. Check the operation and availability of emergency units, i.e. Rescue Units, mobile feeding units, Civil Defense Emergency Hospitals and mobile generators.

Androscoggin and Cumberland Counties have been inspected and inventoried and the other counties are in the process of being scheduled.

All 17 Civil Defense Emergency Hospital units have been inspected and inventoried. Two have been moved to new locations.

### Sector Coordinators

Sector Coordinators are employed primarily in administrative and promotional work within an assigned geographical area consisting of two or more counties.

The sector coordinator is responsible to the State Director for the organization, training and operational readiness of all civil defense forces within his assigned sector.

His work consists of stimulating the interest of local officials and groups in organizing for civil defense and assisting these groups with their organizational, administrative and operational plans. He plans and supervises programs for development of trained organizations with operational capability.

The Sector objectives, as outlined by your office, have been vigorously pursued during the past year, and the activities pertaining to them are categorized below for your information.

### Planning

Considerable time has been spent with county and local officials acquainting them with the civil defense needs within their respective subdivisions, and aiding them in their planning for emergencies. In certain instances recourse was made to the State Staff Planning officer to provide this aid. In other instances Sector Coordinators provided on the spot surveys of needs, presented these needs to local officials, and with their concurrence wrote plans. In each case this remains a continuing process of survey in order to update plans consistent with current local situations.

### Organization

Conferences are held on Local and County levels with officials regarding manpower and resource needs of the subdivision. Public meetings are arranged, public information

and speakers are provided if necessary. Administrative aid is given during all periods of organization.

Organizations are reviewed from time to time and recommendations are made to provide operational improvement.

### Training

Efforts are made within Sectors to stimulate training of Civil Defense personnel. At the present time this has consisted of encouraging participation in weekly communication and radiological reporting drills and police training, warden training and radiological monitoring instrument operations courses.

Public training has been advanced through First Aid courses given on local and area levels, and survival courses arranged with the State Woman's Coordinator on the local levels. Civil Defense workers have been encouraged to participate in these courses.

Presently the Medical Self-Help Course is being presented within Sectors and is meeting with excellent response from the general public and civil defense organizations.

### Survival and Shelter

The searching out of additional shelter space for the public is continuing. Recommendations are being made locally for the use of public and private buildings that have a fair degree of protection but not meeting the requirements established by OCD-DOD. Stocking and marking of these areas has been explained to local officials and generally they have accepted the premise of local responsibility for this marking and stocking.

Due to the fact that a large rural area exists within the Sectors, emphasis has been placed on home shelter. Shelter information is provided and frequently homes are surveyed and recommendations are given. Technical problems, when arising, are referred directly to the Architect on the State Staff.

School shelter in public schools within the Sectors is practically non-existent, and present school planning has been recommended to preclude shelter in available spaces unless the situation does not permit evacuation.

Recommendations are made to responsible school officials as to stocking and planning.

### School Planning

Cooperation is being given to school boards, superintendents and principals in the preparation of school evacuation plans and providing survival information.



### Public Information

All media of public information dissemination is used.

Sector coordinators participate in the speaker's bureau effort and assist towns and organizations in the procurement of speakers.

Aid in the writing of publicity releases is extended to local and county officials in matters pertaining to Civil Defense.

### Liaison and Administration

Liaison between State Staff and County and Local organizations is maintained in order to effect better administrative aid and procedure, and to procure technical advice. This better effected the transfer of supplies and equipment between subdivisions.

### Review

Procedures and state of organization on the local and county levels are constantly reviewed in order to better inform the State Director of the degree of operational readiness of the subdivisions and to advise him of desirable corrective measures.

### Resource and Facilities

A constant effort is made to keep abreast of the resources available within the sector as well as facilities for housing, feeding and medical care in order to provide working knowledge for Directors to use in their planning for community survival and mutual aid.

### Summary

Future planning for Civil Defense in Maine will be a continuation of the already existing programs. It is necessary at this point to emphasize that under the regulations that govern matching funds with the Federal Government, certain criteria established by DOD-OCD must be followed.

There is still much work to be done in the shelter phase of the program, both in the community type and individual (home) shelter categories. The optimum in this facet of survival preparedness is educating all citizens in Maine in measures they must take, under various types of warning, in the event of a nuclear attack.

Continued assistance by this agency to all political subdivisions in organizing and planning for disasters, both natural and man-made, is not only required by Maine statutes, but again by Federal regulations and fiscal policies under

P.L. 85 - 606. Cities and towns must have an active Civil Defense organization, with persons assigned to specific tasks, as outlined in their written plans, to qualify for matching funds (hardware program) and surplus property.

Identifying resource inventories and stabilization planning, for the post-attack period, is another responsibility of this agency with the assistance from volunteers in business and industry, who are well versed in their respective fields. Finally, it must be concluded that this is a dangerous age in which we now live, that survival planning is a continuing process, that a plan is better than no plan, and that Civil Defense, its purpose and its mission, will remain with us as part of the price of peace.

#### Maine Port Authority Operations

The Committee wishes to express its appreciation to Mr. Edward Langlois and his staff for their assistance and cooperation in developing the factual background for this study. The following excerpts, from the Activity and Progress Report of the Authority for 1961, are included only to describe the Authority's present operation and do not reflect the indorsement of the Committee.

"The General purpose of the Maine Port Authority is to foster the development of maritime activities of the State of Maine, and as stated in the act creating the Authority...to provide for the building of public wharves and for the establishment of adequate port facilities and for the advancement of commerce."

The responsibilities of the Maine Port Authority may be classified in four distinct activities:

1. Operation of the Maine State Pier
2. Promotion and Solicitation Program
3. Operation of the Maine State Ferry Service

4. Responsibility for certain wharves in Casco Bay to maintain adequate ferry service

In 1961, the Directors of the Maine Port Authority met on sixteen different occasions at the Maine State Pier in Portland. Meetings of the Directors and staff are normally held once a month and more often, when necessary. Agenda and minutes of all meetings are on file at the Maine State Pier.

The staff and members of the Board of Directors also meet with members of the Governor's Advisory Board of the Maine State Ferry Service and with members of the Portland Port Committee and the Searsport Port Committee.

A board of five directors set policy for the Maine Port Authority. Four of these directors are appointed directly by the Governor and Council of the State of Maine, while the fifth is appointed by the City of Portland. They serve for a three year term and from their number they elect a President. The Board employ the necessary personnel to carry out the duties of the Authority.

An annual audit report is made by the Department of Audit of the State.

#### ADMINISTRATIVE STAFF AND PERSONNEL

Eight men on the Pier including: carpenter, tractorman and four watchmen, and a maintenance man (grain sampler)

Secretary

Bookkeeper

Ferry Service Personnel:

Manager of Ferry Service

Port Engineer

Storekeeper

Secretary

Seventeen permanent crew members for four vessels

Four members of relief crew

Six permanent terminal operators

Five part time employees at terminal locations

Two full time girls in record and bookkeeping department

Summary:           5 Directors

                  48 Full time employees

                  5 Part time employees

MAINE STATE PIER

The Maine Port Authority administers the Maine State Pier, at 40 Commercial Street, in Portland and has been accountable for its maintenance and operation since 1922.

The Maine State Pier operates under a published tariff, copies of which are available upon request.

The State Pier covers over nine acres.

122,200 sq. ft. of Transit Sheds for Ocean Shipping

23,400 sq. ft. of Second Floor Storage Space

72,000 sq. ft. in Bldg. #3 for Storage

55,000 sq. ft. of Parking Space

36,000 sq. ft. of Roadway

5,200 lin. ft. (a mile) of railroad track, with switches, diamond, etc.

The State Pier can dock and load/discharge three ocean cargo vessels at one time on its 1400 ft. of wharf face, with 30 to 35 ft. depth of water.

The State Pier is the home port of four U.S. Coast Guard vessels. It is conservatively estimated that the Coast Guard contributes over \$5,000,000 a year to the economy of Maine.

The State Pier has 18 tenants.

The Maine State Pier was built forty years ago. The action of the elements plus the heavy wear and tear that accompany all waterfront property, necessitates the expenditure of a considerable sum of money to keep the piers, sheds and railroad sidings in proper condition to accept and handle ocean cargo.

The Legislature, realizing this necessity, appropriated for State Pier Rehabilitation for Years - ending June 30th:

1958--1959-----\$215,000.

1960--1961-----\$105,000.

1962--1963-----\$100,000.

All of this money has been invested in the State Pier property, which is in excellent condition, considering its age.

Because a plant of this size and age must be constantly maintained, the Maine Port Authority, in conjunction with the Maine Bureau of Public Improvements, plans to request of the

Legislature for the biennium of 1963--1964 \$103,700 for continued State Pier Rehabilitation.

During calendar year 1961, there were docked at the State Pier 46 cargo ships and the Pier handled 37,092 net tons of cargo. With the attending railroad cars and trucks servicing vessels every year at the State Pier, perhaps the reason for heavy maintenance costs can be better understood. During the course of a year, many other vessels including ships of the U.S. Navy tie up at the Maine State Pier.

The anticipated service life of a facility such as the Maine State Pier is about 30 years, but this structure, which was built in 1922, is still in good operating condition and its service life can be lengthened by the regular expenditure of a normal sum of maintenance money.

For the fiscal year ended June 30, 1961, the Maine Port Authority had total income of \$123,526.36 before taking into consideration income from State Appropriation of \$14,419.00 and reimbursable expenditures of \$19,828.20, which represents overhead charges reimbursed from other activities. Adding these figures together gives us a total income of \$157,773.56 from which is deducted Operating Expenses of \$136,148.42 and payments on the Serial Notes of \$10,000.00 leaving a Net Profit for the year of \$11,625.14. There is no Depreciation taken into consideration in these figures and this amount is recorded on the books of the Maine Port Authority in the amount of \$22,817.51 per year.

#### PROMOTION AND SOLICITATION PROGRAM

Funds to carry out the promotion and solicitation program of the Maine Port Authority come from an appropriation from the State of Maine, plus contributions from the City of Portland, the City of South Portland and the Portland Shipping Association. Yearly appropriations are as follows:

State of Maine	\$36,000.00	
City of Portland	10,000.00	
City of South Portland	2,500.00	
Portland Shipping Assoc.	900.00	
	<u>\$49,400.00</u>	Total

The Maine Port Authority Promotion and Solicitation Program covers the following activities:

- a. Cargo Movements
- b. New York Office
- c. Public Relations and Port Representation
- d. Port Committee and Maritime Development

- e. River and Harbor Improvement Projects
- f. Port Preparedness Program
- g. Statistics.

a. Cargo Movements

Waterborne commerce, once the lifeblood of many Maine seaports, still plays a vital role in the total economy of the State of Maine through Maine's two current principal deep water ports - Portland and Searsport. Bucksport is becoming increasingly active in cargo movements.

Cargo movements through Maine Ports, including oil, coal and dry cargo, contribute over \$30,000,000 annually to the economy of the State of Maine. In 1961, Searsport handled 184 vessels, while Portland serviced 674 vessels. Among the steamship companies visiting Maine Ports are the following: Moore McCormack Lines, Farrell Lines, United States Lines, Alcoa SS, Ivaran Line, Maersk Line, Columbus Line, Grandcolumbiana Line, Ocean Carrier Corp., Philippine National Line, Viking Line, Transatlantic SS, Wilhelmsen Line, Finland SS Co., American Export, Finnliness, Swedish American, Chine Shipping, Barber Lines, Torm Lines, Elder Dempster, Prudential Line, Holland American, and Norton Lilly. Ships entering Maine Ports carried foreign flags representing the following countries: Liberia, Netherlands, Germany, Greece, Sweden, Yugoslavia, Great Britain, Norway, Panama, Italy, Canada, Denmark, France and the Philippine Islands.

In PORTLAND, dry cargo showed an increase of a little over 4,000 tons, as compared with 1960 figures and oil increased over 250,000 tons to bring oil in the Port well over 16,000,000 tons. The Port of Portland-South Portland ranks as one of the leading crude oil ports in the Country. Coal declined to 280,622 tons in 1961, a drop of 154,928 tons from the 1960 figures. Total increase for the Port of Portland-South Portland was 99,261 tons for a total of 16,525,536 tons for the year.

The most significant increases in Portland were in flour, grain, newsprint and casein. There were no flour movements through Portland in 1959, however, the cargo returned in 1960, and in 1961 the port handled 13,242 tons compared with 8,492 tons in 1960. Grain showed an increase of 27,000 tons over 1960. Import woodpulp increased 5,825 tons; casein showed an increase of 1,598 tons and newsprint increased 2,625 tons. In 1961 over 600 tons of hides imported for the tannery at Hancock were handled through Portland for the first time.

Scrap Iron showed a decrease of over 18,000 tons in 1961, while sulphur dropped by 10,652 tons. Other cargoes handled in Portland included coal, tapioca flour, steel, machinery, china clay and general cargo. There were 244,914 tons of dry cargo moved in Portland in 1961 exclusive of coal.

In 1961, SEARSPORT handled 1,132,910 tons of cargo (including oil, coal and dry cargo) compared with 950,801 tons of cargo in 1960. The largest gain was in oil with an increase of 150,000 tons. However, the most significant gains were shown in newsprint and the first movement of road salt through Searsport.

During 1961, Searsport handled 81,000 tons of newsprint, which kept port activity humming through the year. This was an increase of over 34,000 tons over the newsprint handled in 1960 and it clearly shows how port activities can flourish through expansion of a so-called captive industry (an industry located in close proximity to a port) that can and will utilize the nearest port.

For over six years, the Maine Port Authority and other Port interests have been working to attract the movement of road salt through Ports of Maine. This was finally accomplished through Searsport in 1961, with the first movement totalling over 9,000 tons. This contributed to increased activity at Searsport but what is more important was a contributing factor in reducing the price of road salt. Great savings have been reported by the State and Maine communities in road salt costs. A review of the reduction of the price of road salt in other states shows that this reduction can be traced to the fact that salt was moved to the areas via water in competition with other transportation media. Efforts were made to land salt on the Portland waterfront in 1961 but these failed, when proper handling and storage facilities were not immediately available.

Tonnage at Bucksport continues to increase each year. A modern oil terminal in Bucksport attracts some of the largest tankers in the world fleet, and in 1961, a new liquid sulphur facility opened in Bucksport. Paper manufacturers shifted their sulphur needs from bulk to liquid in 1961 which resulted in a marked decrease in bulk sulphur at both Portland and Searsport; while Bucksport was handling over 60,000 tons of liquid sulphur.

Cooperation by local railroads serving Ports of Maine make it possible, via line haul rate adjustments, for Maine Ports to more favorably compete for cargoes. Because of geographical location transportation costs are a contributing factor as we compete for import/export cargoes.

We would like to stress once again the importance of a healthy and growing industrial climate throughout the hinterland of Maine. It is an acknowledged and accepted fact that port growth in part is dependent on industrial or agricultural growth within the captive market in which the port serves. Paper-making is currently the only major industry in Maine capable of using raw materials or producing a finished product in large enough quantities to attract ships to Maine Ports. Maine Ports have played an important part in the growth of

Maine's Paper manufacturers. Paper manufacturers in Maine have expanded operations during the past years and have been able through increased demands for raw materials and finished products to work with port officials in better utilizing Ports of Maine.

The growth (or decline) of any port can be traced to the location of the so-called captive markets of heavy industrial concentration. We must, therefore, compete with other sections of this Country and Canada to attract cargoes not directly associated with Maine industries.

During the year, the Authority receives numerous request from hinterland industries within Maine as to the possibility of coastal and intercoastal ship movements. It is apparent to the Authority from these requests that industry within the State is interested in water movement. The tonnages involved in these inquiries, however, in each instance is too small to attract water carriers. The Authority is making every effort to consolidate these requests in order to interest ship or barge owners in operating from Maine Ports.

The Maine Port Authority maintains a Grain Inspection Department and employs a U.S. Department of Agriculture licensed Grain Inspector on a full-time basis. The Inspector is available for the required inspection and grading of all types of grain handled through the Grain Elevator in Portland. He is also available for inspection and grading of any grains raised in the State.

b. New York Office

Port officials throughout the world realize the importance of an aggressive program of port solicitation.

A very important phase of the port representation and solicitation program of the Maine Port Authority is centered in the New York office.

During the past several years, the New York office has been staffed by two men. Effective January 1, 1962, the Maine Port Authority will have only one man in the New York office, due to budget limitations and efforts to diversify our port solicitation program. Mr. Walter Van Bokkelen has been retained and will continue to further promote waterborne commerce for Maine Ports. The New York office is located at 8-10 Bridge Street, in the heart of the shipping world.

In representing Maine Ports, the New York office places emphasis on increasing the tonnage of commodities now moving through Maine Ports and in attracting new cargoes in order to further establish scheduled sailings to and from Maine Ports, which is so important to the shipper.



The New York representative is in constant touch with shippers, traffic and steamship officials in New York publicizing the advantages of using Maine Ports. In addition, the New York representative travels to many U.S. points including Upper New York State, Washington, Cincinnati, Central Freight Association Territory, and Canada to maintain and establish contacts in the business and transportation field. The New York office is also active in association with business, civic and government leaders representing foreign countries and interests.

c. Public Relations and Advertising

The Maine Port Authority maintains an advertising program designed within our budget to give us the best possible coverage.

In our Advertising Program, we stress the following seven key reasons why shippers should use Maine Ports:

1. Modern uncongested ports and terminal facilities.
2. Economy and efficiency in handling operations.
3. Excellent towboats, stevedoring and ship service.
4. Skilled waterfront labor.
5. Closeness to Europe and Latin America.
6. Fine, deep-water, natural harbors.
7. Complete inland transportation facilities.

In 1961, we expanded our advertising in foreign publications in an effort to further acquaint traffic officials in foreign lands with advantages of Maine Ports. We have obtained excellent write-ups on Maine Ports in foreign publications.

The STATE OF MAINE PORTS booklet, distributed by the Maine Port Authority, receives wide circulation.

During the course of the year, we answer countless inquiries from both foreign and domestic sources and hold numerous meetings to discuss the movement of cargoes through Maine Ports.

The Maine Port Authority has prepared special brochures promoting the ports of Maine and has established a program of coordination with Maine's delegation in Washington, as well as

the Army, Navy, Coast Guard, State and local agencies and business and civic leaders to promote port activities.

The General Manager is available for speaking engagements, throughout the State, to discuss the work of the Port Authority.

As a portion of our public relations and promotion program, we maintain membership in the following organizations, which necessarily require active participation:

Director, North Atlantic Ports Association  
 Executive Committee, North Atlantic Ports Association  
 Vice President, National Rivers and Harbors Congress  
 Board of Directors of the Port of Portland Propeller Club  
 Port Committee of the Greater Portland Chamber of Commerce  
 Member of Committee on Waterborne Commerce and Port  
 Facilities of the New England Shippers Advisory Board  
 Member of the Maine State Chamber of Commerce  
 Executive Committee of the Searsport Port Committee  
 Maine Inter-Agency Natural Resources Committee  
 Public Relations Directors of the North Atlantic  
 Ports Association  
 Member of American Public Relations Association  
 Chairman of the Annual Harold Harding Memorial Essay  
 Contest Sponsored by the Propeller Club of the U.S.  
 Resolutions Committee of the National Rivers and  
 Harbors Congress

Clients interested in Port facilities along the entire Coast of Maine were provided data, and special tours were conducted by the Maine Port Authority to show and describe available facilities.

In 1961, the Maine Port Authority invited consuls from Canada, France, Ireland, Britain, Germany, Italy, Belgium, the Netherlands, Sweden and Switzerland to visit Maine and we served as host to these people during the Maine Products Show, sponsored by the Maine Department of Economic Development. This was the first organized program whereby representatives of foreign countries visited Maine to meet Maine businessmen and to view Maine-made products.

#### d. Port Committee and Maritime Developments

There is a definite trend toward renewed interest in waterborne commerce and coastal development from hinterland industries and coastal communities.

The Maine Port Authority participates as a member of the Port Committee in Portland and instigated action in 1958 that resulted in the formation of the first port committee to work in the interest of Searsport, Maine. We are now an active participant in Searsport Port Committee work.

In other sections of the State, there is renewed interest in Port Development for commercial deep water shipping. Rockland and Rockport have planned programs to provide a deep-water harbor and adequate waterfront facilities to attract water shipping.

In the 100th Session of the Maine Legislature, an act was passed creating the Town of Kittery Port Authority for the purpose of maintaining and developing the port.

Interests along the coast have ranged from commercial terminal construction, attraction of industries to waterfront property, movement of local industrial cargoes via water, passenger and vehicle ferry facilities and the organization of local port committees.

This renewed interest in port development has great significance inasmuch as Maine was once a center of trade via water. It indicates the important part that water transportation could play in industrial development within the State.

It is important that the Maine Port Authority devote attention to protecting existing transportation rates, to work toward obtaining better rates and to be alert to what competing areas are doing in rate structures. The Maine Port Authority, working with transportation and traffic officials and through association with organizations on the East Coast are active in this field.

We must also be alert to new developments in the field of water transportation. The following areas demand attention:

- a. Advantages and possible disadvantages of the expanded St. Lawrence Seaway on Maine's economy.
- b. New methods of handling cargo. Maine, through the Maine Port Authority, was the first New England State to make a study of the potential of containership operation. (This is the method of putting trailer bodies directly aboard ship.)
- c. Barge movements affecting Maine industries have received our attention and trends indicate this is an important water activity demanding future study and participation.
- e. River and Harbor Improvement Projects

Coastal communities from Kittery to Eastport, understanding the importance of adequate harbors for commercial activity, the fishing industry and recreational boating, are showing a marked increase in interest and activity in waterfront development. In 1961, the Maine Port Authority devoted a great deal of time

and attention, at the State level, to assist local communities in River and Harbor Improvement Projects. We have prepared and submitted briefs and appeared at U.S. Army Corps of Engineers hearings on local projects and, in our position as Vice President of the National Rivers and Harbors Congress for the State of Maine, appeared in Washington in behalf of improvement projects for the State. On River and Harbor Projects, we work as liaison with our State of Maine Delegation in Washington, the U.S. Army Corps of Engineer's, the Governor's office and the Maine Department of Sea and Shore Fisheries.

