

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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

SECOND SUMMARY REPORT
to
ONE HUNDRED AND THIRD LEGISLATURE

JANUARY, 1967

LEGISLATIVE RESEARCH COMMITTEE

Representative Louis Jalbert, Lewiston, Chairman
Senator Floyd L. Harding, Presque Isle, Vice Chairman

From the Senate:

Romeo T. Boisvert, Lewiston
Dwight A. Brown, Ellsworth
Armand Duquette, Biddeford
Raymond J. Letourneau, Sanford
Sidney D. Maxwell, Jay
Roger V. Snow, Jr., Falmouth

From the House:

William S. Beane, Moscow
Joseph E. Binnette, Old Town
Catherine H. Carswell, Portland
Albert E. Cote, Lewiston
Kenneth R. Gifford, Manchester
David J. Kennedy, Milbridge
Emilien A. Levesque, Madawaska
Rodney E. Ross, Jr., Bath
Rodney W. Ross, Brownville

Ex Officio:

Carlton Day Reed, Jr., Woolwich
President of the Senate
Dana W. Childs, Portland
Speaker of the House

Office of Legislative Research:

Samuel H. Slosberg, Gardiner, Director
David S. Silsby, Augusta, Assistant Director

Office of Legislative Finance:

Frederick W. Kneeland, Augusta, Finance Officer
William H. Garside, Augusta, Assistant Finance Officer

C O N T E N T S

	Page
Letter of transmittal-----	ii
Proposed legislation-----	iv
 Research Reports:	
Nursing Homes, Phase I-----	1
Children's Homes, Phase II-----	11
School Transportation Safety-----	25
Training & Instruction of the Blind-----	62
Westport-Wiscasset Bridge-----	85
County Government-----	98
Guardianship of Retarded Persons-----	134
 Authority-----	 151
Rules-----	158
Committee Members, 1941 - 1966-----	161

LETTER OF TRANSMITTAL

December 1, 1966

To the Members of the 103rd Legislature:

I have the honor to transmit herewith the second summary report of the Legislative Research Committee, designated as Committee Publication 103-9, on studies authorized by the 102nd Legislature for the period ending January, 1967.

This is the second of two summary reports containing the findings and recommendations on seven remaining matters assigned by the Legislature for Research Committee study and determination. The seven studies included are listed as follows: Nursing Homes, Phase I; Children's Homes, Phase II; School Transportation Safety; Training & Instruction of the Blind; Westport-Wiscasset Bridge; County Government and Guardianship of Retarded Persons.

Also included in this publication for reference purposes is a listing of the Legislative Research Committee Authority, Rules and Committee Members, 1941-1966.

The first summary report which has been presented under a separate cover, Committee Publication 103-8, included studies on such matters as Air Pollution; Alcoholic Rehabilitation; Department of Economic

Development; Gasoline Price Variances; Home Repair Financing Act, Phase I; Second Mortgage Loans, Phase II; Public School Laws, Phase I; and Public School Laws, Phase II.

The following studies authorized by the 102nd Legislature were contractually studied and have been separately reported as indicated: Committee Publication 103-1, Feasibility of Establishing a Medical School in Maine; Committee Publication 103-2, Maine State Retirement System; Committee Publication 103-3, The Maine Economy and its Revenue Resources; Committee Publication 103-4, The Legislative Manual; Committee Publication 103-5, A Proposed Classification Plan; Committee Publication 103-6, A Proposed Salary Plan for State Employees; and Committee Publication 103-7, Organization and Policies For State Personnel Administration.

The members of the Committee wish to express their appreciation for being chosen to participate in these assignments, and sincerely hope that the reports submitted will prove of benefit to the members of the Legislature and the people of the State of Maine.

Respectfully submitted,

LOUIS JALBERT, Chairman
Legislative Research Committee

PROPOSED BILLS TO BE SUBMITTED TO THE 103rd LEGISLATURE

	Page
AN ACT Relating to Right of Entry and Inspection of Nursing Homes-----	9
AN ACT Revising the Law Relating to School Buses---	38
AN ACT Revising the Laws on School Bus Operators---	41
AN ACT Relating to the Guardianship of Mentally Retarded Persons-----	140

NURSING HOMES

PHASE I

ORDERED, the Senate concurring, that the Legislative Research Committee is authorized and directed to study nursing homes, boarding homes and children's homes; their operations, regulation and licensing; said committee to report its findings and recommendations to the 103rd Legislature.

LEGISLATIVE RESERACH COMMITTEE

Representative Louis Jalbert, Chairman

Representative William S. Beane

Representative Joseph E. Binnette

Senator Romeo T. Boisvert

Senator Dwight A. Brown

Representative Catherine H. Carswell

Representative Dana W. Childs

Representative Albert E. Cote

Senator Armand Duquette

Representative Kenneth R. Gifford

Senator Floyd L. Harding

Representative David J. Kennedy

Senator Raymond J. Letourneau

Representative Emilien A. Levesque

Senator Sidney D. Maxwell

Senator Carlton D. Reed, Jr.

Representative Rodney E. Ross, Jr.

Representative Rodney W. Ross

Senator Roger V. Snow, Jr.

In compliance to the foregoing directive the Legislative Research Committee found it necessary to divide this broad study into 2 phases. The first phase of which is the subject of this report and deals specifically with Nursing Homes. The 2nd phase of the study is entitled Children's Homes and will be sufficiently dealt with under a separate cover.

The Research Committee conducted its study of Nursing Homes through a series of public and private hearings held on the following dates and places indicated. Public hearings were held at the Legislative Research Committee Room 228, State House, Augusta, Maine: August 19, 1965, October 20, 1965, February 17, 1966, July 20, 1966 and August 24, 1966. Private hearings were held on October 27, 1965 and at the office of the Attorney General on November 2, 1965. A United States Congressional hearing was held by the United States Senate Subcommittee on Aging on August 13, 1965 at Portland, Maine which was attended by members of the Legislative Research Committee upon the invitation of the Congressional Committee. As a result of these committee activities, legislation was passed at the last special session of the 102nd Legislature relative to issuance and revocation of nursing home licenses, Revised Statutes, Title 22, Section 1817.

Briefly this Act provides for an immediate revocation or suspension of a nursing home license when the Health and Welfare Commissioner believes that conditions in the home

may be detrimental to the health and safety of its occupants. Prior to this Act, the closing of a nursing home, even though serious deficiencies existed in the home, was a long and tedious process simply because prerequisite to the closing or suspension of a licensee a formal complaint and hearing was necessary before a Hearing Examiner, and a time lag would usually result due to the heavy work schedule of the Hearing Examiners, thereby leaving the Health and Welfare with patients within the home in jeopardy during the many months before a formal complaint and hearing could be obtained.

Whereas, said Act was a part of the overall study it has been incorporated herein for reference purposes as Exhibit A.

The Legislative Research Committee recognizes the fact that many sweeping changes could be made in the regulation and governing of nursing homes of the State of Maine and cites the 1966 Council of State Government publication on Suggested State Legislation as an example of recommended changes offered the State. However, it is the Committee's opinion that the immediate needs fall into 2 major categories, the first of which relates to the issuance and revocation of nursing home licenses which through the efforts of the Committee, has already been properly disposed of. However, the 2nd major consideration is the enactment of legislation relative to a right of entry and inspection of nursing homes law which could alleviate many of the problems encountered in the Committee's study. A right of entry and inspection law could

prove to be a valuable tool in respect to increasing the efficiency of inspectors in performance of their duties. For example, this Act would materially assist an inspector in cases where a home is believed to be operating as a nursing home without a license since the department official may inspect such premises without permission of the owner after obtaining a warrant to do so from the District Court.

The Committee found after surveying nursing and boarding homes within the State of Maine that there are approximately 181 nursing homes with a total of 4,180 beds and 180 boarding homes with approximately 1,823 beds, making a total of 361 homes and 6,003 beds.

There are at present 4 inspectors charged with the responsibility of covering 361 homes scattered throughout the State. Each home is inspected for a variety of specifics, totaling approximately 64 in number which may be used as an indicator of the time required to properly inspect each home. The division of the inspection workload is as follows: One inspector is charged with inspection of 96 homes consisting of 1,747 beds, one with the inspection of 81 homes consisting of 2,493 beds and one with 92 homes consisting of 1,442 beds. Inspection is a very time consuming process and the Committee felt that additional inspectors are needed and more frequent inspections should be made. In conjunction with these observations, the Committee recommends enactment of Exhibit B, An Act Relating to Right of Entry and Inspection of Nursing Homes.

EXHIBIT A

AN ACT Relative to Issuance and Revocation of Nursing Home Licenses.