Two important commercial Federal harbor improvement projects in Maine include a 45 foot channel and anchorage for Portland Harbor and the lowering of several high spots in the channel in Searsport. We are also concerned with the dredging project of the Piscataqua River (Portsmouth, N.H. and Kittery, Maine). It is also important to the overall welfare and development of the State of Maine that small coastal communities receive support, at the State level, in their efforts to obtain Federal funds for improved harbors and increased mooring space for small fishing craft and recreational boating.

Much attention throughout the United States, and in fact throughout the world, has been focused on the 45-foot channel and anchorage project in Portland, Maine. Larger and deeper-draft tankers are being built and it is, therefore, necessary for ports of the world to accommodate them. The Federal Government has not, as yet, authorized a depth of 45 feet for a U.S. oil port, Portland, therefore, could be the first U.S. petroleum port with a 45 foot inner harbor. In 1961, the project received authorization by the Senate and all efforts are being made in 1962 for House authorization and final appropriation. The Port Authority has been the prime mover of this project and has an extensive file on it.

In 1961, harbor improvement projects were started at York Harbor, Southwest Harbor, Scarboro River and Eastport. Other active projects include Wells Beach, Pepperell Cove and South Bristol.

Other coastal areas under study by the Army Engineers for improvement of channel and anchorage areas include Bass Harbor, Biddeford Pool Harbor, Cape Neddick River, Carvers Harbor, Damariscotta River, Kennebunk River, Monhegan Harbor, Narraguagus River, New Harbor, Owls Head Harbor, Penobscot River, Portsmouth Harbor and Piscataqua River, Prospect Harbor, Royal River, Round Pond Harbor, Stave Island Harbor and Winter Harbor.

#### f. Port Preparedness Program

The Maritime Administration of the Department of Commerce has asked the Maine Port Authority to accept the responsibility of developing a Port Preparedness Program for Portland and Searsport in case of war or mobilization. This program is wide in scope and is considered by the Maritime Administration as most important in the overall mobilization plans of the

United States in case of attack.

g. Statistics

One important and time consuming phase of the Maine Port Authority work is keeping statistics of cargo movements and reviewing and analyzing cargo statistics from other ports in competition with Maine Ports.

MAINE STATE FERRY SERVICE

Through action of the 98th Legislature and a referendum vote of 59,587 to 25,603 by the people of the State on September 9, 1957, \$2,500,000 was made available and the Maine Port Authority was authorized and instructed to furnish adequate wharves, vessels and necessary appurtances to provide ferry service to the Islands of Vinalhaven, North Haven, Islesboro and Swan's Island.

Through an act in the 99th Legislature, the Ferry Service is now identified as the MAINE STATE FERRY SERVICE.

All revenues of the ferry service in fiscal year 1960-61 totaled \$237,266.21 of which \$11,762.01 is non-recurring income. However, this falls short of meeting all obligations of the service and the 100th Legislature appropriated \$175,409 a year (Fiscal years 1961-62 and 1962-63) to supplement operating revenue to meet all financial obligations. (Interest and principal payments on the original \$2,500,000 investment totals approximately \$130,000 a year at this time.)

In 1961, proponents of ferry service to Frenchboro, Long Island Plantation had a bill introduced to the 100th Legislature for ferry service to their Island. \$12,000 a year was appropriated (Fiscal Years 1961-62 and 1962-63) and the Maine Port Authority was instructed to provide adequate ferry service.

As a matter of record and interest, the Maine Port Authority reported to the Governor's office on September 26, 1960 on the establishment of the Maine State Ferry Service.

A description of the new vessels follows:

ISLESBORO (GOVERNOR MUSKIE) A double-ended ferry with 24 car capacity, 119' long, 40 foot beam, 125 passengers. (Placed into service - September 3, 1959)

VINALHAVEN (EVERETT LIBBY) Deep-water ferry with 10 to 12 car capacity, 110' long, 28'7" beam. 175 passengers. (Placed into service - February 13, 1960)

NORTH HAVEN (NORTH HAVEN) Deep-water ferry with 8 to 10 car capacity, 90' long, 28'7" beam. 125 passengers (Placed into service - February 8, 1960)

SWAN'S ISLAND (WILLIAM S. SILSBY) Deep-water ferry with 8 to 10 car capacity, 90' long, 28'7" beam. 125 passengers. (Placed into service - March 15, 1960)

The NORTH HAVEN, EVERETT LIBBY AND WILLIAM S. SILSBY are of similar design and were constructed to navigate the waters, which are at times very rough, to the off-shore Islands. They were designed to load and unload vehicles through the bow and stern or from either side of the vessel at any tide. All have the same basic dimensions and are, therefore, interchangeable at five different locations. The GOVERNOR MUSKIE on the Islesboro run is a conventional double-ender designed for sheltered short trips and is not used on the longer runs. However, in 1961, the Port Authority devised a way to use one of the other vessels in the Islesboro service. This prevents interruption of normal service for vehicle and passengers, when the MUSKIE is undergoing normal dry-docking periods.

The Maine Port Authority meets with the Governor's Advisory Board on the ferry service to discuss policy, schedules and tariffs. In fairness to the Maine Port Authority and the citizens being served by the vessels, the Port Authority requested the 100th Legislature to place the rate and schedule matters under the jurisdiction of the Public Utilities Commission. This legislation was passed and the people on the Islands may now ask for a public hearing on rates and schedules.

Careful thought is given to vessel service, schedules and operation.

The Maine Port Authority handles an advertising campaign for the vessels, but this has been somewhat reduced, due to budget limitations. We do, however, distribute a brochure, place newspaper advertising, have directional road signs and work with newspaper and magazine editors for editorial copy.

We were informed in 1961 that the Ships Hull Committee of the Society of Naval Architects and Marine Engineers had requested permission from the architect to include the lines and towing tank data of the Maine State Ferry Service hulls in their standard hull data series. The data sheets are used by Naval Architects the world over, as references for design of specific type ships.

In calendar year 1961, the four vessels carried a total of 44,033 vehicles and a total of 95,253 passengers. The price of a vehicle ticket includes a driver, so for numerical totals, if we include the fact that there was one passenger in each vehicle, we actually carried 139,286 passengers in 1961. As a point of interest a recent newspaper article indicates that the ferry BLUENOSE carried 28,602 vehicles and 88,615 passengers in 1961.

Breakdown of 1961 traffic is as follows:

GOVERNOR MUSKIE	Passengers	38,672	Vehicles	25,364
NORTH HAVEN	Passengers	12,164	Vehicles	3,050
EVERETT LIBBY	Passengers	25,075	Vehicles	6,998
WILLIAM SILSBY	Passengers	19,342	Vehicles	8,621
		<u>95,253</u>		<u>44,033</u>

As all the vessels were not in operation during the full calendar year 1960, we cannot compare 1960-1961 calendar figures. However, the MUSKIE was in operation for a full 12 months in 1960. Comparison of 1960-1961 MUSKIE traffic follows:

PASSENGERS		VEHICLES	
1960	41,217	1960	25,029
1961	38,672	1961	25,364
	Decrease 2,545		Increase 335

During the four months of June, July, August and September in 1960 the four vessels carried a total of 66,282 passengers and 24,415 vehicles. During the same months in 1961 the vessels carried 60,583 passengers and 24,791 vehicles. This was a decrease in passengers of 5,699 and an increase in vehicles of 376. This is an indication as to how weather condition can effect traffic on the boats. Maine had an excellent summer, weatherwise, in 1960 and experienced poor weather in 1961.

The vessels and terminals were so constructed as to carry vehicles of all types, including the largest trailer trucks allowed on Maine highways (this can be done at any tide). Vehicle accommodations on the new boats are reflected in revenue. The following comparisons are presented as a matter of interest. From last calendar figures available to us, we find that in 1957, the GOVERNOR BRANN on the Islesboro run carried 20,485 vehicles. In 1961, the MUSKIE carried 25,364 vehicles, an increase of 4,879. In 1959, the vehicle traffic to Vinalhaven totaled 544. In 1961, the LIBBY carried 6,998 vehicles to Vinalhaven, an increase of 6,454. 290 vehicles were transported to North Haven in 1959 and in 1961 the new vessel handled 3,050 vehicles, an increase of 2,760. Prior to the introduction of the new ferry service to Swan's Island, the only method of transporting a vehicle to the Island was via an unscheduled barge at tremendous expense. In 1961, the WILLIAM SILSBY, serving Swan's Island, carried 8,621 vehicles.

It is apparent that the new vessels have an effect on the economy of the islands being served. The islands offer a new attraction for businessmen and vacationers. When the island communities conduct a dignified and adequate promotion and development campaign, it will have far reaching effect on the economy of the State and this will reflect in increased earnings for the ferry service. We feel very strongly that an effort should be made in this direction and as operators of the Maine

State Ferry Service, the Maine Port Authority stands ready to cooperate within budget limitations in every way possible.

#### CASCO BAY WHARF PROGRAM

In 1961, the Maine Public Utilities Commission decreed that certain wharves in Casco Bay were unsafe for passenger and vehicle service. When the owners of the wharves and ferry vessels indicated they were unable to repair the wharves, the Governor and Council of the State directed the Maine Port Authority to "restore ferry service as soon as possible under an Emergency Program" by purchasing and rebuilding the wharves with funds provided by the State and the City of Portland.

The State of Maine contributed \$104,000 and the City of Portland \$26,000, a total of \$130,000. The Maine Port Authority started work on the first wharf on September 26th and completed work on the fifth and final wharf on December 30, 1961. The wharves involved included: Ponce Landing, Long Island; Forest City Landing, Peaks Island; Chandlers Cove, Chebeague Island; Little Diamond Island and Great Diamond Island.

The recommendations of the Legislative Research Committee relating to the purchasing activities of the Maine Port Authority are contained in the report of the Committee on State Purchasing Operations. The Committee is generally satisfied with the operations of the Maine Port Authority from an overall standpoint, and the only matter which seems to warrant correction is very minor in nature.

It was brought out during the study that the Treasurer of the Maine Port Authority is required to keep three separate sets of books on the financial transactions of the Authority and Ferry Service, each pertaining to the same amounts of money. This is due to the fact that the Maine Port Authority is given a grant of money by the State, whereas the Ferry Service receives an appropriation. This means that the Ferry Service system is duplicated effort on the part of the Port Authority and the Bureau of Accounts and Controls. The Ferry



Service also keeps another set of books on the same figures as a Public Utilities Commission requirement which specifies a special system of accounting to regulate the rates and schedules of the Ferry Service.

It is the feeling of the Committee that the financing of the Ferry Service should be handled as a grant rather than on an appropriation basis. This would permit the Maine Port Authority to adopt a single bookkeeping and accounting system, probably that advocated by the Public Utilities Commission, subject, of course, to the approval of the State Controller. The indication seems to be that the adoption of these procedures would eliminate unnecessary duplication, and relieve the Bureau of Accounts and Controls and Maine Port Authority (Ferry Service) of some unnecessary clerical and accounting work.

ELIMINATION OF AQUATIC GROWTH

ORDERED, the Senate concurring, that the Legislative Research Committee be directed to study the feasibility of the elimination of aquatic growth from the lakes and ponds in Maine; and be it further

ORDERED, that the Committee report the results of its study to the 101st Legislature.

The Legislative Research Committee, under the foregoing order, was directed to study and report on the feasibility of eliminating aquatic growth from Maine lakes and ponds. Specifically, the situation at which the order was directed involved consideration of two resolves introduced during the regular session of the 100th Legislature to eliminate aquatic growth in Lakes Sabattus (L. D. 925) and Annabessacook (L. D. 445). Both came out of committee with a divided report and the majority report, ought not to pass, was accepted. The present directive was introduced in order to determine the future policy of the State with respect to handling these and similar problems.

The Subcommittee held one public hearing during the course of the study at which time a number of interested persons appeared or filed statements. The Subcommittee Chairman attended a meeting on June 24th sponsored by the Sabattus Lake Association for a personal investigation and clearer understanding of the problem. There were also a number of Subcommittee meetings and consultations between members of the Subcommittee and biologists of the Inland Fisheries and Game Department.

Following the conclusion of its study, the Committee agreed that the problem was basically one of pollution; that aquatic growths occur as a result of exceptionally fertile water and bottom conditions which may be natural to the waterway or brought about by nutrients added by industrial or municipal wastes, shore side septic tanks and land drainage. The Committee felt that the State has a direct responsibility for the preservation and development of its water resources and that the full development and utilization of these resources is essential to the continual progress of the State. The Committee believes that it is most desirable that any course of action which the Legislature adopts should have the cooperation and support of all parties affected, both public and private. It was unanimously agreed that because the problem is basically one of pollution that the Committee recommend that the State accept the theory of general responsibility for directing and coordinating measures to correct the problem. The Committee urges that the Legislature give serious consideration to the adoption of legislation establishing such measures as a responsibility of the State, administered on a cooperative basis under the supervision and control of the Department of Health and Welfare through its Division of Sanitary Engineering. It is recommended that the funds administered by the Department for this purpose be expended on a 50-50 matching basis on the part of the State and from any source. The Committee recommends an initial appropriation for the program of \$5,000 for the biennium.

AN ACT Appropriating Money to Match Funds for Elimination  
of Aquatic Growth.

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

Department of Health and Welfare appropriation. There is appropriated from the Unappropriated Surplus of the General Fund the sum of \$2,500 for the fiscal year ending June 30, 1964 and the sum of \$2,500 for the fiscal year ending June 30, 1965 for the purpose of matching funds made available from any source for the elimination of aquatic growth in any lake or great pond of the State, to be carried out under the supervision and control of the Department of Health and Welfare, Division of Sanitary Engineering.

These funds shall be a continuing carrying account to the first fiscal year following the year for which the appropriation is made.

Upon receipt of allotments duly approved by the Governor and Council based on work programs submitted to the State Budget Officer, the State Controller shall authorize expenditures from this appropriation on the basis of such allotments and not otherwise.

INTERSTATE CONSTRUCTION AND KITTERY

Private and Special Laws, 1961, chapter 190, AN ACT  
Relating to Study of Constructing Interstate 95 as it Affects  
Kittery, provides that:

The State Highway Commission is directed, with the advice and consent of the Legislative Research Committee, to employ consulting engineers to develop an engineering and economic study of the problem of constructing Interstate 95 as it affects Kittery, Maine. The study shall include a comparative analysis of revenue bond and toll financing versus financing through a contribution of federal highway funds in the approximate proportion of 90% of the construction and engineering costs as provided by the Federal Aid Highway Act of 1956.

The State Highway Commission is further directed to cooperate with the Department of Public Works and Highways of New Hampshire and, if feasible, with the advice and consent of the Legislative Research Committee, to employ the same consulting engineers who are now making an Urban Transportation Study of the City of Portsmouth in New Hampshire at the request of the Department of Public Works and Highways of New Hampshire. In making arrangements for the employment of consulting engineers the Legislative Research Committee is directed to arrange for the report of the engineers to be made to the Legislative Research Committee before November 1, 1962. The Legislative Research Committee is directed to transmit the report with any recommendations it wishes to make in regard to another bridge across the Piscataqua River between Portsmouth, New Hampshire and Kittery, Maine to the 101st Legislature before January 15, 1963.

The State Highway Commission shall not enter into any contracts or agreements with the Federal Government or with any other state or highway agency relative to building any bridge across the Piscataqua River alternative to the Maine-New Hampshire Interstate Bridge Authority until the report herein referred to is reported to the 101st Maine Legislature and finally acted upon by it.

The Legislative Research Committee on October 17, 1961, approved the employment by the State Highway Commission of Wilbur Smith and Associates, Consulting Engineers, of New Haven, Connecticut to make the study outlined in Chapter 190.

The same firm was also employed by the Department of Public Works and Highways in New Hampshire, with the advice of a special legislative committee in that State, to make a similar study for the Portsmouth, New Hampshire end of Interstate 95 in the Kittery-Portsmouth area. Wilbur Smith and Associates filed their report with the Maine State Highway Commission which, in turn, made the report available to the Legislative Research Committee. The Committee has voted to accept the report and makes the following recommendations to the 101st Legislature:

1. That a third bridge be constructed in the Kittery-Portsmouth area spanning the Piscataqua River, this bridge to be located about one-half mile upstream from the existing Interstate Bridge. The new bridge is to be a high level type bridge without a navigational draw and is to connect with the New Hampshire Turnpike about 3500 feet southerly of the traffic circle in Portsmouth, New Hampshire and provide connections to other highways in this vicinity and is to also connect with the Maine Turnpike about 500 feet north of the existing toll booths and to provide connections with U. S. Route 1 and other highways in this vicinity.

2. That cost of construction of the bridge and the approaches in New Hampshire and Maine be financed from Federal Interstate funds on a 90% basis, the remaining 10% to be provided by State funds. The estimated cost of the bridge is \$13,587,000. Maine's share would be \$6,148,000 and New Hampshire's share \$7,439,000. By use of Federal Interstate funds, State of Maine funds required would be \$614,800 provided the Legislature adopts certain legislation as outlined in

recommendation 3 below.

3. That the State of Maine statute relating to the Maine Turnpike Authority be amended to provide that the Turnpike will be operated free of tolls when the bonds and interest of the Turnpike Authority have been paid in full. This last recommendation is for the purpose of permitting certain connections to be made with the Maine Turnpike, the cost of which would be paid 90% by the Federal Government with matching funds on a 10% basis by the State of Maine. If the State Legislature does not vote to amend the law relating to Maine Turnpike Authority, Maine will be required to pay an additional \$975,000. Under the provisions of the federal statutes relating to grant in aid moneys to states for highway purposes, it is necessary that any connections to a toll road must be paid for from State funds unless the law relating to the toll road is such that the road will become free of tolls upon payment of indebtedness of the Toll Authority operating the road.

The Committee further recommends that the Legislature adopt the following legislation authorizing the State Highway Commission to make necessary arrangements for construction:

AN ACT Relating to Construction of a Bridge to Span the

Piscataqua River from Kittery, Maine to Portsmouth,

New Hampshire.

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

Relating to construction of a bridge to span the Piscataqua River from Kittery, Maine to Portsmouth, New Hampshire.

The State Highway Commission is directed to make the necessary arrangements to construct a bridge and approaches spanning the

Piscataqua River from Kittery, Maine to Portsmouth, New Hampshire in accordance with the recommendations contained in the report by Wilbur Smith and Associates dated November 6, 1962, which report contains a recommendation that the bridge be a high level type structure constructed about 1/2 mile northerly from existing Interstate Bridge and that the bridge be financed from federal interstate funds on a 90% basis matched with state moneys on a 10% basis.

The State Highway Commission is directed to cooperate with the Federal Bureau of Public Roads and with the State of New Hampshire for the purpose of arranging for the construction of the bridge and approaches, it being understood that the State of Maine will be responsible for the construction costs for the Maine approach and for such part of the bridge as may be determined to be the responsibility of the State of Maine.



LEGISLATIVE PROCEDURES

ORDERED, the Senate concurring, that the Legislative Research Committee be directed to study and report to the 101st Legislature such recommendations concerning revision of the Senate and House Rules and the Joint Rules as may accomplish efficiency and expediency of the legislative process in Maine.

The studies made by the Legislative Research Committee and the Interim Joint Committee on Legislative Procedures ("Bates Committee"), since 1959, have resulted in a number of improvements which should greatly expedite the business of the Maine Legislature. Previous studies of the Committee were reported to the:

94th Legislature (December, 1948) on 1) terms of Legislators, 2) pre-drafting, 3) reducing number of bills, 4) reduction of committees, and 5) legislative committee clerks.

97th Legislature (December, 1954) on annual sessions.

99th Legislature (December, 1959) on 1) filing departmental bills, 2) division of the Appropriations Committee into Capital and General Fund Expenditures Subcommittees, and 3) electrical roll-call voting.

Maine legislative procedures were closely scrutinized by the "Bates Committee" during 1959-60, and the 100th Legislature adopted several of the suggested rule changes from its report of December, 1960.

Changes in the Joint Rules made by the 99th and 100th Legislatures are noted in the following chronology:

Chronology of Joint Rule Changes

99th Legislature

Regular Session, January 7 - June 13, 1959  
Special Session, January 19 - 29, 1960

ORDERED, the Senate concurring, that the joint rules be amended by adding thereto a new rule #19A to read as follows:

"Any member-elect of the Legislature may file bills and resolves with the Clerk of the House for introduction within forty-five days prior to the convening of any regular session of the legislature. The Clerk shall number and print such measures in advance after which they become the property of the Legislature and may not be withdrawn by the sponsor. The Clerk shall deliver them to the appropriate branch of the Legislature immediately upon its convening." H. P. 1024, passed January 29, 1960.

ORDERED, the Senate concurring, that the joint rules be amended by adding thereto a new rule #19B to read as follows:

"During any regular session all bills for private or special legislation and all resolves, in complete final form, shall be introduced in either house of the Legislature not later than 1 P. M. of the 3rd Friday of January; and all other legislation shall be introduced in either house not later than 1 P. M. of the last Friday of January, except by unanimous consent in the body in which it is introduced.

This Rule shall not apply to bills or resolves reported by any joint committee in the regular course of business, nor to such bills and resolves as are intended only to facilitate the business of the Legislature.

The Clerk of the House shall cause the first paragraph of this Rule to be published in all daily papers in the State at least twice monthly for the two months immediately preceding the convening of the Legislature in regular session and at least twice during January prior to the 3rd Friday of the month." H. P. 1026, as amended by Senate amendment "A", passed January 29, 1960.

100th Legislature

Regular Session, January 4 - June 17, 1961

ORDERED, the House concurring, that Rule Number 1 of the joint rules be amended by adding thereto to the Committee on Industrial and Recreational Development,

the same to be inserted in its proper alphabetical position. S. P. 63, passed January 10, 1961.

ORDERED, the Senate concurring, that Joint Rule 1 be amended to change the name of the Joint Standing Committee on Public Health to "Health and Institutional Services." H. P. 82, passed January 11, 1961.