R. S., T. 22, §1817, repealed and replaced. Section 1817 of Title 22 of the Revised Statutes is repealed and the following enacted in place thereof:

§1817. Issuance of licenses

The department is authorized to issue licenses to operate hospitals, maternity homes or hospitals, sanatoriums, convalescent homes, rest homes, nursing homes or other related institutions, which, after inspection, are found to comply with this chapter and any reasonable regulations adopted by said department. When any such institution, upon inspection by the department, shall be found to not meet all requirements of this chapter or departmental regulations thereunder, then the department is authorized to issue either a temporary license for a specified period not to exceed 90 days, during which time corrections specified by the department shall be made by said institution for compliance with this chapter and departmental regulations thereunder, if in the judgment of the commissioner the best interests of the public will be so served, or a conditional license setting forth conditions which must be met by the institution to the satisfaction of the department. Failure of the said institution to meet any of such conditions shall immediately void such conditional license by written notice thereof by the

department to the conditional licensee or if the said licensee cannot be reached for personal service by notice thereof left at the licensed premises. The fee for such temporary or conditional license shall be \$15 and shall be payable at the time of issuance of such license. A new application for a regular license may be considered by the department if, when and after the conditions set forth by the department at the time of the issuance of such temporary or conditional license have been met and satisfactory evidence of this fact has been furnished to said department. The department may file a statement or complaint with the Administrative Hearing Commissioner designated in Title 5, chapters 301 to 307, requesting suspension or revocation of any license on any of the following grounds: Violation of this chapter or the rules and regulations issued pursuant thereto; permitting, aiding or abetting the commission of any illegal act in such institution; conduct of practices detrimental to the welfare of the patient; provided that whenever, on inspection by the department, conditions are found to exist which violate this chapter or departmental regulations issued thereunder which, in the opinion of the commissioner, immediately endanger the health or safety of patients, or both such health or safety, in any of such institutions to such an extent as to create an emergency, the department by its duly authorized agents may suspend said license until such time as the department determines that the emergency no longer exists or until a decision

is rendered by the Administrative Hearing Commissioner. The department shall give written notice of such emergency suspension by delivering notice in hand to the licensee. If the licensee cannot be reached for personal service the notice may be left at the licensed premises. Whenever a license is suspended by the department under this emergency provision, the department shall file a complaint with the Administrative Hearing Commissioner requesting suspension or revocation of such license.

EXHIBIT B

AN ACT Relating to Right of Entry and Inspection of Nursing Homes.

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

R. S., T. 22, §1820-A, additional. Title 22 of the Revised Statutes is amended by adding a new section 1820-A, to read as follows:

§1820-A. Right of entry and inspection of nursing homes

The department (Health and Welfare) and any duly designated officer or employee thereof shall have the right to enter upon and into the premises of any nursing home licensed pursuant to this chapter at any time in order to determine the state of compliance with this chapter and any rules and regulations in force pursuant thereto. Such right of entry and inspection shall extend to any premises which the department has reason to believe is being operated or maintained as a nursing home without a license, but no such entry or inspection of any premises shall be made without the permission of the owner or person in charge thereof, unless a warrant is first obtained from the District Court authorizing the same. Any application for a nursing home license made pursuant to this chapter shall constitute

permission for and complete acquiescence in any entry or
inspection of the premises for which the license is sought
in order to facilitate verification of the information sub-
mitted on or in connection with such application.

CHILDREN'S HOMES

PHASE II

ORDERED, the Senate concurring, that the Legislative Research Committee is authorized and directed to study nursing homes, boarding homes and children's homes; their operations, regulation and licensing; said committee to report its findings and recommendations to the 103rd Legislature.

LEGISLATIVE RESEARCH COMMITTEE

Representative Louis Jalbert, Chairman

Representative William S. Beane

Representative Joseph E. Binnette

Senator Romeo T. Boisvert

Senator Dwight A. Brown

Representative Catherine H. Carswell

Representative Dana W. Childs

Representative Albert E. Cote

Senator Armand Duquette

Representative Kenneth R. Gifford

Senator Floyd L. Harding

Representative David J. Kennedy

Senator Raymond J. Letourneau

Representative Emilien A. Levesque

Senator Sidney D. Maxwell

Senator Carlton D. Reed, Jr.

Representative Rodney E. Ross, Jr.

Representative Rodney W. Ross

Senator Roger V. Snow, Jr.

As previously stated the Legislative Research Committee devoted the 2nd phase of its report to a study of the operations, regulations and licensing of Children's Homes.