ORDERED, the Senate concurring, that the material usually published in the "Senate and House Reports" entitled Memoranda and Suggestions be deleted. H. P. 83, passed January 11, 1961.

ORDERED, the Senate concurring, that the first paragraph of Joint Rule 19B be amended to read as follows:

"During any regular session all requests for bills for private or special legislation and all resolves, shall be submitted to the Director of Legislative Research not later than 1 P. M. of the third Friday of January and such measures, in complete final form, shall be introduced in the appropriate house not later than 1 P. M. of the second Tuesday following; requests for all other legislation shall be submitted to the Director of Legislative Research not later than 1 P. M. of the last Friday of January and such measures, in complete final form, shall be introduced in the appropriate house not later than 1 P. M. of the second Tuesday following."

ORDERED, the House concurring, that the Joint Rules be amended by adding thereto a new Rule No. 11A to read as follows:

"11A. Introduction of any memorial shall not be in order unless approved by a majority of the Committee on Reference of Bills." S. P. 53, N. D., S. P. 479, L. D. 1471, passed March 7, 1961.

ORDERED, that the Joint Rules be amended by adding thereto a new Rule No. 19C to read as follows:

"19C. Any bill or resolve to be introduced after the cloture date must be presented to the Clerk of the House, or the Secretary of the Senate, who shall transmit same to the Joint Committee on Reference of Bills.

The Committee will ascertain from the sponsor the facts supporting a request to introduce legislation after the effective date of the cloture rule, and if a majority of the Committee approves, the bill or resolve shall appear on the calendar of the appropriate house, duly noted as having been approved by a majority of the Committee, and if, at that time, at least one-tenth of the members present rise as objectors, the document shall not be received." S. P. 53, N. D., S. P. 479, L. D. 1471, passed March 7, 1961.

Special Session, November 27 - December 2, 1961

ORDERED, the Senate concurring, that the Joint Rules be amended by adding thereto a new Rule No. 2-A, to read as follows:

"2-A. The Senate Chairman of the Committee on Appropriations and Financial Affairs shall appoint from said committee such subcommittees as the said committee shall direct, such subcommittees to consist of not less than 3 members. Such subcommittees shall report their findings and recommendations to the full committee." H. P. 1235, passed November 29, 1961.

ORDERED, the Senate concurring, that Joint Rule No. 14 be amended by adding at the end a new sentence to read as follows:

"No measure shall be recalled from the legislative files except by joint order approved by a vote of two-thirds of both houses." H. P. 1236, as amended by House Amendment "A", passed November 29, 1961.

ORDERED, the Senate concurring, that the Joint Rules be amended by adding thereto a new Rule No. 19-D, to read as follows:

"19-D. Every bill or resolve effecting loss of revenue or requiring an appropriation shall be accompanied by a written statement as to the amount involved." H. P. 1234, passed December 1, 1961.

The Legislative Research Committee, operating under the present directive, gave careful consideration to the recommendations of the "Bates Report," and at the Special Session of the 100th Legislature, November 27 to December 2, 1961, submitted the following recommendations for joint rule changes which were adopted:

1. Amend Joint Rule No. 2 to authorize the Chairman of the Committee on Appropriations and Financial Affairs to appoint subcommittees of not less than 3 members to hold public hearings simultaneously, particularly on departmental appropriations, and report their findings to the full committee for action.

2. Add to Joint Rule No. 14 the following new sentence: "No measure shall be recalled from the legislative files except by joint order approved by a vote of two-thirds of the members of both houses."

3. Add new Joint Rule No. 19-D, to read: "Every bill or resolve affecting loss of revenue or requiring an appropriation shall be accompanied by a written statement as to the amount involved."

The Committee was also instrumental in implementing the recommendation of the "Bates Report" for a legislative analyst by introducing legislation providing for the appointment of a Legislative Finance Officer. This recommendation was enacted as Revised Statutes, Chapter 10, Section 26, Subsection XV, additional:

R. S., c. 10, §26, sub-§XV, additional. Section 26 of chapter 10 of the Revised Statutes, as amended, is further amended by adding a new subsection XV, to read as follows:

'XV. Legislative Finance Officer. The Legislative Research Committee shall appoint a Finance Officer. He shall be chosen without reference to party affiliation and solely on the ground of fitness to perform the duties of his office. 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 \$9,000 per year and any necessary traveling expenses which shall be paid from the legislative appropriation. His duties shall be:

A. To collect and assemble factual information concerning the fiscal affairs of the State for the use of the Joint Appropriations and Financial Affairs Committee of the Legislature in formulating its proposals for appropriations;

B. To examine all requests for appropriations made by the various executive agencies of State Government and attend any hearings necessary to obtain complete information;

C. To examine other requests for payment of which appropriations are to be requested;

D. To report in such manner as shall be directed by the Legislative Research Committee as to any matters which may be of assistance to the committee or the Legislature in forming an independent judgment in the determination of any fiscal matters.'

LEGISLATIVE FINANCE OFFICER      In House    December 2, 1961

ORDERED, the Senate concurring, that the Legislative Finance Officer be supplied with necessary office space and equipment to carry on his duties and, with the approval of the President of the Senate and the Speaker of the House, be authorized to employ the necessary clerical assistance to perform his duties.

HP 1246	In Senate Chamber	House of Representatives
Bragdon	Read and Passed	Read and Passed
Perham	December 2, 1961	December 2, 1961
	In concurrence	Sent down for concurrence

The duties of the Legislative Finance Officer were spelled out in greater detail by the Committee's Subcommittee on Legislative Finance Officer at a meeting of the Subcommittee on July 2, 1962:

1. To Legislature

Advise and assist the House and Senate Leadership, including the President of the Senate, the Speaker of the House, the Majority and Minority Floor Leaders.

Advise and assist members of the Legislature in the financial aspects of drafting of bills.

2. To the Appropriations and Highway Committees

On request of the House or Senate Chairmen of the Appropriations or Highway Committee he shall attend hearings or executive sessions to advise and assist those Committees in their deliberations.

He shall follow all appropriations measures through the legislative procedures of the House and Senate.

3. To the Research Committee

He shall advise and assist the Legislative Research Committee in their studies at their direction.

4. General

He shall develop and compile a library of cross reference material including statistics and comparison sheets of State financial expenditures.

The Committee's study was continued following the Special Session with a view to determining further recommendations. The Subcommittee held a public hearing on July 17, 1962, at which time a number of persons appeared and testified. As the study progressed, there were also frequent consultations with the respective leaders and members of both branches of the Legislature.

On the basis of its findings, the Committee makes the following specific recommendations:

1. Enactment of the following legislation to eliminate resolves concerning local fishing control matters to allow the Department of Inland Fisheries and Game to proceed in the legislative year as it now does in the non-legislative year:

AN ACT Relating to Rules and Regulations in Fishing.

Emergency preamble. Whereas, acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, fishing is one of Maine's greatest natural resources and a tremendous asset in Maine's recreational industry; and

Whereas, the following legislation is vitally necessary to aid in the conservation of such a natural resource; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine, and require the following legislation as immediately necessary for the preservation of the public peace, health

and safety; now, therefore,

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

R. S., c 37, §9, repealed and replaced. Section 9 of chapter 37 of the Revised Statutes, as revised, is repealed and the following enacted in place thereof:

'Sec. 9. Rules and regulations. Whenever any existing conditions adversely effect the fish in waters in any part of the State, or whenever changes in existing rules and regulations may be desirable for any reason, the commissioner, with the advice and approval of the advisory council, shall make such regulations as may be deemed advisable, in the manner provided in this section.

Petitions stating the conditions affecting the fish, and the regulations which are desired as a remedy, may be addressed to the commissioner by a majority of the municipal officers or 25 citizens of the municipality in which the waters exist; or if the waters are in unorganized territory, by a majority of the county commissioners in the counties in which said waters exist, or the commissioner may investigate conditions affecting the fish in any waters in any part of the State, and may make such regulations as may be deemed advisable in the manner provided in this section.

All petitions shall be filed in the office of the commissioner not later than the first day of August of each year, together with the list of such changes in regulations as may be recommended by the commissioner. Hearing shall be held on all prospective changes in regulations before September 30th of each year, before the commissioner, or such other officer



of the department as the commissioner may designate in his stead, at a date and place to be designated by the commissioner.

Notice of the hearing to be held, the time and place thereof, together with listing of all proposed changes, shall be by publication once a week, for 2 successive weeks prior to the hearing, in a newspaper having state-wide circulation.

After hearing, pursuant to the petitions filed, or the changes in laws recommended by the commissioner, with the advice and approval of the advisory council, the commissioner shall make such regulations as may be deemed necessary. Such regulations shall become effective on January 1st of the year next following the date of the hearing.

The commissioner shall cause the regulations to be reduced to writing and publish the same once a week for 2 successive weeks in a newspaper published in the county where the waters are situated, and which are affected thereby, or if no paper is published there, in a newspaper having state-wide circulation, the last publication being prior to January 1st following the date of the hearing. The commissioner shall file a certified copy of said regulations with the Secretary of State and with the clerk of the Superior Court of the county in which the waters affected are situated.

If unusual conditions should adversely affect any one of the waters in this State, so that the supply of fish in those waters might be depleted by angling, the commissioner may declare an emergency and order a hearing held, at a time and place to be designated by him, and shall cause notice thereof

to be published at least 5 days prior to the hearing in a newspaper published in the county where the water is situated, and if no newspaper is published in that county, then the notice shall appear in a newspaper having state-wide circulation. After the hearing, the commissioner may promulgate regulations providing for the times, number, weight and manner in which fish may be taken from such waters. He shall reduce the regulations to writing and provide for the expiration date thereof, and shall cause notice of the same to be published, the regulations to take effect upon the day following the publication thereof. A certified copy of the regulations shall be filed with the Secretary of State and with the clerk of the Superior Court in the county in which the water is situated.

Whoever violates any provision of this section or any rule or regulation issued under this chapter shall be penalized under section 139.'

2. Adoption of the following amendment to the Joint Rules to provide that the Committee on Reference of Bills shall have the necessary authority to bring bills out of committee after a given period of time:

ORDERED, the ..... concurring, that the Joint Rules be amended by adding thereto a new rule #11-A to read as follows:

"The Committee on Reference of Bills shall have the authority and responsibility to call before it the Chairman of the Joint Standing Committee and the sponsor of a document when one or more bills or resolves have

been heard by a committee and such has not been reported out of committee within two weeks of the completion of the hearing, at which time justification for the further holding of the document must be established or the Committee on Reference of Bills shall have the discretion to order a reporting out of the bill or resolve."

3. Enactment of the following legislation to require the Department of Inland Fisheries and Game to submit a biennial budget:

AN ACT Providing for Approval of Legislature for Expenditure of Inland Fisheries and Game Expenditures.

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

R. S., c. 37, §129, amended. Section 129 of chapter 37 of the Revised Statutes, as revised, is amended by inserting after the first paragraph a new paragraph to read as follows:

'All moneys credited to the Department of Inland Fisheries and Game shall be credited, apportioned and expended as provided by the Legislature.'

4. Enactment of the following legislation to provide that the members of the Legislature shall receive the same mileage as state employees and be reimbursed for their actual expenses, other than travel, in attending the daily sessions of the Legislature:

AN ACT Relating to Mileage and Expenses for Members of Legislature.

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

R. S., c. 10, §2, amended. The first Sentence of section 2 of chapter 10 of the Revised Statutes, as amended, is further amended to read as follows:

'Each member of the Senate and House of Representatives shall receive \$1,600 for the regular session of the Legislature, and shall be paid for travel at each legislative session once each week at the same rate ~~of 5¢~~ per mile to and from his place of abode as state employees receive, the mileage to be determined by the most reasonable direct route.'

Sec. 2. R. S., c. 10, §2, amended. Section 2 of chapter 10 of the Revised Statutes, as amended, is further amended by adding after the first paragraph, a new paragraph to read as follows:

'Each member of the Senate and House of Representatives shall be reimbursed for his actual expenses, other than travel, in attending the daily sessions of the Legislature in accordance with the expense re-imbusement procedure governing state employees.'

Sec. 3. Appropriation. There is appropriated to the Legislative Appropriation from the General Fund the sum of \$116,000 for the fiscal year ending June 30, 1965 to carry out the purposes of this act.

The Committee believes that the Legislature has made commendable progress in upgrading its legislative procedures, particularly since 1960, and it feels that the adoption of the recommendations made in this report will have an

overall effect of strengthening the State's legislative process. The recommendations offered in this report in no way attempt to provide a definitive solution to Maine legislative problems. Improvements in the legislative process are developed slowly, and future progress in perfecting procedures will, as in the past, result only from continuous study and deliberation.

MOTOR VEHICLE EXCISE TAX PAYMENT

ORDERED, the Senate concurring, that the Legislative Research Committee is directed to study the problem of motor vehicle excise taxation in this State with respect to the need or desirability for change in the provisions of the Revised Statutes, chapter 91-A, section 126, subsection III, which determines the place where the excise tax shall be paid; and be it further

ORDERED, that the Committee shall report the results of its study to the 101st Legislature.

Motor vehicles owned by residents of the State, and, in certain instances, those owned by nonresidents are subject to local municipal taxation under the general property tax (R. S., 91-A) on the first day of each April.

A motor vehicle registered for use on the highways is exempt from the general property tax on payment as a condition to registration, of an excise tax of 23 mills on each dollar of the maker's list price for the first or current year of the model, 16 1/2 mills for the second year, 12 1/2 mills for the third year, 9 mills for the fourth year, 5 1/2 mills for the fifth year and 3 mills for the sixth and each succeeding year.

The excise tax (c. 91-A, §§123 to 132) is a revenue measure collected and retained by the municipalities in lieu of personal property taxes levied on motor vehicles, and designed to plug loopholes which exist in taxing motor vehicles under the general property tax law.

Prior to the enactment of the motor vehicle excise tax in 1929 (P. L., c. 305), motor vehicle owners could avoid taxation on the motor vehicle's highest value by turning it

in prior to April 1st for the delivery of a new vehicle after April 1st. The adoption of the excise tax effectively eliminated the then widely prevalent problems of tax avoidance and complaints of favoritism and over-assessment.

Under present law (c. 91-A, §126, III), the excise tax on motor vehicles owned by residents of the State is paid in the place of residence; that on motor vehicles owned by nonresidents in the place of temporary residence or, if none, to the State; that on motor vehicles owned by foreign corporations in the place where the motor vehicles are customarily kept or, if none, to the State.

The question has been raised as to whether it might be more equitable to require the owner of a motor vehicle to pay the excise tax in the town in which the vehicle is kept rather than in the town in which the owner resides.

A definite interest has been expressed by some towns in amending the provisions of section 126, subsection III to require the owner to pay the excise tax in the town where the motor vehicle is customarily or habitually kept.

Opponents, such as the truck owners and carriers, are strongly opposed to this proposed change, feeling that it would not have the effect of making the law more efficient, nor in any way contribute to strengthening its over-all operation and purpose.

They maintain that if the law is changed, an entirely unnecessary administrative burden will be placed on taxpayers, such as themselves, who own large fleets of vehicles,

and stimulate controversy and competition in collecting the tax among the various towns.

In the light of these findings, the Committee feels that it would not be advantageous to require payment in the town where the vehicle is customarily or habitually kept. Far from simplifying the administration of the motor vehicle excise tax provision, it seems quite evident that the change would only promote difficulties in the collection of the tax, and create a situation in which many owners would be adversely affected in determining where to pay the tax on randomly located vehicles.

The Committee, therefore, specifically recommends against the adoption by the Legislature of any proposed change in the provisions of chapter 91-A, section 126, subsection III.



MOTOR VEHICLE WEIGHT AND SIZE LIMITATIONS

ORDERED, the House concurring, that the Legislative Research Committee be directed to make a study of allowable sizes and weights of vehicles and loads to be permitted on public highways; and be it further

ORDERED, that the Legislative Research Committee make such recommendations as it may deem necessary for consideration of the 101st Legislature.

## STATEMENT OF FACTS

In 1956, the Federal Congress enacted legislation limiting the axle and gross vehicle weights, height and width of vehicles allowed on the Interstate Highway System. It is expected that Congress will review this legislation and enact the necessary federal laws to establish maximum weights and sizes of vehicles allowed on the Interstate Highway System and also on Federal Primary and Secondary Systems of Highways. Congress will be guided in this matter by data supplied by the American Association of State Highway Officials to the Federal Bureau of Public Roads from a test road experiment carried on at Ottawa, Illinois under the sponsorship of the American Association of State Highway Officials. This experiment provided for several miles of pavement to be constructed with different thicknesses of pavement and base of Portland Cement concrete and asphaltic concrete. Trucks with various axle and gross weights were operated over these test sections for approximately two years. Data from the experiment are now being analyzed. Not only will these data be available to the Federal Congress through the Bureau of Public Roads but the American Association of State Highway Officials will also revise its recommendations made in 1946 for uniform axle weights, gross weights and sizes of vehicles to be allowed on highways. It is expected that congressional action and the new recommendations of the American Association of State Highway Officials will be available in the latter part of the calendar year 1961.

The Legislative Research Committee would have this information available for study and the subject of hearings which could be authorized by the Committee during the calendar year 1962. Such information could be made available by the Legislative Research Committee to all parties concerned with this problem at hearings before the Legislative Research Committee and could be used for the purpose of developing the views of those interested in this problem for information of the Committee. If this procedure is followed, then the recommendations of the Legislative Research Committee for the consideration of the 101st Legislature would be in conformity with the requirements of the federal law. This is necessary due to the fact that if the State does not conform to federal requirements in regard to maximum weights and sizes of vehicles allowed on federal highway systems (presently the Interstate System and expected

to be the Interstate, Primary and Secondary Systems) then the State will not receive federal highway construction funds. The State Highway Commission is required annually to certify to the Federal Bureau of Public Roads that no legislation or regulations have been enacted in this State contrary to federal requirements. If this certification cannot be made, then federal funds will be withdrawn from the State.

Reference is made in the foregoing statement of facts to possible congressional action relative to maximum weights and sizes of vehicles allowed on the Interstate Highway System. Paragraphs (j) and (k) of Section 108 of the Federal Aid Highway Act of 1956 set forth the applicable federal requirements:

(j) Maximum Weight and Width Limitations.--No funds authorized to be appropriated for any fiscal year by this section shall be apportioned to any State within the boundaries of which the Interstate System may lawfully be used by vehicles with weight in excess of eighteen thousand pounds carried on any one axle, or with a tandem-axle weight in excess of thirty-two thousand pounds, or with an overall gross weight in excess of 73,280 pounds, or with a width in excess of 96 inches, or the corresponding maximum weights or maximum widths permitted for vehicles using the public highways of such State under laws or regulations established by appropriate State authority in effect on July 1, 1956, whichever is the greater. Any amount which is withheld from apportionment to any State pursuant to the foregoing provisions shall lapse: Provided, however, That nothing herein shall be construed to deny apportionment to any State allowing the operation within such State of any vehicles or combinations thereof that could be lawfully operated within such State on July 1, 1956.

(k) Tests To Determine Maximum Desirable Dimensions And Weights.--The Secretary of Commerce is directed to take all action possible to expedite the conduct of a series of tests now planned or being conducted by the Highway Research Board of the National Academy of Sciences, in cooperation with the Bureau of Public Roads, the several States, and other persons and organizations, for the purpose of determining the maximum desirable dimensions and weights for vehicles operated on the Federal-aid highway systems, including the Interstate System, and, after the

conclusion of such tests, but not later than March 1, 1959, to make recommendations to the Congress with respect to such maximum desirable dimensions and weights.

The March 1, 1959 date referred to in paragraph (k) has been extended by congressional act. The series of tests referred to in paragraph (k) relate to the so-called American Association of State Highway Officials test road research project in Ottawa, Illinois which was completed November 30, 1960, following which time there was a period of several months for special tests and evaluation of results. On the basis of the results of the research project, the Committee on Highway Transport of the American Association of State Highway Officials has made certain recommendations to the Executive Committee of that Association. The Executive Committee has authorized that the report of the Committee on Highway Transport be made available to all of the states for balloting purposes. It is expected that the states will have an opportunity to review this material and indicate their approval or disapproval and that the final results will be available March 1, 1963.

The results of the balloting by the states will be the basis for the recommended policy of the American Association of State Highway Officials on sizes and weights of vehicles using not only the Interstate System but also other public highways in the various states.

Information from the Committee on Highway Transport of AASHO will be made available to the Federal Bureau of Public Roads which, in turn, will have the responsibility for making recommendations to Congress in regard to overall sizes and

weights of motor vehicles. It is not known at this time whether or not the Federal Bureau of Public Roads' recommendations will be the same as the recommended policy of AASHO in regard to this matter. Furthermore, it is not possible, of course, to determine what the results will be of any congressional action. It is expected that Congress will be requested to extend any overall limits or maximum limits of sizes and weights of vehicles to include not only the Interstate System, as is presently the federal law, but to also include at least the Federal Primary System.

In the meantime it has been determined that the report of the Committee on Highway Transport of AASHO, based on results of the AASHO test road project will, for the most part, contain recommendations which will be the same or less than allowable sizes and weights already authorized by legislation in the State of Maine. For this reason, the Legislative Research Committee recommends that there be no legislation at this time to liberalize allowable sizes and weights for vehicles traveling on the public highways in the State of Maine.

## PRESERVATION OF THE ALLAGASH

WHEREAS, the Allagash River Valley is one of the last major waterways in the east still a wilderness area, unsurpassed for natural beauty and scenic splendor; and

WHEREAS, efforts should be made to preserve such natural resource for future generations to enjoy; and

WHEREAS, in the future such areas could be numbered among Maine's greatest assets; now, therefore, be it

ORDERED, the House concurring, that the Legislative Research Committee be directed to study cooperative agreements or other procedures between landowners and the State which would be desirable as a means of maintaining the great recreational assets represented in the wildlands of the State.

This study shall include but not be limited to-

1. The area or areas which should be included in the list of initial efforts to accomplish these purposes.
2. The agency or agencies of State Government would be responsible in any voluntary or state enacted provisions.
3. If the recommendations indicate direct state participation in the program, make recommendations with respect to any legislation which, in the Committee's opinion, seems desirable;

and be it further

ORDERED, that the Committee shall report its recommendations to the 101st Legislature.

The extensive assessments of the nation's outdoor recreational resources during the past several years by federal, state and private agencies have unquestionably established an unparalleled awareness of the need and urgent demand for the development of the potential recreational resources of each state to their fullest capacity. It is sufficient for this report to say that the Committee appreciates the general objectivity of these findings and realizes that no particularly

useful purpose will be served by detailing its own findings that a similarly identical need exists for preserving the natural beauty and wilderness character of the Allagash River Valley. This is already well documented by several detailed studies and reports made by Federal, State, and private agencies, such as that submitted by the Natural Resources Council of Maine of December, 1961. It should, however, be noted for the record that the Subcommittee of the Legislative Research Committee on this particular study obtained first-hand information as the result of a widely attended public hearing in Augusta on September 6, 1962 and from a three-day tour of the region in May arranged by the Department of Forestry. There were also a number of informal meetings held with members of the timberland owners' group and conferences with various state and Federal officials.

No other area of the State has been the subject of so much controversy or so many proposals as to its ultimate use. It was the aim of the Committee to evaluate all of these diverse recommendations, bringing them into focus at the State level in order to determine what action would be best for the State of Maine and of greatest benefit to its citizens. It is the unanimous conclusion of the Committee that the area could be of tremendous value to the State of Maine because of its unique wilderness character, but only if this unique aspect can be preserved will these benefits be fully realized. This can be accomplished without sacrificing the equally important economic value of the timber and water resources. With proper management of the area by a State

agency, a genuine multiple use plan could provide for preservation of the wilderness aspects of the area while allowing controlled use of the natural resources. Such a plan would not necessarily require outright ownership of vast amounts of land by the State.

The Committee has explored the possibility of the State negotiating with the landowners for the development rights of the area in question. Under such an agreement the owners would retain title to their land but would relinquish their rights to construct buildings, lease land, or in any way alter the natural aspects of the area. This would allow the State to control access to the area, prevent construction of commercial buildings, and provide recreational facilities. To this end the Committee recommends the enactment of the following legislation:

AN ACT Creating an Allagash River Authority for State of  
Maine.

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

R. S., c. 35-B, additional. The Revised Statutes are amended by adding a new chapter 35-B, to read as follows:

'Chapter 35-B.

Allagash River Authority

Sec. 1. Policy. It is declared to be the policy of the State of Maine to provide for the preservation of the natural beauty and wilderness character of the Allagash River Water-course while retaining the natural economic resources of the area.

Sec. 2. Definitions. The listed terms as used in this chapter are defined as follows, unless a different meaning is plainly required by the context:

"Authority" means the Allagash River Authority established under this chapter.

"Agreements" includes leases, gifts and proposals for purchases of land or the development rights to land.

"Development rights" means the right to construct buildings or improvements, to lease land to any person, firm, corporation or governmental authority or in any way to alter the natural aspect of the region along the Allagash River. The term shall not mean absolute prohibition of cutting timber on the land nor include those rights commonly known as flowage and driving rights as they may now exist.

"Conservation areas" means the land and water areas of the Allagash River watercourse which have retained their primeval character, although not necessarily completely natural and undisturbed which are worthy of preservation for the use of present and future residents of the State.

Sec. 3. Allagash River Authority. There is created the Allagash River Authority, the function of which shall be to administer and enforce the provisions of this chapter and to perform such other duties as may be provided by law. The authority shall consist of 5 members, the Forest Commissioner, the Director of State Parks, the Commissioner of Inland Fisheries and Game, the Director of the School of Forestry at the University of Maine, and the Attorney General, all of whom shall serve as ex officio members of the authority, except



that each may appoint any suitable person from his staff to serve during his pleasure in his stead, but in no case longer than his term of office. The members of the authority shall elect a chairman who shall preside at all meetings of the authority when present. The authority shall meet at least once each month and in addition may meet as often as necessary, at such times and places as the chairman may designate. Any 3 members constitute a quorum for the exercise of all powers of the authority. The Forestry Department, State Park Commission, Department of Inland Fisheries and Game and Attorney General's Department shall cooperate with the authority in exercising its administration. The members of the authority shall serve without compensation.

Sec. 4. Allagash Advisory Committee. An Advisory Committee consisting of 7 members shall be appointed by the Governor with the advice and consent of the Council, chosen one from each of the councillor districts, who shall serve until the termination of the authority. A vacancy shall be filled for the unexpired term in the same manner in which a regular appointment is made. The members of the Advisory Committee shall receive no compensation for their services, but may be allowed actual and necessary expenses for attendance at all meetings. The Advisory Committee shall meet upon the call of the chairman of the authority. The committee shall render to the authority information and advice concerning the administration of the authority.

Sec. 5. Powers and duties of the authority. The author-

ity is vested with the responsibility of preserving the conservation areas of the Allagash region so that the people of the State may be assured of their right to enjoy the benefits of the region as a place of natural interest and scenic beauty. To this end, the authority shall prepare and present to the 102nd Legislature specific agreements between the landowners in the region and the State of Maine which will accomplish this purpose. In addition to other functions, powers and duties vested in it, the authority shall:

I. Survey the Allagash region. Survey the Allagash region to determine land that should be preserved as a conservation area and develop a plan for the use and administration of the Allagash region as a conservation area consistent with this chapter.

II. Acquire development rights. Undertake acquisition of development rights of specific lands or interests in lands which are suitable for conservation areas.

III. Enforce preservation of lands. Enforce the preservation of lands under its control as conservation areas during the duration of the authority.

IV. Cooperate with interested parties. Consult and cooperate with the landowners, conservation and naturalist groups and organizations in the planning and acquisition of conservation areas.

V. Promulgate rules and standards. Develop rules and standards for acquisition, maintenance and operation of the conservation areas under its administration.

VI. Formulate over-all program. Formulate an over-all program of land preservation of the Allagash region consistent with the purposes and provisions of this chapter.

Sec. 6. Acquisition of land interests. Land or interests in land acquired by the State pursuant to this chapter shall be acquired by the authority in the name of the State. They may be acquired by gift or otherwise on such terms and subject to such conditions and restrictions as the authority, after consultation with the Advisory Committee, may determine, subject to the final approval of the 102nd Legislature.

The authority may accept on behalf of the State grants and gifts of lands, money or other things of value to carry out the purpose of this chapter and may use such grants and gifts and any sums as may be appropriated to acquire lands for conservation areas.'

Sec. 2. Appropriation. There is appropriated to the Allagash River Authority from the General Fund the sum of \$10,000 for the fiscal year ending June 30, 1964 and the sum of \$10,000 for the fiscal year ending June 30, 1965 to carry out the purposes of this act.

Sec. 3. Expiration date. The provisions of this act shall terminate June 30, 1965.

PUC MUNICIPAL SEWER JURISDICTION

ORDERED, the Senate concurring, that the Legislative Research Committee is directed to make an investigation into the jurisdiction of the Public Utilities Commission relative to sewer systems in the municipalities of the State, especially pertaining to the limited jurisdiction by isolated provisions of sewer district charters; and be it further

ORDERED, that the Legislative Research Committee report the results of its study to the 101st Legislature.

The testimony offered at the public hearing held by the Committee on March 21, 1962 favored placing all phases of sewer operations in the municipalities of the State under full Public Utilities Commission control for regulation in the same manner as water and electric services. This position is endorsed by the Public Utilities Commission, which at the request of the Committee, prepared the attached cost estimate for setting up a sewer division within the Commission. The only registered opposition came from the Augusta and Waterville areas where existing sewer districts feel that a uniform State-wide control is unnecessary.

It should be noted that the eleven State regulatory commissions contacted by the Committee indicate a growing movement toward establishing regulations in the sewer operations field. These inquiries of the Committee have resulted in a considerable amount of information which will be of material assistance in organizing and administering such an operation.

The Committee believes that State-wide uniformity of accounting procedures, regulation of securities and rates and promulgation of uniform rules and regulations are needed

for the protection of the sewer user; and for these reasons, submits the following legislation to implement Public Utilities Commission supervision and regulation of sewer systems:

AN ACT to Regulate Sewer Utilities.

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

R. S., c. 44-A, additional. The Revised Statutes are amended by adding a new chapter to be numbered 44-A, to read as follows:

'Chapter 44-A.

Regulation of Sewer Utilities

Sec. 1. Legislative declaration. The regulation of public utilities as defined in this chapter is declared to be in the public interest, and this chapter shall be deemed to be an exercise of the police power of the State for the protection of the public welfare and all the provisions of this chapter shall be liberally construed for the accomplishment of that purpose, provided that no existing franchise shall be impaired thereby.

Sec. 2. Definitions. As used in this chapter the following words and terms shall have the following meanings:

I. Commission. The term "commission" shall mean and be limited to the Maine Public Utilities Commission.

II. Person. The term "person" shall mean and include any natural person, firm, association, district, corporation including municipal corporations, businesses,

trust or partnership owning, leasing or operating any sewer system or part thereof within this State. It shall not include the owners or operators of any industrial or manufacturing plants maintaining and operating sewer systems primarily in connection with its manufacturing operations.

III. Public utility. The term "public utility" shall mean and include every person and every lessee, trustee or receiver now or hereafter owning, leasing, constructing, operating or managing any sewer system in this State for compensation, paid or received directly or indirectly, but shall not include the owner or operator of any manufacturing or industrial plant owning or operating a sewer system primarily in connection with its manufacturing or industrial operations.

IV. Sewer utility. The term "sewer utility" shall include every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, owning, controlling, operating or managing any sewer system for compensation paid directly by the users thereof.

V. Sewer System. The term "sewer system" shall include any plant, system facility or property used or useful with the collection, treatment, purification or disposal of sewerage and sewerage effluent and residue for the public, and shall embrace treatment plants, pumping stations, intercepting sewers, pressure lines, mains, laterals and all necessary appurtenances and equipment,

and shall include all property, rights, easements and franchises relating to any such system, and deemed necessary or convenient for the operation thereof, except systems for the collection, treatment, purification or disposal of industrial wastes, or manufacturing plants owned or operated by such manufacturing plants.

VI. Territory. The term "territory" shall mean any area in this State whether within or without the corporate limits of any municipality.

Sec. 3. Registration of public utilities. Every public utility engaged on the effective date of this chapter in operating, constructing or extending any sewer system shall register with the commission within 60 days after the effective date of this chapter by filing with the commission a written statement setting forth the full legal name of the public utility, its principal place of business and its mailing address. Every public utility as defined by this chapter shall submit to the commission a copy of its charter, and shall describe the territory which the utility is authorized to serve, and shall further file such papers, documents or other matters which the commission may deem necessary and appropriate in order to carry out this chapter.

Sec. 4. Existing sewer systems.

I. Public utilities. Every public utility or any person, firm or corporation holding a valid or existing franchise whether construction has started or not, shall be entitled to continue serving the territory it serves

on the effective date of this chapter if, within 120 days after the effective date of this chapter said utility shall have complied with such rules and regulations and in such form as the commission shall have adopted and prescribed.

II. Conflicts. If the territory professed to be served by any utility conflicts with, overlaps or infringes upon any portion of the territory professed to be served by another utility, the commission, after public notice and public hearing shall resolve such conflict overlapping or infringement by a determination establishing and fixing such boundary line or lines between or among the professed territories as are required by public convenience and necessity, taking into consideration among such other matters as it may deem appropriate, questions of the public interest, health and welfare. In making such determination the commission shall state its reasons therefor and make findings on the subsidiary facts on which the determination is predicated.

Sec. 5. Initial rates and rules.

I. Initial rates. All rates and charges of every public utility in effect on the effective date of this chapter shall be the lawful rates and charges of the public utility. All such rates and charges shall continue in effect as lawful rates and charges unless and until changed by the commission as provided in this chapter.



II. Filing required. Within 6 months after the effective date of this chapter every public utility engaged on the effective date of this chapter in the construction or operation of a sewer system shall file with the commission a schedule showing all of its rates, classifications and charges for service of every kind furnished by it on the effective date of this chapter and a complete copy or all of its rules and regulations relating thereto in effect on the effective date of this chapter.

Sec. 6. Effective rates.

I. Present service. After the rates and charges provided in this chapter become effective no public utility shall charge or receive directly or indirectly, any other rate or charge for any class of service provided for in the filings required herein unless and until such rates and charges shall be changed by the commission in accordance with this chapter.

II. New service. If any public utility shall provide a new class of service not provided for in the filings required herein the public utility may furnish the new class of service and fix just, fair reasonable and compensatory rates and charges therefor. A schedule of any rates and charges so fixed shall be filed with the commission in accordance with this chapter.

Sec. 7. Commission approval of cost of construction of sewer system, method of financing and engineering standards.

All municipalities, persons, corporations and sewer companies, before commencing construction of any new sewer system or

any major addition to or alteration of an existing sewer system shall file with the commission in accordance with rules and regulations to be issued by it, and to the extent required by rules and regulations plans and specifications for such construction, additions or alterations for the advice of the commission as to cost, method of financing and adherence to proper engineering standards.

Sec. 8. Regulations and law applicable to public utilities. All public utilities shall be subject to all the provisions of chapter 44, so far as applicable and to such orders, rules and regulations as shall be adopted and promulgated by the commission under the authority of said chapter, and such public utility and the service rendered or furnished shall be included under the general supervision and regulation of the commission, and shall be subject to its jurisdiction and control in the same manner and to the same extent as service performed by other public utilities as provided in chapter 44.'

Sec. 2. Appropriation. There is appropriated to the Public Utilities Commission from the General Fund the sum of \$21,000 for the fiscal year ending June 30, 1964 and the sum of \$20,000 for the fiscal year ending June 30, 1965 to carry out the purposes of this act.

## PUBLIC UTILITIES COMMISSION

Sewer Division

<u>Estimated Expenditures</u>	<u>1st Year</u>	<u>2nd Year</u>
1 Utility Engineer II	\$ 8,372.00	\$ 8,788.00
1 Utility Accountant II	6,240.00	6,552.00
1 Clerk-Typist II	2,860.00	3,016.00
2 Desks	300.00	
2 Chairs	150.00	
1 Filing Cabinet	135.00	135.00
1 Typist Desk	150.00	
1 Typist Chair	75.00	
2 Side Chairs	100.00	
1 Adding Machine	325.00	
Classification of Accounts	250.00	
Annual Report Blanks	250.00	
Supplies	100.00	100.00
Traveling Expenses (Est.)	<u>1,693.00</u>	<u>1,409.00</u>
	\$21,000.00	\$20,000.00

SUMMARY

	<u>1963-64</u> <u>Full Year</u>	<u>1963--64</u> <u>9 Months</u>	<u>1964-65</u> <u>Full Year</u>
Salaries	\$17,472.00	\$13,104.00	\$18,356.00
Other	2,293.00	2,293.00	1,644.00
Equipment	1,235.00	1,235.00	---
	<hr/>	<hr/>	<hr/>
	\$21,000.00	\$16,632.00	\$20,000.00

REGULATION OF STRUCTURES NEAR AIRPORTS

Ask leave to report that the same should be referred to the 101st Legislature, and that the subject matter be referred to the Legislative Research Committee for study, and recommendations to be reported to the 101st Legislature--from the Committee on Legal Affairs on Bill, "An Act Relating to Control of Structures Near Airports."

The possibility of developing legislation to regulate structures constituting hazardous conditions to aviation near airports, patterned on S. P. 172, L. D. 418, Bill: AN ACT Relating to Control of Structures Near Airports, referred to this Committee by the 100th Legislature, after public hearing and consultations with the Aeronautics Commission, was indefinitely postponed by the Committee with the understanding that the Maine Aeronautics Commission would introduce appropriate legislation at the forthcoming session of the 101st Legislature.

RESIDENCE FOR PUBLIC ASSISTANCE

ORDERED, the Senate concurring, that the Legislative Research Committee be directed to study and report to the 101st Legislature on the feasibility of eliminating the residence requirement of applicants for public assistance.

The following statutory requirements govern state resident requirements in Maine for aid under the public assistance programs indicated:

Aid to Dependent Children

R. S., c. 25 §235. Eligibility for aid.--Aid shall be granted under sections 234 to 246 to any dependent child who is living in a suitable family home meeting the standards of care and health fixed by the laws of this State and the rules and regulations of the department. Sections 234 to 246 shall apply to any dependent child who has resided in the State for one year immediately preceding the application for such aid; or who was born within one year immediately preceding the application, if the parent or other relative with whom the child is living has resided in the State one year immediately preceding the birth of the child. (R. S., c. 22, §227, 1949, c. 396, §1. 1951, c. 270, §2. 1953, c. 308, §24.)

Old Age Assistance

R. S., c. 25, §283, sub-§III. Residence. Has resided in the State continuously for one year immediately preceding the application; (1959, c. 365, §1.)

Aid to the Blind

R. S., c. 25, §299, sub-§III. Residence. Has resided in the State continuously for one year immediately preceding the application; (1959, c. 365, §2.)

Aid to the Disabled

R. S., c. 25 §319-F, sub-§III. Residence. Has resided in the State continuously for one year immediately preceding the application; (1959, c. 365, §3.)

Except for ADC, one year's continuous residency has been required for assistance under each of the programs since their inception in this State. The original requirement of 5 year's continuous residency for ADC assistance was changed by P. L., 1937, c. 177, §2 to one year.

The requirement that an applicant has resided in the State "for 5 or more years within the 9 years immediately preceding application for . . ." Old Age Assistance, Aid to the Blind and Aid to the Disabled was eliminated by P. L., 1959, c. 365.

During the regular session of the 100th Legislature in 1961, legislation was introduced to abolish the one year residence requirement for each of the four programs (H. P. 564, L. D. 761). The bill was indefinitely postponed and the matter was assigned to this committee for further study.

Basically the opposition to the elimination of the residence requirement is that it will open the gates to greatly increased claims for assistance by indigent persons attracted from other states.

The principal argument for elimination of the requirement is the advantage in disposing of the administrative processing involved in determining applicant eligibility for assistance. This determination, according to the Department of Health and Welfare, "means routine processing, investigation and time-consuming verification of the residence factor in all applications . . ."

It should be noted that there has been no relaxation in the residence requirements in other states. (See U. S. Dept.

of Health, Education, and Welfare, Characteristics of State Public Assistance Plans Under the Social Security Act. Public Assistance Report No. 50, 1962):

Aid to Dependent Children

Forty-one States require one year residence immediately preceding application.

Alabama	Kansas	Nevada	Tennessee
Arizona	Louisiana	New Hampshire	Texas
Arkansas	Maine	New Mexico	Utah
California	Maryland	North Carolina	Virginia
Colorado	Massachusetts	North Dakota	Washington
Delaware	Michigan	Ohio	West Virginia
Florida	Minnesota	Oklahoma	Wisconsin
Idaho	Mississippi	Oregon	Wyoming
Illinois	Missouri	Pennsylvania	
Indiana	Montana	South Carolina	
Iowa	Nebraska	South Dakota	

One State requires 6 months residence immediately preceding application.

Kentucky

Eight States have no durational residence requirement.

Alaska	New Jersey
Connecticut	New York
Georgia	Rhode Island
Hawaii	Vermont

Old Age Assistance

Twenty-two States require one year immediately preceding application.

Alabama	North Dakota
Delaware	Pennsylvania
Georgia	South Carolina
Idaho	South Dakota
Illinois	Tennessee
Maine	Utah
Maryland	Virginia
Minnesota	West Virginia
Mississippi	Wisconsin
New Jersey	Wyoming
New Mexico	
North Carolina	

Sixteen States require 5 out of 9 years with one year immediately preceding application.

Arizona	Montana
California	Nebraska
Florida	Nevada
Iowa	New Hampshire
Kansas	Oklahoma
Louisiana	Oregon
Michigan	Texas
Missouri	Washington

Two States require 5 out of 9 years immediately preceding application.

Alaska	Colorado
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Three States require 3 out of 9 years with one year immediately preceding application.

Indiana	Massachusetts	Ohio
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One State requires 3 out of 5 years preceding application and last one year continuously.

Arkansas

One State requires 2 out of 6 immediately preceding application.

Vermont

Four States have no durational requirement.

Connecticut	New York
Hawaii	Rhode Island

One State requires 6 months immediately preceding application.

Kentucky

#### Aid to the Disabled

Twenty-nine States require one year immediately preceding application.



Alabama	New Jersey
Colorado	New Mexico
Delaware	North Dakota
Georgia	Ohio
Idaho	Oregon
Illinois	Pennsylvania
Iowa	South Dakota
Maine	Tennessee
Maryland	Utah
Massachusetts	Virginia
Michigan	Washington
Minnesota	West Virginia
Mississippi	Wisconsin
Missouri	Wyoming
Montana	

Eight States require 5 out of the last 9 years with one year immediately preceding application.

California	Nebraska
Florida	New Hampshire
Kansas	Oklahoma
Louisiana	Texas

Two States have no residence provision.

North Carolina	South Carolina
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One State requires 3 out of the last 5 years immediately preceding application and last one year continuously.

Arkansas

Four States have no durational requirement.

Connecticut	New York
Hawaii	Rhode Island

One State requires 6 months immediately preceding application.

Kentucky

One State requires 2 out of the last 6 years immediately preceding application.

Vermont

Four States have no program.

Alaska  
Arizona

Indiana  
Nevada

Aid to the Blind

Twenty-four States require one year immediately preceding application.

Alabama  
Delaware  
Georgia  
Idaho  
Illinois  
Maine  
Maryland  
Massachusetts  
Minnesota  
Nebraska  
New Hampshire  
New Jersey

New Mexico  
North Carolina  
North Dakota  
Pennsylvania  
South Carolina  
South Dakota  
Tennessee  
Utah  
Virginia  
West Virginia  
Wisconsin  
Wyoming

Eleven States require 5 out of 9 years with one year immediately preceding application.

Arizona  
California  
Florida  
Iowa  
Kansas  
Louisiana

Michigan  
Missouri  
Montana  
Oklahoma  
Texas

Five States have no durational requirement.

Connecticut  
Hawaii  
Mississippi

New York  
Rhode Island

One State requires 3 out of the last 5 years immediately preceding application and last one year continuously.

Arkansas

Three States require 3 out of the last 9 years with last one year continuously.

Indiana  
Ohio

Oregon

Two States require 5 out of the last 9 years immediately preceding application.

Alaska

Colorado

One State requires 2 out of the last 6 years immediately preceding application.

Vermont

One State requires 6 months immediately preceding application.

Kentucky

One State requires 5 out of the last 10 years immediately preceding application.

Washington

One State requires 2 out of the last 9 years with one year immediately preceding application.

Nevada

Elimination of the one year requirement is supported by:

1. The number of applications for assistance received and denied by the Department of Health and Welfare. During the year 1961:

Applications received	6,874
Total denied	2,551
Number denied because of residence	64
Number denied for all other reasons	2,487

The breakdown of the 64 denials is as follows:

OAA	5
ADC	51
AB	1
AD	7

2. Comparison of the average grants in the other New England States:

Comparison of Average Grants in New England States  
(Includes Medical Vendor Payments)

State	OAA	ADC*	AB	AD
Connecticut....	\$116.93	\$50.66	\$127.40	\$188.84
New Hampshire..	88.64	42.19	101.13	89.63
Massachusetts..	86.11	47.70	134.00	115.35
Rhode Island...	81.34	39.21	86.26	86.40
Vermont.....	71.16	30.63	63.67	61.94
Maine.....	69.00	28.88	72.80	68.73

\*Per recipient

3. The thought that general aid given to indigent families during the one year waiting period, at state or local expense, could be supplanted by grants of which the federal government would pay the largest share.

The Committee feels that the advantages cited by the proponents that an elimination of the one year residence requirement would 1) substantially reduce administrative processing in costs and staff time, 2) could result in federal financial participation, and 3) mean possible savings to municipalities, even if realized, would not be sufficient to warrant a departure from the present requirement.

The experience of the other states shows no willingness to accept these advantages, and while the Committee appreciates that the conduct of the affairs of this State is not dependent upon that of the other states, the fact that only

a very small percentage have eliminated or relaxed their requirements in an area in which they all have a similar responsibility provides a most meaningful precedent.

The Committee, therefore, recommends that there be no change made in the present statutory requirement of one year's residence as a condition of eligibility for assistance under each of the four state programs.

STATE AND MUNICIPAL SEWAGE PROBLEMS

RESOLVE, Providing for Legislative Research Committee Study of State and Municipal Sewage Problems.

Legislative Research Committee; study authorized.

Resolved: That the Legislative Research Committee be authorized to study the problem of sewage treatment and disposal by the State and municipalities.

The scope of the survey shall include all expenditures of funds used for surveying sewage problems in the State or as grants to assist sewer construction under the jurisdiction of the Department of Health and Welfare and the Water Improvement Commission; such survey shall include, but in no way be limited to, a study of the advisability of creating a quasi-municipal or other state authority to assist in the construction of sewage treatment or disposal systems for municipalities, separately or jointly, through the use of construction grants and long term rental agreements, and particularly the need for distribution of funds to municipalities on an equitable basis for the construction of sewage treatment and disposal systems.

The committee shall make such recommendations to the 101st Legislature as it shall deem necessary regarding the need for legislation to provide for suitable and economical treatment and disposal of state and municipal sewage.

The committee shall have the authority to employ such expert and professional assistance and such other personnel as in its judgment it may determine within the limits of funds provided; and be it further

Resolved: That the sum of \$25,000 be appropriated from the Unappropriated Surplus of the General Fund and that any balance of this fund as of June 30, 1962 shall not lapse, but be carried forward into the 1962-63 fiscal year to be used for the same purposes; and be it further

Resolved: That any donation from any individual, foundation or corporation may be accepted by the committee and used for the purposes of this resolve.

The Legislative Research Committee has approved the following report and legislative proposal by Committee attorneys on the state and municipal sewage problems study, authorized by Resolves, 1961, c. 22, which it submits herewith as the Committee report:

To the Honorable Members of the Legislative Research  
Committee of the One Hundredth Legislature

Gentlemen:

We submit herewith our report including legislation which has been the result of our deliberations over a period of time since we were asked by the State and Municipal Sewerage Problems Committee to review the matter.

We have been advised that we should avoid the use of the term "sewer district" and that the term "sanitary district" might mean a saving on interest charges as the term "sanitary district" for some reason seems to be more acceptable to those persons who buy municipal securities. Therefore, you will find that that term is used throughout our proposed legislation rather than the term "sewer district."

A number of alternative procedures have been considered and we will mention some which we have considered and rejected. After consulting with eminent bond counsel in New York, we were advised that the best course of action would be to prepare a form of charter which could be readily adapted to any geographical area where it was found that additional legislation was necessary to cure existing sanitary conditions. This would require legislative action upon every proposed district. This procedure removes some of the technical questions that can be raised with regard to the legal formation of sanitary districts under general enabling legislation but this proposal was rejected by us because of our understanding that the committee desired legislation which would allow the formation of sanitary districts when the Legislature was not in session. Therefore, you will find that our proposed legislation is in the form of an enabling act.

Another problem which we faced was the fact that sanitary problems usually evolve around areas not always consistent with municipal boundaries and must be dealt with according to the topography of the area. We, at one time, considered the possibility that an area more or less than a single municipality could form a sanitary district. However, when we came to draft legislation of a general enabling character the legislation became so complicated with regard to the method of describing boundaries, making up new voter lists, and so forth, that we determined that we could not write general enabling legislation which would meet the needs, be readily adaptable to the particular problem and practical in its application. Therefore, when a situation arises where a part of a town or parts of two or more towns wish to form a sanitary district rather

than the full towns themselves, we feel that they can use the general enabling legislation as a guide and present special legislation covering the particular geographical area.

Another proposal which was made to us was that the revenue bond provisions of Chapter 90-A should be rewritten so that revenue bonds could be issued to finance the construction of sanitary facilities and the revenues obtained from the use of such sanitary facilities would, in turn, pay off the revenue bonds. Thus we would have a self-liquidating situation. This proposal has been rejected as our investigation indicates that the rates that would have to be charged in order to pay off the revenue bonds would be prohibitive. Revenue bonds are payable solely out of charges that are levied and you will note that our general enabling legislation provides for a form of assessment against abutting owners which is another form of revenue readily available to cut down the initial capital expenditure in the construction of the system and which thus in turn reduces the charges to users of the system. Revenue bonds, before they could be salable, must prove their self-liquidating character through rates alone and assessments could not be considered.

Another problem that we have faced is whether or not storm drainage should be left with the municipality or placed in the hands of the sanitary district. Because many of our existing systems which may be taken over by newly formed sanitary districts presently combine both sanitary sewage and surface water drainage into a single system, we have determined that the sanitary district must have full control over storm drainage and the municipalities will have to pay fees to the sanitary district for the use of the facilities which the sanitary district constructs for this purpose.

We have been informed that the Committee will recommend to the 101st Legislature that all sewer districts or sanitary districts now in existence or hereafter formed shall be under the jurisdiction of the Public Utilities Commission. In accordance with this understanding we have specifically provided in the enabling legislation that the Public Utilities Commission shall have jurisdiction over rates, charges, financing and construction. This may not be necessary if other legislation is introduced and passed, as the other legislation may well cover the entire field.

In closing we might point out that the proposed enabling legislation is not exclusive legislation; that the power to carry on these functions is still vested in the cities and towns and that private and special legislation may be necessary to cover geographical areas which



have unique problems which cannot be reached under general enabling legislation. We understand that legislation may be introduced at the request of the Maine Municipal Association which will allow cities and towns to contract with one another to carry on joint municipal functions. If this legislation is introduced and passed this would be another method of handling this problem.

We appreciate the cooperation shown by the Committee and as problems may well arise in the future with regard to the proposed legislation, we stand ready to offer any further suggestions or amendments that may be necessary to carry out the Committee's wishes.

Respectfully submitted,

(s) William S. Linnell,  
Chairman

William S. Linnell, Chairman  
Charles W. Allen  
John W. Conti  
Roger A. Putnam  
Richard B. Sanborn

AN ACT Providing for the Formation of Sanitary Districts.

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

xxxx R. S., c. 51-A, additional. The Revised Statutes are amended by adding a new chapter 51-A, to read as follows:

'Chapter 51-A.

Maine Sanitary District Enabling Act.

Sec. 1. Short title. This chapter shall be known and may be cited as the Maine Sanitary District Enabling Act.

Sec. 2. Declaration of policy. It is declared to be the policy of the State to encourage the development of sanitary districts consisting of a municipality or 2 or more municipalities of sufficient size so that said districts may economically construct and operate sewage systems so as to assist in the abatement of the pollution of public streams, lakes and inland and ocean waters and enhance the public health, safety and welfare of the citizens of the State.

A sanitary district consisting of a municipality or 2 or more municipalities may only be formed where the Water Improvement Commission finds that there is a need throughout a part or all of the territory embraced within the proposed district for the accomplishment of the purpose of providing an adequate, efficient system and means of collecting, conveying, pumping, treating and disposing of domestic sewage and industrial wastes within the proposed district and that such purposes cannot be effectively accomplished throughout

a part or all of the territory of the proposed district by any existing public agency or agencies and that such purposes can be effectively accomplished therein on an equitable basis by a sanitary district if created and that the creation and maintenance of such a district will be administratively feasible and in furtherance of the public health, safety and welfare.

Sec. 3. Formation of a sanitary district. The residents of and the territory within a single municipality or within 2 or more municipalities may form a sanitary district, which shall be a body politic and corporate, by proceeding as follows:

I. Application. The municipal officers of the municipality or municipalities that desire to form a sanitary district shall file an application with the Water Improvement Commission on a form or forms to be prepared by said commission, setting forth the name or names of the municipality or municipalities that propose to form said district, and they shall furnish such other data as the commission may determine necessary and proper. The application shall contain but shall not be limited to, a description of the territory of the proposed district, the name proposed for the district which shall include the words "Sanitary District," a statement showing the existence in such territory of the conditions therein requisite for the creation of a sanitary district as prescribed in section 2. A copy of an engineering study

or studies shall be filed with said application.

II. Public hearing. Upon receipt of the application, the Water Improvement Commission shall cause a public hearing to be held thereon, in one of the municipalities within the proposed district. Notice of the hearing stating in general terms that the application for the creation of the proposed district has been filed and describing the proposed name and territory thereof shall be given by the commission by publication for 2 successive weeks in a newspaper of general circulation in the territory described in such application and also by causing the posting of such notice in at least one public and conspicuous place in each municipality in the proposed district at least 7 days before the date set for the hearing.

III. Approval of application. After the public hearing on the evidence received at said hearing the commission shall make findings of fact and conclusions thereon and determine of record whether or not the conditions requisite for the creation of a sanitary district exist in the territory described in the application. If the commission finds that such conditions do exist, it shall issue an order, approving the proposed district as conforming to the requirements of the act, and designating the name of the proposed district. The commission shall also give notice to the municipal officers within such municipality or municipalities of a date, time and place of a meeting of the municipal officers if a single

municipality, or a joint meeting of all of the municipal officers if the proposed district includes more than one municipality. The notice shall be in writing and sent by registered or certified mail, return receipt requested, to the addresses as shown on the application mentioned in subsection I. A return receipt properly endorsed shall be evidence of the receipt of notice. The notice shall be mailed at least 10 days prior to the date set for the meeting.

IV. Denial of application. If the commission after such public hearing determines that the creation of a sanitary district in the territory described in the application is not warranted for any reason, it shall make findings of fact and conclusions thereon and enter an order denying its approval. The Commission shall give notice of such denial by mailing certified copies of the decision and order to the municipal officers of the municipality or municipalities involved. No application for the creation of a sanitary district, consisting of exactly the same territory shall be entertained within one year after the date of the issuance of an order denying approval of the formation of such sanitary district, but this provision shall not preclude action on an application for the creation of a sanitary district embracing all or part of the territory described in the original application, provided that another municipality or fewer municipalities are involved.

V. Appeal. An appeal may be taken from an order of the Water Improvement Commission, approving or refusing to approve a sanitary district, to the Superior Court within and for the County of Kennebec by following the appropriate procedure set forth in the Maine Rules of Civil Procedure. This appeal shall go directly to the court and chapter 20-A shall not apply. The court may affirm, modify or set aside the order, or remand the case for further proceeding before the commission.

VI Joint meeting. The municipal officers of the municipality or municipalities within the proposed sanitary district shall meet at the time and place appointed. In the case where more than one municipality is involved they shall organize by electing a chairman and a secretary. No action shall be taken at any meeting of the municipal officers unless at the time of the convening thereof there are present at least 1/2 of the total number of municipal officers eligible to attend and participate at said meeting, other than to report to the Water Improvement Commission that a quorum was not present and to request said commission to issue a new notice for another meeting. The purpose of the meeting shall be to determine a fair and equitable number of trustees, subject to section 6, to be elected by and to represent each participating municipality. When a decision has been reached on the number of trustees and the number to represent each municipality within the limitations hereinafter

provided, this decision shall be reduced to writing by the secretary and must be approved by a vote of 2/3 of those present. Where 2 or more municipalities are involved, the vote so reduced to writing and the record of the meeting shall be signed by the chairman and attested by the secretary and filed with the Water Improvement Commission. In cases where a single municipality is involved, a copy of the vote of the municipal officers duly attested by the clerk of the municipality shall be filed with the Water Improvement Commission.

VII. Submission. When the record of the municipality or the record of the joint meeting, where municipalities are involved, has been received by the Water Improvement Commission and found to be in order, the commission shall order the question of the formation of the proposed sanitary district and other questions relating thereto to be submitted to the legal voters of the municipality or municipalities which fall within the proposed sanitary district. The order shall be directed to the municipal officers of the municipality or municipalities which propose to form said sanitary district, directing them to forthwith call town meetings or city elections, as the case may be, for the purpose of voting in favor of or in opposition to each of the following articles or questions, as they may apply, in substantially the following form:

A. Article : To see if the municipality will vote to join with the municipalities of (naming them) to form a sanitary district to be known as the (name) Sanitary District.

B. Article : To see if the inhabitants of and the territory within the Town or City of (name of town or city) will vote to incorporate as a sanitary district to be known as (name) Sanitary District.

C. Article : To see if the municipality will vote to approve the allocation of representation among the municipalities on the board of trustees as determined by the municipal officers and listed as follows:

Total number of trustees shall be \_\_\_\_\_ and the town of \_\_\_\_\_ shall be entitled to \_\_\_\_\_ trustees, etc.

D. Article : To see if the municipality will vote to approve the number of trustees determined by the municipal officers of the municipality and determined to be as follows:

The total number of trustees shall be \_\_\_\_\_.

E. Article : To choose (number) of trustees to represent the municipality on the board of trustees of the (name) Sanitary District. At any such town meeting or city election trustees shall be chosen to represent the municipality in the manner provided in section 7.



Sec. 4. Approval and organization. When the residents of the municipality or each municipality, where more than one is involved, have voted upon the formation of a proposed sanitary district and all of the other questions submitted therewith, the clerk of each of the municipalities shall make a return to the Water Improvement Commission in such form as the commission shall determine. If the commission finds from the returns that a majority of the residents within each of the municipalities involved, voting on each of the articles or questions submitted to them, have voted in the affirmative, and they have elected the necessary trustees and the names thereof to represent each municipality, and that all other steps in the formation of the proposed sanitary district are in order and in conformity with law, the Water Improvement Commission shall make a finding to that effect and record the same upon its records. The Water Improvement Commission shall, immediately after making its findings, issue a certificate of organization in the name of the sanitary district in such form as the commission shall determine. The original certificate shall be delivered to the trustees on the day that they are directed to organize and a copy of said certificate duly attested by the Chairman of the Water Improvement Commission shall be filed and recorded in the office of the Secretary of State. The issuance of such certificate by the Water Improvement Commission shall be conclusive evidence of the lawful organization of said sanitary district. The sanitary district shall not be operative until the date set by the Water Improvement Commission under section 9.

Sec. 5. Transfer of property and assets. When the territory of a municipality falls within a sanitary district which has been issued its certificate of organization and has assumed the management and control of the operation of the sewage facilities within its territorial limits, the trustees of said sanitary district shall determine what sewer property or properties including treatment plants owned by any municipality within said sanitary district shall be necessary to carry on the functions of the sanitary district and shall request in writing that the municipal officers of any municipality within said sanitary district convey the title to such sewer property to such sanitary district and said municipal officers shall make such conveyance without payment of consideration.

Sec. 6. Trustees. All of the affairs of a sanitary district shall be managed by a board of trustees which shall consist of not less than 5 nor more than 18 members, the exact number to be determined as set forth in section 3. No municipality within any sanitary district shall have less than one trustee. The number of trustees that such municipality shall be entitled to shall be in accordance with the determination that has been previously made and approved by the voters as provided in section 3.

Sec. 7. Election of trustees. Trustees shall be nominated and elected in the same manner as municipal officers are nominated and elected under chapter 90-A, or in accordance with a municipal charter, whichever is applicable. Upon receipt of the names of all the trustees, the Water Improvement

Commission shall set a time, place and date for the first meeting of the trustees, notice thereof to be given in the same manner as set forth in section 3, to determine the length of their terms. The terms shall be determined by lot in accordance with the following table:

<u>Total Number of Trustees</u>	<u>T E R M</u>		
	<u>1 year</u>	<u>2 years</u>	<u>3 years</u>
5	1	2	2
6	2	2	2
7	2	2	3
8	2	3	3
9	3	3	3
10	3	3	4
11	3	4	4
12	4	4	4
13	4	4	5
14	4	5	5
15	5	5	5
16	5	5	6
17	5	6	6
18	6	6	6

The trustees shall enter on their records the determination so made. The trustees shall serve their terms as determined at the organizational meeting and an additional period until the next regular election of the municipality. Thereafter the trustees' terms of office shall date from the time of each regular municipal election.

They shall organize by election from their own members a

chairman, a vice-chairman, a treasurer and a clerk and choose and employ and fix the compensation of such other necessary officers and agents who shall serve at their pleasure, and they shall also adopt a corporate seal. Prior to the election of said officers each trustee shall be sworn to the faithful performance of his duties.

The trustees may from time to time adopt, establish and amend by bylaws consistent with the laws of the State of Maine, and necessary for their own convenience and the proper management of the affairs of the district and perform any other acts within the powers delegated to them by law.

After the original organizational meeting the trustees shall meet annually at a time determined by their bylaws for the purpose of electing from among the members a chairman, vice-chairman, treasurer and clerk to serve until the next annual election and until their successors are elected and qualified. The treasurer shall furnish bond in such sum and with such sureties as the trustees shall approve, the cost thereof to be paid by the district. The chairman, vice-chairman, treasurer and clerk may receive such compensation for serving in these capacities as the trustees shall determine. This compensation shall be in addition to the compensation payable to them as trustees. The trustees shall also make and publish an annual report including a report of the treasurer.

At the expiration of the terms so determined the vacancy shall be filled for a term of 3 years and the trustees shall notify the municipal officers of the municipalities within the sanitary district before the annual town meeting or before the

regular city election if a city falls within the sanitary district, of the fact that a vacancy will occur so that the municipal officers in these municipalities may provide for the election of a trustee or trustees to fill the vacancy that will occur. All trustees shall serve until their successors are elected and qualified and may receive such compensation, not exceeding \$10 per meeting, as the trustees may determine.

When a vacancy on the board of trustees occurs by reason of death, resignation or otherwise, the municipal officers of the municipality that the trustee represented shall fill the vacancy by electing a trustee from the municipality to serve until the municipality shall fill the vacancy at its next annual town meeting or next regular city election. The person so chosen shall serve until his successor is elected and qualified. In case any member of the board of trustees shall remove from the municipality that he represents, a vacancy shall be declared to exist by the board of trustees and the municipal officers shall thereafter choose another trustee as provided.

No member of the board of trustees shall be employed for compensation as an employee or in any other capacity by the sanitary district of which he is a trustee, except as above provided.

Sec. 9. Operational date of sanitary districts. Notwithstanding the prior issuance of a certificate of organization, a sanitary district shall not be in operation and shall not exercise any of its powers granted herein until the date set by the Water Improvement Commission as provided in section 7. On the date so set, the sanitary district shall become operative

and the trustees shall assume the management and control of the operation of all of the public sewers, storm and surface water drains, treatment plants and related structures within the sanitary district, and the municipalities within said sanitary district on and after said date shall have no responsibility for the operation or control of the public sewers and storm and surface water drains and treatment plants within their respective jurisdiction other than to pay for services rendered to the municipality by the sanitary district.

Sec. 10. Purpose. The purpose of each sanitary district formed under this chapter shall be to construct, maintain, operate and provide a system of sewerage, sewage and commercial and industrial waste disposal and sewage treatment and of storm and surface water drainage, for public purposes and for the health, welfare, comfort and convenience of the inhabitants of the district.

Sec. 11. Powers. Each sanitary district formed under this chapter shall have the power, within the district and within the territory of any adjoining municipality, to lay pipes, drains, sewers and conduits, and to take up, repair and maintain the same or to contract for the same to be done, in, along and through any public or private ways and public grounds, and in, along and through lands of any person or corporation, to and into tidal waters, rivers, watercourses and treatment works or to or into any drain or sewer now or hereafter built which empties into tidal waters, rivers, watercourses and treatment works, the discharge therefrom to be at such points consistent with the requirements of public health as shall be found

convenient and reasonable for said district and the flow of existing watercourses; to construct and maintain treatment works, pumping stations, basins, reservoirs, flush tanks and such other appliances for collecting, holding, purifying, distributing and disposing of sewage matter and commercial and industrial waste and of storm and surface water, all as may be necessary or proper; and in general do any or all other things necessary or incidental to accomplish the purposes of the district.

Sec. 12. Right of eminent domain. Each sanitary district formed under this chapter is authorized and empowered to acquire and hold real and personal property necessary or convenient for its purposes, and is granted the right of eminent domain, and for such purposes is authorized to take and hold, either by exercising its right of eminent domain or by purchase, lease or otherwise, as for public uses any land, real estate, easements or interests therein, and any sewers, drains or conduits and any sewer or drainage rights necessary for constructing, establishing, maintaining and operating sewers, drains, reservoirs, flush tanks, manholes, catch basins, treatment works, pumping stations and other appliances and property used or useful for collecting, holding, purifying, distributing and disposing of sewage matter and commercial and industrial waste and surface and waste waters.

Sec. 13. Condemnation proceedings. Each sanitary district formed under this chapter, in exercising from time to time the right of eminent domain conferred upon it by section 12, shall file in the office of the county commissioners of the county in which the property to be taken is located and cause

to be recorded in the registry of deeds in said county plans of the location of all lands, real estate, easements or interest therein, and sewers, drains or conduits and any sewer or drainage rights to be taken, with an appropriate description and the names of the owners thereof, if known. When for any reason any such district fails to acquire property which it is authorized to take and which is described in such location, or if the location so recorded is defective and uncertain, it may, at any time, correct and perfect such location and file a new description thereof; and in such case any such district is liable in damages only for property for which the owner had not previously been paid, to be assessed as of the time of the original taking, and any such district shall not be liable for any acts which would have been justified if the original taking had been lawful. No entry shall be made on any private lands, except to make surveys, until the expiration of 10 days from such filing, whereupon possession may be had of all said lands, real estate, easements or interests therein and other property and rights as aforesaid to be taken, but title thereto shall not vest in the district until payment therefor.

Sec. 14. Appeal. If any person sustaining damages by any taking by a sanitary district under section 13 shall not agree with such district upon the sum to be paid therefor, either party, upon petition to the county commissioners of the county in which the property is located, may have said damages assessed by them; the procedure and all subsequent proceedings and right of appeal thereon shall be had under the same restrictions, conditions and limitations as are or may be by



law prescribed in the case of damages by the laying out of highways by the county commissioners.

Sec. 15. Crossing other public utilities. If any sewer line of any sanitary district formed under this chapter crosses the property or line of any other public utility, unless consent is given by such other public utility as to place, manner and conditions of the crossing within 30 days after such consent is requested by such district, the Public Utilities Commission shall determine the place, manner and conditions of such crossing; and all work on the property of such public utility shall be done under the supervision and to the satisfaction of such public utility, but at the expense of the district. Nothing herein contained shall be construed as authorizing any such sanitary district to take by right of eminent domain any of the property or facilities of any other public utility used, or acquired for future use by the owner thereof, in the performance of a public duty unless expressly authorized by special act of the Legislature.

Sec. 16. Entry of private sewer. Any person may enter his private sewer into any sewer of a sanitary district formed under this chapter while the same is under construction and before completion of such sewer at the point of entry, on obtaining a permit in writing from the trustees of the district; but after the sewer is completed to the point of entry and an entrance charge established on that location, no person shall enter his private sewer into such sewer until he has paid the entrance charge and obtained a permit in writing from the trustees. All such permits shall be recorded by the clerk of

the district in its records before the same are issued.

Sec. 17. Contracts for disposal of sewage. Any sanitary district formed under this chapter is authorized to contract with persons, corporations, districts and other municipalities, both inside and outside the boundaries of the district, and with the State of Maine and the United States Government or any agency of either, to provide for disposal of sewage and commercial and industrial waste and storm and surface water through the district's system and through the system of any such person, corporation, district or other municipality; and every other district and municipality of the State of Maine is authorized to contract with such sanitary district for the collection, distribution, treatment and disposal of sewage and commercial and industrial waste and storm and surface water, and for said purposes any such municipality may raise money as for other municipal charges.

Sec. 18. Conditions for carrying out work. When any sanitary district formed under this chapter shall enter, dig up or excavate any public way or other land for the purpose of laying its sewers, drains or pipes, constructing manholes or catch basins or their appurtenances, or maintaining the same, or for any other purpose, the work shall be done expeditiously, and on completion of the work the district shall restore said way or land to the condition it was in prior to such work, or to a condition equally as good. Whenever the character of the work is such as to endanger travel on any public way, the municipal officers of the municipality in which the work is being done may order a temporary closing of such way, and of

any intersecting way, upon request of said district, and the way shall remain closed to public travel until such municipal officers deem it restored to a condition safe for traffic.

Sec. 19. Inspection of sewers. The officers or agents of each sanitary district formed under this chapter shall have free access to all premises served by its sewers, at all reasonable hours, for inspection of plumbing and sewage fixtures, to ascertain the quality and quantity of sewage discharged and the manner of discharge, and to enforce the provisions of this chapter and the rules and regulations prescribed by the trustees of the district.

Sec. 20. Connection of private sewers. Every building in a sanitary district formed under this chapter intended for human habitation or occupancy or with facilities for discharge or disposal of sewage or commercial or industrial waste, which is accessible to a sewer or drain of such district, shall have a sanitary sewer or drainage system which shall be caused to be connected with such sewer or drain of the district by the owner or person against whom taxes on the premises are assessed, in the most direct manner possible, within 90 days after receiving request therefor from the district, or within such further time as the trustees of the district may grant, and, if feasible, with a separate connection for each such building. Existing buildings which are already served by a private sewer or drainage system shall not be required to connect with any such sewer or drain of the district so long as, in the judgment of the trustees, such private sewer or drainage system functions in a satisfactory and sanitary manner, and does not

violate any law or ordinance applicable thereto or any applicable requirement of the State Plumbing Code. A building shall be deemed to be accessible to a sewer or drain of the district for the purposes of this section if such building, or any private sewer or drain directly or indirectly connected thereto or carrying sewage or commercial or industrial waste therefrom, shall at any point be or come within 100 feet of a sewer or drain of the district; provided that nothing in this section shall require the owner of any such building to acquire any real property or easement therein for the sole purpose of making such connection.

Sec. 21. Injury to property of districts. Any person who shall place, discharge or leave any offensive or injurious matter or material on or in the conduits, catch basins or receptacles of any sanitary district formed under this chapter contrary to its regulations, or shall willfully injure any conduit, pipe, reservoir, flush tank, catch basin, manhole, outlet, engine, pump or other property held, owned or used by such district shall be liable to pay twice the amount of the damages to the district, to be recovered in any proper action; and such person, on conviction of any of said acts or willful injury aforesaid and any person who violates sections 19 or 20 shall be punished by a fine of not more than \$200 or by imprisonment for not more than one year, or by both.

Sec. 22. Exemption from taxation. The property, both real and personal, rights and franchises of any sanitary district formed under this chapter shall be forever exempt from taxation.

Sec. 23. Bonds. Any sanitary district formed under this chapter for the purposes of accomplishing its objectives, of paying and refunding its indebtedness, of paying any necessary expenses and liabilities incurred under this chapter, including organizational and other necessary expenses and liabilities whether incurred by the district or any municipality therein, the district being authorized to reimburse any municipality therein for any such expenses incurred or paid by it, and in acquiring properties, paying damages, laying sewers, drains and conduits, constructing, maintaining and operating sewage and treatment plants, or systems, and making renewals, additions, extensions and improvements to the same, and to cover interest payments during the period of construction, by resolutions of its board of trustees, without district vote, but subject to approval of the Public Utilities Commission under chapter 44, is authorized to borrow money and issue, from time to time, bonds, notes or other evidences of indebtedness of the district in one series, or in separate series, in such amount or amounts, bearing interest at such rate or rates, and having such terms and provisions as the trustees shall determine, subject to such approval of said Public Utilities Commission. Any such bonds, notes and evidences of indebtedness may be issued to mature serially or made to run for such periods as the trustees, subject to such approval of the Public Utilities Commission, may determine. Bonds, notes or evidences of indebtedness may be issued with or without provision for calling the same prior to maturity, and if callable, may be made callable at par or at such premium as the trustees,

subject to such approval of the Public Utilities Commission, may determine. All bonds, notes or other evidences of indebtedness shall be signed by the treasurer and countersigned by the chairman of the board of trustees of the district, and if coupon bonds are issued, the interest coupons attached thereto shall bear the facsimile of the signature of the treasurer. All such bonds, notes and evidences of indebtedness so issued by any such district shall be legal obligations of the district, and all districts formed under this chapter are declared to be quasi-municipal corporations within the meaning of chapter 90-A, section 23. Subject to the foregoing provisions of this section, any such district may, from time to time, issue in one series or in separate series, its bonds, notes and other evidences of indebtedness, for the purpose of paying, redeeming or refunding outstanding bonds, notes or evidences of indebtedness, and each authorized issue shall constitute a separate loan. All bonds, notes and evidences of indebtedness issued by any such district shall be legal investments for savings banks in the State of Maine and shall be tax exempt.

Any such district is authorized and empowered to enter into agreements with the State of Maine or United States Government, or any agency of either, or any municipality, corporation, commission or board authorized to grant or loan money to or otherwise assist in the financing of projects such as such district is authorized to carry out, and to accept grants and borrow money from any such government, agency, municipality, corporation, commission or board as

may be necessary or desirable to accomplish the purposes of the district.

Sec. 24. Rates. All persons, firms and corporations, whether public, private or municipal, shall pay to the treasurer of any district formed under this chapter the rates, tolls, rents, entrance charges and other lawful charges established by the trustees and approved by the Public Utilities Commission for the sewer or drainage service used or available with respect to their real estate, which rates shall include rates for such district's readiness to serve charged against owners of real estate, abutting on or accessible to, sewers or drains of the district, but not actually connected thereto, whether or not such real estate is improved.

Rates, tolls, rents and entrance charges shall be uniform within such district, whenever the cost to the district of installation and maintenance of sewers or their appurtenances and the cost of service is substantially uniform; but nothing shall preclude the district, subject to approval of the Public Utilities Commission, from establishing a higher rate, toll, rent or entrance charge than the regular rates, tolls, rents and entrance charges in sections where, for any reason, the cost to the district of construction and maintenance, or the cost of service, exceeds the average, but such higher rates, tolls, rents and entrance charges shall be uniform throughout the sections where they apply.

The sewer rates, tolls, rents and entrance charges shall

be so established as to provide revenue for the following purposes:

I. Current operating expenses. To pay the current expenses of operating and maintaining the sewerage, drainage and treatment system of the district;

II. Payment of interest and principal. To provide for the payment of interest and principal on the indebtedness created by the district;

III. Sinking fund for retirement of obligations. To provide each year a sum equal to not less than 1% nor more than 5% of the entire indebtedness created by the district, which sum shall be turned into a sinking fund and there kept to provide for the extinguishment of said indebtedness. Money set aside for the sinking fund shall be devoted to the retirement of the obligations of said sanitary district, and invested in such securities as savings banks in this State are allowed to hold;

IV. Surplus. If any surplus remains at the end of the year, it may be turned into the sinking fund.

Sec. 25. Assessments. When any sanitary district formed under this chapter has constructed and completed a common sewer, the trustees may, if they so determine in order to defray a portion of the expense thereof, determine what lots or parcels of land are benefited by such sewer, and estimate and assess upon such lots and parcels of land, and against the owner thereof, or person in possession or



against whom taxes thereon are assessed, whether said person to whom the assessment is so made shall be the owner, tenant, lessee or agent, and whether the same is occupied or not, such sum not exceeding such benefit as they may deem just and equitable towards defraying the expense of constructing and completing such sewer, together with such sewage disposal units and appurtenances as may be necessary, the whole of such assessments not to exceed 1/2 of the cost of such sewer and sewage disposal units. The trustees shall file with the clerk of the district the location of such sewer and sewage disposal unit, with a profile description of the same, and a statement of the amount assessed upon each lot or parcel of land so assessed, a description of each lot or parcel, and the name of the owner of such lots or parcels of land or person against whom said assessment shall be made, and the clerk of such district shall record the same in a book kept for that purpose, and within 10 days after such filing, each person so assessed shall be notified of such assessment by having an authentic copy of said assessment, with an order of notice signed by the clerk of said district, stating the time and place for a hearing upon the subject matter of said assessments, given to each person so assessed or left at his usual place of abode in said district; if he has no place of abode in said district, then such notice shall be given or left at the abode of his tenant or lessee if he has one in said district; if he has no such tenant or lessee in said district, then by posting said notice in some conspicuous

place in the vicinity of the lot or parcel of land so assessed, at least 30 days before said hearing, or such notice may be given by publishing the same once a week for 3 successive weeks in any newspaper of general circulation in said district, the first publication to be at least 30 days before said hearing; a return made upon a copy of such notice by any constable in any municipality within the district or by any sheriff or deputy sheriff or the production of the newspaper containing such notice shall be conclusive evidence that said notice has been given, and upon such hearing the trustees shall have power to revise, increase or diminish any of such assessments, and all such revisions, increases or diminutions shall be in writing and recorded by the clerk of the district.

Sec. 26. Appeal on assessment. Any person aggrieved by the decision of said trustees as it relates to any assessment for sewer construction under section 25 shall have the same rights of appeal as are provided in the case of laying out of town ways.

Sec. 27. Lien for unpaid assessments. All assessments made under section 25 shall create a lien upon each and every lot or parcel of land so assessed and the buildings upon the same, which lien shall take effect when the trustees file with the clerk of the district the completed assessment, and shall continue for one year thereafter; and, within 10 days after the date of hearing on said assessment the clerk of the district shall make out a list of all such assessments, the amount of each, and the name of the person

against whom the same is assessed, and he shall certify the list and deliver it to the treasurer of said district; if said assessments are not paid within 3 months from the date thereof, the treasurer may bring a civil action for the collection of said assessment in the name of the district against the person against whom said assessment is made and for the enforcement of said lien. The complaint in such action shall contain a statement of such assessment, a description of the real estate against which the assessment is made, and an allegation that a lien is claimed on said real estate to secure the payment of the assessment. If no service is made upon the defendant or it shall appear that any other persons are interested in such real estate, the court shall order such further notice of such action as appears proper, and shall allow such other persons to become parties thereto. If it shall appear upon trial of such action that such assessment was legally made against said real estate, and is unpaid, and that there is an existing lien on said real estate for the payment of such assessment, judgment shall be rendered for such assessment, interest and costs of suit against the defendants and against the real estate upon which the assessment was made, and execution shall issue thereon to be enforced by sale of such real estate in the manner provided for a sale on execution of real estate attached on original process; provided that in making said sale the officer shall follow the procedure in selling and conveying, and there shall be the same rights of redemption,

as provided in chapter 91-A, section 87.

Sec. 28. Civil action for unpaid assessments. If assessments under section 25 are not paid, and any such district does not proceed to collect unpaid assessments by proceedings as prescribed in section 27, or does not collect or is in any manner delayed or defeated in collecting such assessments by proceedings under section 27, then the district in its name may maintain a civil action against the party so assessed for the amount of said assessment, as for money paid, laid out and expended, in any court of competent jurisdiction, and in such suit may recover the amount of such assessment with 10% interest on the same from the date of said assessment and costs.

Sec. 29. Assessment paid by persons other than owner. When any assessment under section 25 shall be paid by any person against whom such assessment has been made, who is not the owner of such lot or parcel of land, then the person so paying the same shall have a lien upon such lot or parcel of land with the buildings thereon for the amount of said assessment so paid by said person, and incidental charges, which lien shall continue for one year and which lien may be enforced in a civil action for money paid, laid out and expended, and by attachment in the way and manner provided for the enforcement of liens upon buildings and lots under chapter 178.

Sec. 30. Collection of unpaid rates. There shall be a lien on real estate served or benefited by the sewers of

any district formed under this chapter to secure the payment of rates established and due under section 24 which shall take precedence over all other claims on such real estate, excepting only claims for taxes.

The treasurer of the district shall have full and complete authority and power to collect the rates, tolls, rents and other charges established under section 24 and the same shall be committed to him. The treasurer may, after demand for payment, sue in the name of the district in a civil action for any rate, toll, rent or other charge remaining unpaid in any court of competent jurisdiction. In addition to other methods established by law for the collection of rates, tolls, rents and other charges, and without waiver of the right to sue for the same as aforesaid, the lien hereby created may be enforced in the following manner. The treasurer, when a rate, toll, rent or other charge has been committed to him for collection, may, after the expiration of 3 months and within one year after date when the same became due and payable, in the case of a person resident in the district, give, or cause to be given to such person, or leave or cause to be left, at his last and usual place of abode, a notice in writing signed by the treasurer stating the amount of such rate, toll, rent or other charge, describing the real estate upon which the lien is claimed, and stating that a lien is claimed on said real estate to secure the payment of said rate, toll, rent or other charge and demanding within 30 days after the service of such

notice payment as aforesaid. In the case of a nonresident of the district the aforesaid notice shall be given by registered or certified mail addressed to his last known address or by publication in a newspaper of general circulation within the district once a week for 2 successive weeks, and shall demand payment within 30 days after the mailing thereof or the first publication of notice thereof as aforesaid. After the expiration of said period of 30 days and within one year thereafter, the treasurer shall record in the registry of deeds of the county in which the property of such person is located a certificate signed by the treasurer setting forth the amount of such rate, toll, rent or other charge, describing the real estate on which the lien is claimed, and stating that a lien is claimed on the real estate to secure payment of said rate, toll, rent or other charge and that a notice and demand for payment of the same has been given or made in accordance with this section and stating further that such rate, toll, rent or other charge remains unpaid. At the time of the recording of any such certificate in the registry of deeds as heretofore provided, the treasurer shall file in the office of the district a true copy of such certificate and shall mail a true copy thereof by registered or certified mail to each record holder of any mortgage on said real estate, addressed to such record holder at his last and usual place of abode. The fee to be charged by the district to the rate payer for such notice and filing shall not exceed \$1.50, and the fee to be charged to the district by the register of deeds for filing and

recording shall not exceed \$1.

The filing of the aforesaid certificate in the registry of deeds as aforesaid shall be deemed to create, and shall create, a mortgage on the real estate therein described to the district which shall have priority over all other mortgages, liens, attachments and encumbrances of any nature, except liens, attachments and claims for taxes, and shall give to the district all the rights usually possessed by mortgagees, except that the district as mortgagee shall not have any right to possession of said real estate until the right of redemption hereinafter provided for shall have expired. If the mortgage, together with interest and costs, shall not have been paid within 18 months after the date of filing of said certificate in the registry of deeds as herein provided, the mortgage shall be deemed to have been foreclosed and the right of redemption to have expired. The filing of the certificate in the registry of deeds shall be sufficient notice of the existence of the mortgage hereby provided for. In the event that said rate, toll, rent or other charge, with interest and costs as aforesaid, shall be paid within the period of redemption herein provided for, the treasurer of the district shall discharge the mortgage in the same manner as provided for discharge of real estate mortgages.

Sec. 31. Supplementary charges. Any sanitary district formed under this chapter shall be authorized to impose charges, in addition to any other assessments now lawfully imposed by general law, for the use of sewers, sewer systems

and treatment works, and the trustees may adopt such rules and regulations as may be necessary or convenient to carry out the purposes of such district. All incidental powers, rights and privileges necessary to the accomplishment of the purposes of the district are granted to the district and its trustees, including the right of its trustees to determine when and where sewerage and treatment facilities and disposal units are needed and when and where the same shall be constructed.

Sec. 32. Powers exercised according to general laws. All the rights, powers and duties conferred upon sanitary districts under this chapter shall be exercised and performed in accordance with, and subject to any applicable provisions of chapter 44.

Sec. 33. Provisions supplemental to other law. This chapter shall be deemed to provide an additional and alternative method for the doing of the things authorized thereby, and shall be regarded as supplemental and additional to powers conferred by other laws and shall not be regarded as in derogation of any powers now existing.'



STATE PERSONNEL OPERATIONS

ORDERED, the Senate concurring, that the Legislative Research Committee be directed to study the operation of the Personnel Department, including the administration of the Employees' Salary Pay Plan in order to ascertain if legislation is necessary to insure the proper administration of said plan.

This study, in effect, represents a continuum of various studies made by the Committee, from time to time, of State personnel operations. The Committee has found, as in previous studies, that much of the confusion surrounding the State personnel operation directly results from misunderstandings of the policies of the Department of Personnel.

The emphasis of the present study is directed particularly to the administration of the Employees' Salary Pay Plan (Jacobs Plan) adopted by the State Personnel Board as a result of an annual appropriation of \$400,000 made available by the 100th Legislature. The plan, excluding longevity steps, was installed July 1, 1961 on the following basis: each employee was placed on the step of the new pay grade for his classification that was equal to or reflected the next higher dollar amount than he was presently receiving. Any employee whose present salary was found to be above Step E of the grade to which his position was allocated, retained his present salary. The number of employees and the amounts of increases are shown in the chart below.

<u>Number of Employees</u>	<u>Amount of Increases</u>
952	\$0.
592	\$ .50
1,545	\$1.00
577	\$1.50
720	\$2.00
772	\$2.50
232	\$3.00
802	\$3.50
487	\$4.00
56	\$4.50
210	\$5.00
202	\$5.50
352	\$6.00 and over

The installation, as predicted, provided higher recruiting minimums and, in many classifications, placed the State in a fair competitive position as to hiring. In view, however, of the variable amounts of increases, certain morale problems were noted. As a possible means of alleviating these problems, an attempt was made within available funds to control merit increases in a way that seniority relationships between employees would be maintained as closely as possible. A memorandum was released to all departments June 30, 1961, which withheld increases to employees who were on Step 6 of the old plan and became eligible as a result of higher maximums within the Jacobs Plan, until a thorough study could be made to determine whether or not all departments and institutions could support increases within their own budgets. It was recognized that this would effect the entire merit increase program and, therefore, recommendations were made that department heads withhold merit increases on individuals in lower steps where morale would be affected, until the situation could be clarified.

This had the effect of stabilizing the pay plan until the special session in November, 1961. At the session, a joint order was passed which requested departments to review their budgets to determine whether increases to the so-called Step 6 employees could be afforded within present funds. It was determined that this could be done and, in December, 1961, a memorandum was released to all departments indicating that merit increases could be given to employees who had heretofore been frozen because of limited funds. The total annual cost to the General Fund of this action was approximately \$250,000, thereby increasing approximately one-fourth of the employees or 1,682. In obtaining the money for the increase, departments utilized the recommended actions set forth in the joint order November 28, 1961.

It seems obvious that no salary survey plan, irrespective of how well done, can remain static. Constant changes in administration and necessary staffing require a constant review of the administration of the overall program. The plan has required very little adjustment in allocations during the one and one-half years it has been in effect, and its overall operation seems satisfactory. The Committee believes that the adoption and administration of the present plan represents a definite gain toward better State employee salary control.

STATE PURCHASING OPERATIONS

ORDERED, the Senate concurring, that the Legislative Research Committee is directed to study the phase of the operation of the Bureau of Purchases wherein centralized warehousing and greater standardization of requisitioned materials and supplies by the respective departments and agencies of State Government would be desirable as a means of accomplishing greater economy in the operation of State Government. The Committee shall make such recommendations, if consistent with their findings, as will suggest either statutory amendments or changes in inter-departmental rules and regulations, or both; and be it further

ORDERED, that the Committee report the results of its study to the 101st Legislature.

I.

It is apparent after study that the adoption of centralized warehousing is not feasible for Maine at this time.

II.

We feel that the Standardization Committee has a real role to fill in State Purchasing. It is obvious that the department purchasing and using the purchased item must be ultimately responsible for accepting the purchase. It is also obvious that the State Purchasing Agent cannot dictate to a department what kind or make of article that department must buy. The State Purchasing Agent supported by the Standardization Committee, however, must be prepared to actively assist departments in getting the most for their money. In this regard the Standardization Committee must be prepared to acquaint itself with many of the articles purchased, and should request and review analysis of the purchases, both as to their value for service performed and dollar costs.

We feel that no legislation is needed in this area. We urge the State Purchasing Agent and the Standardization Committee to use their power to the fullest. We do, however, recommend legislation to increase the per diem for the two public committee members to \$25.00.

### III.

We recommend legislation to the effect that all publications required by statute shall so indicate with reference to chapter and section of the statute at some appropriate place within the document. We recommend legislation to the effect that all publications issued by departments of the State not required by law shall so indicate at some appropriate place within the document and shall further indicate the source of funds used to cover the cost of printing the documents.

We urge as strongly as possible that all department heads continue to procure the advice of the Division of Public Printing prior to letting any printing contracts so as to insure that the most reasonably priced method of printing is being used for what is required. We do not wish to recommend legislation covering this point at this time, but would suggest that appropriate rules be adopted by the Appropriations Committee requiring a copy of each publication issued by every department in the previous biennium be deposited with the Committee at the time of the department's hearing before the Appropriations Committee. We would urge the Appropriations Committee to review from time to time printing costs and if necessary to recommend legislation covering this point.

IV.

We recommend appropriate legislation to remove the present exemption granted the State Board of Education from the use of the services of the State Purchasing Agent.

It should be noted that the Department of Education and the State Teachers Colleges are governmental units which are appropriated funds by the Legislature on a line basis rather than a grant and which are not required to use the State Purchasing Agent. It should further be noted that the State Teachers Colleges are now all four-year institutions of higher learning. So long as the Legislature wishes to control funds granted to this Department and these colleges, it should also require the Department and these institutions to use the services of the State Purchasing Agent.

It should be noted that in a recent year the State Teachers Colleges voluntarily purchased less than one per cent of the total number of purchases through the State Purchasing Agent. It was learned by the subcommittee that many housekeeping items were purchased separately and independently by the Colleges. Although as the Presidents argued, thought was given to the original purchase order, it appeared from investigation that repeat orders were generally filled without competition. It further appeared upon investigation that savings made generally available by means of specification reports from the State Purchasing Agent were either not known to or adopted by the Colleges.

Although general figures for the time spent by the State Teachers Colleges on bookkeeping, encumbering and other

administrative details connected with purchasing were submitted, no estimate of the time spent by any of the Presidents or their assistants on the actual dealing with sellers were submitted. Upon investigation, it appeared that the President or his assistants spent considerable time upon purchasing matters. While this is perhaps an administrative function, it is time-consuming and most of it is largely routine. Good administration requires that the President should be free of the time-consuming detail involved in handling the routine requisition of college materials and supplies. This would permit him to devote more time to the administration of educational policy and to take personal action and responsibility in the relatively small percentage of cases requiring his personal judgment. The special needs of an educational institution such as text books and laboratory equipment can be readily filled through the State Purchasing Agent as they are for the State Library, State Hospitals and Highway Department, all of which now process their purchases through the Purchasing Department. Although it may be necessary to add an additional clerical position to the Bureau of Purchases, to handle the increased load, the position would also relieve the presently employed buyers of the major part of the routine clerical duties now required of them, and increase the amount of time which they could devote to their primary jobs.

AN ACT Increasing Compensation of Public Members of  
Standardization Committee.

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

R. S., c. 15-A, § 37, amended. The 2nd paragraph of Section 37 of chapter 15-A of the Revised Statutes, as enacted by section 1 of chapter 340 of the public laws of 1957, is amended to read as follows:

'The Governor or his representative, the State Purchasing Agent and the appointed department or agency heads or their representatives shall serve on the Standardization Committee without additional compensation but shall be reimbursed for expenses incurred in connection with such service. The 2 public members shall be paid the necessary expenses incurred in the performance of their duties, and in addition thereto, they shall each receive ~~\$15~~ \$25 per day for attendance at committee meetings.'



AN ACT Relating to Publications Printed or Published by the  
State.

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

xxx R. S., c. 15-A, §35-A, additional. Chapter 15-A of the Revised Statutes, as enacted by section 1 of chapter 340 of the public laws of 1957, is amended by adding a new section 35-A, to read as follows:

'Sec. 35-A. State publications to indicate authority or source of funds. All publications printed or published by the State as a requirement of law shall set forth the authority for the same at an appropriate place on each copy printed or published. Publications printed or published by the State which are not required by law shall set forth the source of funds by which the publication is printed or published at an appropriate place on each copy. This section shall not apply to publications paid for out of the legislative appropriation.'

AN ACT Removing Exemption of State Board of Education from  
Authority of State Purchasing Agent.

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

xxxx R. S., c. 15-A, §35, amended. The 2nd paragraph of section 35 of chapter 15-A of the Revised Statutes, as enacted by section 1 of chapter 340 of the public laws of 1957, is amended to read as follows:

'The trustees of the University of Maine, ~~the-State Board-of-Education~~ and the directors of the Maine Port Authority may authorize the Department of Finance and Administration to act for them in any purchases.'

TAXATION OF PUBLIC UTILITIES

ORDERED, the Senate concurring, that the Legislative Research Committee be authorized to study the distribution to municipalities of taxes on railroads, telephone and telegraph companies and public utilities and the relationship of such taxes to local property taxes, and the State franchise tax; and be it further

ORDERED, that the Committee report the results of its findings to the 101st Legislature.

The committee, under the foregoing order, has considered three Maine public utilities of significant size that are state-wide in character, and whose taxation position in the states varies considerably from each other. They are railroad companies, telephone companies, and power companies. The taxation of these commercial institutions has grown over the years somewhat haphazardly, frequently under the stress of immediate fiscal requirements and within an overall state and local tax framework which is constantly changing. Unfortunately, when one segment of this framework is investigated for the purpose of taking corrective measures, many related tax and fiscal problems become involved to the extent that the problem of adjustment becomes almost endless.

For this reason, while the Committee will make certain general observations regarding the assigned problem, specific recommendations will not be made, because they would suffer from the many ills from which our tax system in general suffers, and thus merely compound the difficulties.

The Committee will discuss the general subject of taxation in Maine, recommend a course of action which it

feels would be of great value to the state, and urge upon the 101st Legislature the passage of legislation to bring it about.

In discussing taxation in general, it should be kept firmly in mind that it is the single most important source of strength and progress in our state and local government. Each political party appreciates the needs of the state in the various fields which characterize a state as being first or second rate in comparison with its sister states; as doing its duty by its citizens; as doing its duty to the nation. These things are recognized, but their accomplishment requires money which the productive capacity of the state can supply to the various levels of government through the state's taxation system. Therefore, it is highly essential, that a state operate under a taxation system which reflects accurately in each of its parts the ability of its productive capacity and resources to support public affairs.

A state with great resources can perhaps get by with inefficient, illogical and wasteful tax practices and still have enough money to accomplish an apparently decent job of state government while at the same time not unduly injuring part or all of its industry and its citizens. But a state without great industrial or natural resources must as a condition of its survival be exceedingly wise and efficient in its tax practices and the methods by which it secures approval for those

taxation measures which are right and necessary. Maine has more than an average number of problems which are expensive to solve. No other state is in greater need of dealing with its taxation problems with wisdom. Maine's future accomplishments can only be what its tax system can provide for carrying out these accomplishments. In this connection, it would be well to remember that even bonded indebtedness at any governmental level is merely anticipating the strength and viability of the taxation system which will service the debt.

Most are aware of the fiscal problems of the towns and cities with regard to the extent of the tax base. Should real property be the only source of income or should local sales or gross receipts taxes be allowed? Is there an effective method of taxing intangibles? Is the taxation of wildlands within the organized territories realistic? What assistance should be given in the assessment procedures? Should the income from huge industrial properties which service an entire area accrue to the town of location? Are debt limits and their method of determination adequate and realistic? What are the fiscal implications of school, water, sewer and other districts to the towns involved and how should their debt limits be determined in relation to the other obligations of the town or towns involved? Should residential and commercial property be taxed alike? Has the exemption from taxation of property within the municipalities gotten out of hand? At what point have

the towns reached their tax capacity and to what degree is state subsidation needed to enable them to carry out adequately the functions assigned to them under the law?

At the state level, the sales tax, its level and its exemptions, is in need of continual review. The question of personal and corporate income taxes should be periodically checked out. The level of all the specific taxes, such as those on cigarettes, liquor, inheritance, franchises, utilities, wildlands, racing, et cetera need to be studied with regard to their relationship to the overall tax structure, and as to whether they are too high or too low relative to the ability of the individual tax base to pay. Particularly, the matter of motor vehicle taxation needs regular assessment. A study of tax practices of other states might lead to the discovery of new revenue sources. The matter of dedicated revenues versus undedicated revenues is continually open to question, and should be dealt with as a part of the entire fiscal problem of the state. Since the Highway Fund is all ready carrying a heavy debt load, the General Fund has been bonded for two legislative sessions and will very likely be called upon for more in the coming biennium, and many of the states' statutory entities (such as the Maine Industrial Building Authority, the teacher colleges and the University of Maine) are pledging the full faith and credit of the state on their bond issues, the matter of a rational and sound debt policy is of paramount need.

Maine has no coordinated means of dealing with these problems, and, most particularly, is poorly equipped to deal with the problem of taxation through its biennial consideration by the joint Committee on taxation. Seldom is any member of this committee equipped with the background to decide tax issues rationally. Committee consideration bears little or no relation to the federal, state and local tax structure in general. It is carried out with no knowledge of tax theory, with no opportunity to study the strength of the tax base, and with no means of evaluating the information given by hearing witnesses all of whom are against the proposed legislation and none of whom testify under oath. Since there is seldom any intellectual basis for the committee report, the Legislature has for guidance only a split mess of personal prejudice, confusion and ignorance. Committee reports are frequently brought out at the end of the session, debated with more fire than logic, and passed or killed or compromised on the basis of the strength of the contending pressure groups. Occasionally, either from some brief flash of horror at the absurdity of this process or at the downright danger of its probable results, a tax study is commissioned. If the study is any good and recommends reform, the task is so monumental and distasteful that it languishes in the file for want of a sponsor, or, if, on the other hand, it is a rambling historical treatise and a non-controversial whitewash of the status quo, it merely produces a warm glow of

satisfaction together with a continued bad tax structure. At this point, it should be pointed out that the Committee is discussing the very guts of the life of the state, the basis from which the state progresses or stands still or slides backward.

Other states have, of course, encountered this problem. The Federal Government is struggling with it mightily and ineffectively at this particular moment. The Committee believes that the experience of the State of Indiana bears careful study and adoption by the State of Maine. An outline of the problem and its handling by Indiana as reported by the Council of State Governments (in State Government, Winter, 1961), is appended to this report.

The conclusions of the committee, which it hastens to admit are practically worthless are as follows:

1. The taxation of power companies appears to be most logical, if it is workable, and the test of time and the lack of specific complaints at the public hearing from either the municipalities or the power companies would indicate that it is workable. There remains the question of whether the characteristics of the industry, its position within the State and its competitive problems indicate that it should be paying a franchise tax to the general fund of the state as well. This, the committee is not competent to decide.

2. The telephone tax represents a substantial removal of taxable property from the municipalities in the light of current tax practice in Maine of



taxing real property where found. These taxable properties, or a reasonably equated income therefrom, should be returned to the municipalities, and, in addition, the State should look to the telephone companies as a source of general fund revenue, through the net amount accruing to the General Fund after adjustment to the municipalities must inevitably be considerably less than is now realized. Just how much each of these amounts should be, and how the money should be returned to the towns if the state is to do the collecting rather than removing the exemption from local property taxation as in the case of the power companies, the Committee is not competent to judge. It is possible that a gross-net tax similar to the railroad tax should be constructed for the telephone companies, with the basic gross figure being sufficient to compensate the municipalities for the property removed from their tax base by the State exemption. The head count method of redistribution to the municipalities has not, in the opinion of the Committee, had sufficient evidence presented to assure that it correlates properly with local property exempted under the law, and the Committee is not convinced that it might not be subjecting the tax structure to further gerrymandering with little to recommend it other than simplicity. This is not to say, that tax laws are not too often unnecessarily complicated, nor that simplicity is not a virtue to

be striven for in tax matters, it is merely that more evidence than simplicity should be presented to assure its validity. Were a new method of compensating for the presently exempted local property developed, the rebate to the towns now carried out on the basis of phone company stock owned in the towns would necessarily be eliminated.

3. The railroad tax should probably be continued on a gross net basis as it is now with the basic gross figure set at a level sufficient to compensate the towns for the substantial loss of taxable property occasioned by the exemption now in the law, this amount to be rebated on the basis of a mileage formula. The matter of taxation of railroad rolling stock needs to be clarified, and the current exemption should be reviewed to see if the scope of the exemption could be reduced. The rebate to the towns now carried out on the basis of railroad stock owned in the towns would necessarily be eliminated. All of this raised questions of constitutionality which needs to be resolved.

In summary, the Committee believes that: 1. The concept of statutory removal of utility property from the municipal tax base is no longer valid, except as convenience in assessment and collection both to the municipalities and the utilities concerned. 2. While there is at present an attempt to offset this removal with a rebate based on the number of shares of stock on the utility owned in municipality, this method is now obsolete and inadequate.

3. Assuming payments to the municipalities adequate to compensate them for the property removed from tax rolls, then the State General Fund will have to adjust downward its income expectations from utility taxes. 4. These questions should be resolved in consonance with the entire tax structure operating within the state, federal and local levels by those far more competent to decide them than the members of this Committee, working under conditions more conducive to a thoughtful solution to the overall problem as well as each of its parts.

The Committee recommends the establishment of a Maine Tax and Fiscal Policy Commission, and submits the following legislation for that purpose:

AN ACT Creating a Permanent Commission on Tax Financing  
Policy.

Preamble. Whereas, time and facilities are required to keep information on the tax structure of the State current; and

Whereas, there is a great variety of taxes and charges for special services which should be very carefully examined; and

Whereas, in the past the work of the various tax study commissions has been seriously handicapped by lack of time and a complete change of personnel of each commission; and

Whereas, a tax study commission would be better qualified to make a complete and more comprehensive study of the tax structure of the state, county and city governments if the commission was a permanent one without a complete change of personnel every 2 years; and

Whereas, a commission to which the Legislature can refer specific problems relating to taxation and financing for investigation and report would greatly facilitate and expedite the deliberations and decisions of the Legislature; and

Whereas, a commission holding public hearings from time to time would be in a position to investigate and report to the Legislature as to complaints of taxpayers claiming inequities, loopholes and maladministration in the raising of revenue and could recommend corrections, improvements, additions or subtractions where deemed desirable; and

Whereas, continuing demands upon the state's fiscal system require a sound debt policy; and

Whereas, the commission could, when instructed by the Legislature, investigate all modern and changing methods of revenue raising and in general all financing and revenue producing means by which public projects can be financed and operated at the expense of those benefiting from the project rather than at the expense of the general taxpayer; now, therefore,

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

Sec. 1. R. S., c. 16--A, additional. The Revised Statutes are amended by adding thereto a new chapter, to be

numbered 16-A, to read as follows:

'Chapter 16-A.

Commission on State Tax and Financing Policy.

Sec. 1. Declaration of policy. It is declared to be the policy of the Legislature of the State of Maine to promote a revenue raising structure in Maine that will provide adequate revenues to carry on the efficient operation of the state, county and city governments and at the same time will assure that its burdens will be shared equitably by all taxpayers. It is further declared to be the policy of the Legislature of the State of Maine to encourage and bring about the accomplishment of enforcement policies and administrative practices that will result in maximum return from existing taxes to the State of Maine at a minimum cost to the taxpayers.

Sec. 2. Commission on State Tax and Financing Policy.

For the purpose of carrying out the policy set forth in section 1, there is established a bi-partisan commission to be known as the Commission on State Tax and Financing Policy.

Sec. 3. Members of commission; Qualifications. The commission shall be composed of members as follows:

Four members to be appointed by the Speaker of the House of Representatives of the 101st Legislature, 2 of which shall be members of the House of Representatives and 2 of which shall be from private life. One member from the House of Representatives and one member from private life shall be appointed by the Speaker of the House of

Representatives of the 101st Legislature for a term of 4 years; and one member from private life and one member of the House of Representatives shall be appointed for a term of 2 years. Thereafter the Speaker of the House of Representatives of each succeeding regular session of the Legislature shall appoint one member from the House of Representatives and one member from private life to serve for a term of 4 years.

Four members to be appointed by the President of the Senate of the 101st Legislature. Two members shall be members of the Senate and 2 members shall be from private life. One member from the Senate and one member from private life shall be appointed by the President of the Senate of the 101st Legislature for a term of 4 years; and one member from private life and one member of the Senate shall be appointed for a term of 2 years. Thereafter the President of the Senate of each succeeding regular session of the Legislature shall appoint one member from the Senate and one member from private life to serve for a term of 4 years.

The remaining members of the commission shall be the Governor, the Commission of Service and Administration, and the State Tax Assessor, who shall serve as members of the commission by virtue of their office.

Of the appointments to be made by the Speaker of the House of Representatives of the 101st Legislature, not more than 2 members appointed shall be members of the same political party, and thereafter of the appointments to be made by the Speaker of the House of Representatives the

members to be appointed shall not be members of the same political party. In the event any member of the House of Representatives is appointed to serve on the commission for a term of 4 years and is not a candidate or is defeated at the next general election for the office of state representative, his term as a member of the commission shall expire on the first day of the regular session of the Legislature following such election; the Speaker shall then appoint a successor to serve for the unexpired term who shall be a member of the House of Representatives and shall be of the same political party as his predecessor. In the event any member appointed by the Speaker of the House of Representatives ceases to be a member of the commission, for any reason not enumerated in this section, the Speaker shall appoint a successor to fill his unexpired term, and such successor shall be of the same political party. If the former member of the commission was a member of the House of Representatives, his successor shall be a member of the House of Representatives. If the former member of the commission was from private life, his successor shall be from private life.

Of the appointments to be made by the President of the Senate of the 101st Legislature, not more than 3 members appointed shall be members of the same political party, and thereafter of the appointments to be made by the President of the Senate the members to be appointed shall not be members of the same political party. In the event any member of the Senate who has served in his current term for more

than 2 years as a member of the Senate is appointed to serve on the commission for a term of 4 years and is not a candidate or is defeated at the next general election for the office of state senator, his term as a member of the commission shall expire on the first day of the regular session of the Legislature following such election; the president shall then appoint a successor to serve for the unexpired term who shall be a member of the Senate and shall be of the same political party as his predecessor. In the event any member of the commission appointed by the President of the Senate ceases to be a member of the commission, for any reason not enumerated in this section, the president shall appoint a successor to fill his unexpired term, and such successor shall be of the same political party. If the former member of the commission was<sup>a</sup>/member of the Senate, his successor shall be a member of the Senate. If the former member of the commission was from private life, his successor shall be from private life.

Sec. 4. Organization of Commission.-- The commission shall elect a chairman and vice-chairman from among its members. Six members of the commission shall constitute a quorum. The members of the commission shall serve without compensation. They shall be reimbursed for travel and other expenses incurred by them in the performance of their duties. The Legislative Finance Officer shall serve as Secretary of the Commission.

I. Powers and duties of commission.--The commission shall study and investigate the present state, county, and



city tax structure of the State of Maine, its revenue-producing characteristics and effects upon the economy of the State of Maine; its equalities and fairness; the enforcement policies and administrative practices thereof; the costs of collection in relationship to the burden of the tax; and shall examine overall administrative matters, fiscal matters and procedural problems of the various departments of state, county and city governments as they related to tax and financing policy. The commission shall make recommendations thereon to the end that there will be formulated certain guiding policies that will assure the accomplishment of the policy expressed in this chapter.

II. Either house of the Legislature shall have the right and privilege to refer by resolution any tax or financing problems and correlated matters to the commission for study and research. When any such matter is referred to the commission, the commission shall make a study of the problem submitted and shall make a report thereon.

III. Not later than the first day of December of any year preceding the convening of any regular session of the Legislature, the commission shall make a written report of its findings and recommendations. Sufficient copies of the report shall be deposited with the Legislative Research Committee on or before the first day of December of such year for distribution of the same by the Committee to each member of the in-coming Legislature and to any person that may request copies of the report. The commission shall have the authority to print and distribute additional copies of

the report as deemed necessary by the commission.

Sec. 5. Hearings by commission; Information and statistics from state Agencies. The commission may, for the purposes of carrying out the provisions of this chapter, hold such hearings and sit and act at such times and places, and take such testimony, as the commission may deem advisable. Any member of the commission may administer oaths or affirmations to witnesses appearing before the commission.

The commission is authorized to secure directly from any state or local governmental agency in the State of Maine, information, suggestions, estimates, and statistics for the purpose of this Chapter; and each such agency is authorized and directed to furnish such information, suggestions, estimates, and statistics directly to the commission, upon request made by the chairman or vice-chairman.

Sec. 6. Cooperation of State Departments. Each shall cooperate fully with the Commission in assisting it in the accomplishment of the duties imposed by this Chapter.

Sec. 7. Technical and professional assistance. The commission may employ such technical and professional assistance as may be necessary for it to properly carry out its duties under this chapter, that the cost of such services shall not exceed in any one year the amount of the appropriation for the commission.'

Sec. 2. Appropriation. There is appropriated from the General Fund the sum of \$6,250 for the fiscal year

ending June 30, 1964 and the sum of \$6,250 for the fiscal year ending June 30, 1965 to carry out the purposes of this act.

A PERMANENT TAX STUDY COMMISSION:  
INDIANA'S SUCCESSFUL EXPERIENCE

by Robert J. Pitchell

There is scarcely a state which has not used a tax study commission at one time or another in the postwar years. State and local financial problems have become larger and more complex. Many states do not have trained, competent, professional research staff among their political appointees to deal with these problems. And with ever-increasing fiscal needs there is a natural tendency for political leaders in some states to shift the burden for recommending tax increases onto an ostensible, fact-finding research group.

Tax study commissions have taken several main forms: as legislative interim committees; as citizens' committees (often including legislators and administrators) appointed either by the legislature or the Governor; and as official state study commissions. Tax studies have also been made as special projects of legislative reference bureaus, Governors' regular staffs, and the research divisions of departments of revenue.

Unlike budgetary agencies, most tax study commissions have been created for an annual or biennial period only. It seems to be generally assumed that expenditures of funds require attention perennially, but that in revenue matters a thorough research report should result in corrective legislative action of an enduring or at least semipermanent nature.

State fiscal problems are of a serious and recurring nature, however. Recent legislative sessions in some states have dramatically highlighted this development. Even though many of these problems are highly charged politically, many hard, technical, fiscal facts must be faced.

#### BIRTH OF THE INDIANA COMMISSION

The usual answer to recurring state tax problems has been the recreation of interim tax study commissions at successive legislative sessions. Indiana (Indiana's need for tax study commissions has been emphasized by the function of its Legislative Reference Bureau as a bill-drafting agency primarily), for example, has had a long history of this practice. Such groups were created in 1915, 1929, 1933, 1934, 1937, 1939, 1941, 1946, 1947 and 1951, either by legislative mandate or by initiative of the Governor.

Each of these groups issued a report, accompanied by recommendations. In a few cases the commission's work

played an important role in significant tax changes. However, the Indiana State Chamber of Commerce summed up the work of the preceding study groups in a report to the 1951 Commission.

Although the reports and recommendations have represented long hours of conscientious work on the part of the many public-spirited citizens and officials, only the report of the 1946 Commission was adopted substantially by the following session of the general assembly. This latter fact points up the importance of an interpretive campaign and action program on the part of this Commission, if it desires to see its recommendations enacted into law ("A Guide to the Study of the Indiana State Tax Structure," Indianapolis, 1951, p. 6. mimeo).

Indiana established a permanent tax study commission in 1953 in response to these needs.

#### INVOLVED IN POLICY MAKING

In creating the commission, the legislature made several important decisions. The "whereas" clauses of the enabling act cited the need for more tax data and the many research advantages which would accrue from a permanent tax study commission, but the change in the purpose of the agency from a pure study group to an integral part of the policy-making process was of greatest significance. This change was symbolized by the new name, "Commission on State Tax and Financing Policy."

The commission was directed to "make recommendations... to the end that there will be formulated certain guiding policies that will assure the accomplishment of the policy expressed in this act (Section 5, Chapter 241, Acts 1953 Indiana)." The language of the act was flexible enough to allow the commission considerable latitude in choosing the techniques it would use to help formulate new tax policy. The evolution of the commission's thinking on this matter will be discussed below.

#### INDEPENDENT AND NONPARTISAN

The commission was made an independent agency rather than an appendage to an established one. Its independent status was closely allied with a desire to make its work as non-partisan as possible. This was accomplished, not by attempting to segregate it from politicians, but by appointing to the commission a diverse group of elected political leaders and private individuals. The experience with previous tax study commissions had indicated a workable plan for realizing these objectives. The commission was composed of the State Revenue Board (Governor, Treasurer and Auditor), and four legislators and four private individuals appointed by the

two presiding officers of the legislature--each officer appointing a Democratic and Republican member of his body and a Democratic and Republican civilian. Terms were for four years, and staggered in order to insure continuity.

This structure has had several important effects. Nonpartisan independence has been achieved to a degree which may not have been fully anticipated. Deliberations and decision-making have proceeded almost entirely on technical or philosophical lines. The guiding philosophy has been fiscal conservatism, but this has not followed the line of either major party; or, as one observer has commented, it has followed the line of major elements in both parties. An important part of this bipartisan detachment from party lines can be attributed to Indiana's use of the gross income tax as the major base for state revenue and the property tax as the major base for local revenue. Fundamentally, both of these bases are acceptable to both political parties, and neither party has adopted a clear set of alternative changes within the present tax structure.

The maintenance of a nonpartisan approach has been fairly remarkable when one considers that in the three biennia since the establishment of the commission the state's whole tax structure has been reviewed each time, and final disagreement has appeared only in the recommendations of the 1954 report. In 1958 the commission agreed unanimously on a series of nine recommendations for changes in the property tax system and unanimously agreed to retain the gross income tax after seriously considering the sales and net income taxes as replacements for it.

In any event, the whole tone of the commission's work has been nonpartisan. This is reflected in its choice of staff. No director, research associate, consultant or clerical staffer has been put to a political test before or after hiring. The reaction of commission members on the few occasions when one of their number did attempt to use the commission for partisan purposes substantiates the nonpartisan attitudes of the members. In each instance the rest of the members firmly refused to acquiesce in the proposal.

#### ITS ROLE IN POLICY FORMATION

In several important ways, however, the commission has been deep in politics in the sense of policy formation. The character of its involvement has evolved over the years in response to changing concepts of its function in the policy-making process.

Every study commission is faced with a set of alternatives on the scope of its activities if these are

not specified or limited by statute or legislative mandate. It can compile data, analyze it and write reports on its investigations. It can follow this up with recommendations to the Governor and the legislature. It can attempt to implement these recommendations with a publicity and educational program for the public at large and elected public officials. During the legislative session its staff can provide administrative assistance to the Governor and legislature on fiscal matters. And, finally, it can have bills prepared implementing its recommendations, and its staff can coordinate efforts to insure the passage of these bills.

The Indiana commission's first attempt to go beyond fact-finding and report-writing was initiated immediately after the permanent commission was created. It took the form of an education program to create public support for the commission's efforts in the 1953-1955 biennium. A preliminary report was prepared as the basis for public hearings, after which a final report was written.

In the following biennium an expanded research program was carried out, and the Director served as an unofficial administrative aide for the Governor and legislative leaders in their considerations of tax legislation. In neither session were the commission's recommendations adopted substantially.

After the 1957 session it was evident that greater success would depend upon full contact with the political and legislative process. The commission initiated an expanded public relations program early in the 1957-59 biennium. Speeches were made to every type of audience throughout the state explaining the commission's program and recommendations. Intimate contacts with state and local political leaders, administrators, interest groups and other opinion leaders were developed and used. Press, radio and TV coverage of commission meetings were initiated and encouraged. And, as staff reports were finished and commission recommendations were agreed on, statewide distribution of five brief printed reports were made to 2,000 opinion leaders and communications media. Commission members and staff made a series of public appearances before the Legislative Advisory Commission, and unanimous approval of the commission's recommendations was secured shortly before the convening of the legislature. The commission also participated in prelegislative conferences operated by Indiana University and the State Chamber of Commerce.

Just prior to the 1959 session seven bills implementing the commission's recommendations were prepared with the aid of the Legislative Reference Bureau's legal staff, and these bills were carefully guided through every step of the legislative process.

All seven bills passed both houses. Three bills called for major changes in the property tax assessment process, three for important changes in the assessment process of less scope than the major bills, and the seventh called for a major reorganization and expansion of the fiscal data collection procedures in the state's tax collection agencies. The Governor vetoed one of the minor assessment bills on the advice of the Attorney General as to its doubtful constitutionality.

The composition of the commission and the unanimous vote on all its recommendations contributed substantially to the successful operation of this phase. The commission's four legislative members were top leaders in the two houses. They became sponsors of the bills and led the floor fights for their enactment. This bipartisan sponsorship sustained the nonpartisan aura of the commission's work in the prelegislative period. The importance of the role of the legislative leaders can be measured by the fact that neither party had formally adopted the commission's proposals as part of its legislative program prior to the session, and the Governor was not committed.

Full involvement in the political process enabled the commission staff to participate in a series of meetings early in the session with public officials and private interest groups which had a vital interest in the bills. These meetings helped resolve some of the basic differences between the groups, and contributed substantially to discovering and solving many of the technical problems which were inherent in such highly complex legislation. These matters certainly would have been raised in committee or on the floor of the legislature, and might well have endangered passage of the bills on either of those occasions.

A similar advantage accrued when the bills reached the committee and floor stages. The commission was able to discuss and arrive at modifications with the Governor's office, administrative officials and legislators on new problems which arose in those stages. It is most likely that none of the major bills would have become law if the original commission recommendations had not been translated into bill form, and if the original bills had not been carefully guided through the negotiations necessary to obtain the consent of the major elements in the legislative process. In the Indiana experience, the evidence indicates that many of the failures and frustrations of interim commissions whose functions are limited to research and report writing arise from their premature withdrawal from the political process and their subsequent inability to maintain the flexibility necessary to deal with that process successfully.



## THE VALUE OF PERMANENT STATUS

But the success of the commission's efforts in 1959 must be attributed to more than its full involvement in the political process. Its permanent status undoubtedly was a primary factor in developing mastery of the techniques for dealing successfully with the political process.

Accumulated staff experience eliminated much of the "learn by experience" problems of temporary commissions. The commission members also accumulated wider knowledge of Indiana's tax structure and developed greater insights into state and local tax problems. Most members began their commission service with a good background in public finance, and many of them have become serious students of the subject over the years. The commission also proved adept at allocating its very modest resources (\$25,000 per annum) more effectively. And the continuing use of the most knowledgeable consultants available reduced errors in strategy and tactics to a minimum.

Permanence also enabled the commission to create a center for tax research in its office. Continuing tax data records were established, and a substantial library on state and local tax literature from other states was gradually accumulated and was kept up-to-date.

A crucial advantage of permanent status, moreover, was the growth over the years of the commission's impact upon the state's political agencies. After six years of sustained effort, the Governor and administrative agency heads began to pay careful attention to its activities. Among the multitude of special interim commissions and competing interest groups, its stature gradually became high enough to command special attention.

This sustained effort further enabled the commission to tackle major legislation with success at a time when no fiscal crisis was forcing action. It may be considered axiomatic (in fiscal policy, at least) that major changes can be accomplished only in times of crises or after a long buildup of effort.

## HIGH STANDARDS OF MEMBERS, STAFF

Of relevance was the commission's decision in 1957 to hire as Director a trained political scientist, familiar with the operation of the Indiana legislature, who was on close terms with legislative and interest group leaders, and the further employment of experienced economists and public finance men to carry out the technical staff reports on taxation.

Finally, the unusually high caliber of appointments among both legislative and private members of the commission resulted in the setting of high standards of performance for the staff and in continuous and significant contributions to the work of the commission.

#### PROBLEMS REMAIN

In spite of the commission's recent successes, however, problems remain. Its staff has not been as permanent as expected. No Director has remained for more than one biennial period. The commission has set high professional standards for this position. As a result the main source for selections has been the state's colleges and universities (Many privately employed tax men would also qualify, but most of them are too well paid to consider employment by the state even for short periods.). Three of the four Directors have been on full or partial academic leave of absence while serving. The pay available gives academicians of the desired caliber little inducement for permanent service with the commission. Thus the expectation that the full-time staff should be one of the strongest sources of continuity in the commission has not worked out completely. A considerable measure of continuity has been achieved, however, by the appointment of former Directors as consultants to the commission.

#### QUESTIONS OF REPRESENTATION

As the commission has grown in stature and significance, interest groups which have had no direct representation on it (and which had not sought this) have begun to press for affiliation. This has raised the always ticklish question of group representation.

The enabling act allows the heads of the two houses of the General Assembly complete discretion, other than party affiliation and legislative or private individual status, in their appointments of commission members. Of the non-ex-officio members appointed since 1953, five lawyers, two academicians, one farm representative and seven businessmen have been named to the commission for varying periods of time. The vocational composition of the commission at the beginning of each biennial period since 1953 (including overlapping members) has been:

	1953	1955	1957	1959
Lawyers	3	3	2	3
Academicians	1	-	-	1
Large corporation Executives	1	2	3	2
Small businessmen	2	2	2	1
Farmer representatives	1	1	1	1

Labor, teachers' groups, local officials, special taxpayer groups and special organizations such as the League of Women Voters have been the major groups without official representation. Prior to 1959 only the League had sought an appointment.

The commission has responded to this problem by scheduling appearances of all interested persons and groups before it. Directors have informally conferred with aggrieved taxpayers and interest groups on a continuing basis. In 1959 at the urging of the AFL-CIO, after the appointment of three tax experts from business organizations as consultants, the president of the state AFL-CIO was also made a consultant.

Part of the failure of some organized groups to achieve representation came from their lack of interest in the commission's work. Others have not had staff members with the technical knowledge of fiscal problems they would need to assist in the commission's work.

The greatest drawback to full group representation, however, comes from the wide range of groups which have a vital interest in tax policy. Virtually every important interest group falls into this category. To give them all representation would tend to make the commission unmanageable.

Nevertheless, interest groups without representation are not likely to sit by idly as the commission's influence increases. A minor rumble of what may be in store for the commission occurred during the 1959 session when one Senator disparagingly called a staff member a lobbyist and suggested that he leave the floor of the Senate.

#### OTHER CONSIDERATIONS

A less serious problem arises from the essentially conservative attitude of taxpayers toward major changes in fiscal policy. Although taxpayers perennially clamor for lower taxes, their resistance to the use of a new major tax base is well known. Businessmen are particularly sensitive on this point because of the high legal and accounting costs which arise when one major tax is substituted for another. And chambers of commerce, not without justification, are desirous of maintaining a stable fiscal system as an inducement to new industry--unless, of course, the present tax structure is considered to be detrimental to business.

A permanent tax commission must therefore learn to pace its program to achieve a proper balance between fiscal stability and the implementation of desirable fiscal reforms.

The Indiana commission has a few fiscal problems of its own. Its budget has been adequate for basic staff, travel and research requirements, but the commission has not been able to undertake extensive surveys which on several occasions would have been the only source of vitally needed information.

The commission has also found that its fiscal needs are substantially greater in the first year of the biennium, when the heaviest expenditures for research, consultation, travel and printing are normally made. An increased appropriation in the first year and a reduced allocation in the second year would be the obvious answer to this problem. The commission may adjust its budget request accordingly for the next biennium.

#### CONCLUSION

The Indiana experience with the continuing problems of state and local taxation indicates that something more than temporary, interim study commissions is needed to resolve the technical and political problems inherent in the formation of policy in such a vital area. Even from the research aspect alone, the permanent commission offers advantages which cannot be matched, except possibly by the most expensive kinds of crash programs or by the employment of the top fiscal research men in the country.

To participate in the full fiscal policy-making process, a permanent agency is almost indispensable today. Of course no serious student of the political process would hold that any formula will guarantee success in public policy formation. Some political situations are beyond planned control. It can be said with considerable assurance, however, that the failure of tax study commissions to pursue their recommendations through the final stages of the legislative process will sharply diminish the chances for enactment of those recommendations, unless a powerful Governor is prepared to assume the burden of legislative initiative. Otherwise, by withdrawing from the political arena at the conclusion of the research program, a political vacuum is created which inevitably will be filled by individuals or groups who may not have prepared themselves adequately for resolving satisfactorily the complex, technical problems involved.

When tax policy commissions do participate in the full political process, permanent, independent agencies offer the advantages of flexibility in dealing with policy-making problems as they arise, and a cumulative knowledge and experience that will command a respectful hearing from public and private political powers. Such permanent

commissions must be prepared, however, to run the political gauntlet. The situation, it would seem, calls for the use of professional assistance from political scientists to complement the technical research work of trained economists and public finance men.



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. Collect information. To collect information concerning the government and general welfare of the State;

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

III. State Government. 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. Assist Legislature. 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. Meetings; quorum; hearings; evidence. 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. Administer oaths; subpoenas; witnesses. 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 justice 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. Director. 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. Appropriations for carrying out the purposes of sections 24 to 27 shall be made biennially by the Legislature;

IX. State departments to aid. 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. Studies by State departments. 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. Recommendations by Governor. The Governor may from time to time send the committee messages containing his recommendations for legislation and explaining the policy of the administration;

XII. Committee minutes. 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. 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. A final report shall be made to the Legislature not later than during the first week of each regular session;

XIV. Compensation. 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. No compensation shall be paid hereunder for attendance at any meeting of the committee held while the Legislature is in session.

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

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

II. Reports. 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 committees. Assist and cooperate with any interim legislative committee or other agency created by the Legislature or appointed by the Governor;

IV. Revision. 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. Bill drafting. 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. Session laws. 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. Copy of public laws. 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. Pocket supplements. 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. Cross references. 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. Report. 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. Office hours. 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. Assistants. 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 sections 24 to 27. (1957, c. 397. §5).

## RULES

(Adopted July 16, 1957; July 14, 1959; July 11, 1961)

Rule 1. Regular meeting dates. Regular meetings of the Committee shall convene on the third 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 10:00 A. 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 Sub-Committees 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

1961-62

Civil Defense and Maine Port Authority Operations

James S. Stanley, Chairman  
Harold Bragdon  
Dwight A. Brown  
James S. Erwin  
Robert A. Marden  
Bradford S. Wellman  
Gilman B. Whitman

Elimination of Aquatic Growth

Sidney D. Maxwell, Chairman  
Richard N. Berry  
Gilman B. Whitman

Interstate Construction and Kittery

William R. Cole, Chairman  
Richard N. Berry  
James S. Erwin  
Earle M. Hillman  
Robert A. Marden  
Bradford S. Wellman

Legislative Procedures

James S. Erwin, Chairman  
John L. Baxter, Jr.  
Vinal G. Good  
David J. Kennedy  
Sidney D. Maxwell  
Gilman B. Whitman

Motor Vehicle Excise Tax

Norman K. Ferguson, Chairman  
Dwight A. Brown  
William R. Cole  
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J. Hollis Wyman

Motor Vehicle Weight and Size Limitations

Robert A. Marden, Chairman  
William R. Cole  
Sidney D. Maxwell  
James S. Stanley  
J. Hollis Wyman

Preservation of the Allagash

Gilman B. Whitman, Chairman  
John L. Baxter, Jr.  
Dwight A. Brown  
James S. Erwin  
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PUC Municipal Sewer Jurisdiction

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Vinal G. Good  
William R. Cole  
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Regulation of Structures Near Airports

J. Hollis Wyman, Chairman  
Richard N. Berry  
Vinal G. Good  
Earle M. Hillman  
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Residence for Public Assistance

David J. Kennedy, Chairman  
Earle M. Hillman  
Norman K. Ferguson

State and Municipal Sewage Problems

Committee as a Whole  
Dwight A. Brown, Chairman

State Clerical and Data Processing Activities

Committee as a Whole  
Harold Bragdon, Chairman

State Purchasing Operations

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State Personnel Operations

Gilman B. Whitman, Chairman  
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Earle M. Hillman  
James S. Stanley  
James S. Erwin

Taxation of Public Utilities

John L. Baxter, Jr., Chairman  
Sidney D. Maxwell  
Bradford S. Wellman  
J. Hollis Wyman  
Richard N. Berry  
Robert A. Marden  
Norman K. Ferguson



LEGISLATIVE RESEARCH COMMITTEE MEMBERS  
1941-1962

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

John L. Baxter, Jr., Pittsfield (R'61)  
Harry W. Bearce, Hebron (R'51; R'53)  
Louis D. Bearce, Caribou (R'51)  
Richard N. Berry, Cape Elizabeth (R'61)  
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; R'61)  
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Ezra James Briggs, Caribou (S'59)  
Gordon D. Briggs, Hampden (R'41)  
Carl J. Broggi, Sanford (R'47)  
Dwight A. Brown, Ellsworth (R'59; S'61)  
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)  
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William R. Cole, Liberty (S'57; S'59; S'61)  
Samuel W. Collins, Caribou (R'45; R'47; S'51; S'53)  
James A. Connellan, Portland (R'45)  
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Cleveland P. Curtis, Bowdoinham (R'59)

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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)  
James S. Erwin, York (S'61)

E. Sam Farwell, Unity (R'41)  
Norman K. Ferguson, Hanover (S'61)  
David W. Fuller, Bangor (R'51)

Vinal G. Good, Sebago (R'61)

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; S'61)

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

David J. Kennedy, Milbridge (R'61)

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

Robert A. Marden, Waterville (S'61)  
 Romie L. Marsans, Jr., Monmouth (R'47; R'49)  
 Robert W. Maxwell, Winthrop (R'55; R'57)  
 Sidney D. Maxwell, Jay (R'61)  
 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)  
 James S. Stanley, Bangor (S'61)  
 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)  
 Bradford S. Wellman, Bangor (R'61)  
 Gilman B. Whitman, Woodstock (R'61)  
 J. Hollis Wyman, Milbridge (S'55; S'57; S'59; S'61)