During the course of this study public hearings were held on October 20, 1965 and February 17, 1966 in the Legislative Research Committee Room 228, State House, Augusta, Maine. The Committee's research lead to detailed examination of the facilities for foster home care and training centers such as Stevens Training Center, the Boys Training Center, Pineland Hospital and Training Center, the Maine Military and Naval Children's Home and other facilities for living accommodations for children needing group care, individual care, temporary or long care homes.

The needs of children with physical, mental and emotional defects, both temporary and permanent, were discussed. Also the needs of children orphaned or neglected, the committed child and the voluntary committed child, the child surrendered for adoption and the child held pending surrender by legal action and last but not least the normal homeless child.

Information was requested from the Department of Health and Welfare regarding 2 points: (1) the total number of children in their care; and (2) the number of licensed foster homes within the State. The following information was obtained:

- (1) As of July 6, 1965, the Division of Child Welfare

had 2,531 children in care under the committed categories. Of these, 2,178 were committed under the neglect law, 296 under the divorce law, the Department of Health and Welfare has guardianship of the child. The Division of Child Welfare also had 90 children in care for whom it held surrenders for adoption and 41 children almost all of whom were infants who were received voluntarily from parents pending the parent's decision to surrender the child legally.

(2) The 2nd item surveyed showed that on June 30, 1965, there were a total of 746 homes licensed in the State to board children under 16 and 8 child placing agencies which are licensed to place children for adoption, 10 child caring institutions and 2 residential treatment centers or a total of 20 agencies and institutions. There are 7 district child welfare offices and 3 branch offices throughout the State which are responsible for providing child welfare services, including foster home and adoptive home placements.

Standards for the boarding of children are designed to be used as objectives or goals and they are based on tested knowledge and approved practice, and are subjected to continuous review. They are directed to all who are concerned with improvement of services to children.

The Maine Revised Statutes of 1964, Title 22, section 3797, requires that those engaged in the care of children away from own homes were required to have a license. Prior to 1954, the Health and Welfare Department had no formalized

standards related to boarding homes for children. The 1954 statutes placed the responsibility on the Department of Health and Welfare to set forth rules and regulations governing license. The last formal statement of this licensing law and the rules and regulations is contained in "Law Providing for the Licensing of Boarding Homes for Children and Rules and Regulations Pertaining Thereto."

Continued requests to the Department of Health and Welfare for information regarding the use of standards and licensing of foster homes for retarded children resulted in consideration of the need to assure that retarded children's physical, emotional, social and recreational needs were being met by foster care service. In the fall of 1964, the Department of Health and Welfare began work on a statement of standards. As of June, 1965, the statement was in draft form and was submitted to the Department of Mental Health and Corrections for reactions and comments prior to the preparing of final draft. Work at completing the new licensing standards for homes for dependent, retarded children continues.

The State pays about \$55 per month per average child for care. If the direct costs for maintaining a child in care are broken down into costs per month per child, the Health and Welfare Department arrives at \$50.33 for direct costs, \$6.50 for child welfare professional services or a total of \$56.83, total costs. According to Dr. Fisher, Commissioner of the Department of Health and Welfare, \$75 per month would

be more adequate funds for needed care. Bear in mind this is only per average child under health and welfare care.

The Committee found that there is insufficient professional staff necessary to do the job efficiently and workers are still carrying caseloads well above those of private agencies and well above minimum caseloads recommended by the Child Welfare League of America. The League recommends caseloads that would approximate 25 cases per worker according to their report to the Department of Health and Welfare. The Children's Bureau, Department of Health, Education, and Welfare states that there shall be no more than 60 cases per worker. This is a maximum practical limit that can be set for nationwide purposes by the Children's Bureau, which though being practical, is recognized as not being ideal.

This study pointed out a need for clarification of authority for the placement of a retarded child either with the Department of Mental Health and Corrections or with the Division of Child Welfare. Also guardianship and custody of the retarded individual must be clearly defined, as this is a chief source of trouble to all concerned in placement. The responsibility for services to a retarded child is not defined and very specific problems have arisen for the Division of Child Welfare in the area of care for these special children.

Not all mentally defected persons are completely dependent upon financial assistance from the State and Federal Governments, and individuals can help to share the costs of

good homes that should be provided for such individuals.

Finances become a problem for "special" children who come into care because of the increased board costs demanded by foster parents, and the extensive medical care needed by the "special" children. An example of a "special" child might be the profoundly retarded child, meaning a child who could not survive by himself, one who is confined to bed and cannot feed or attend to his daily body needs.

As to the availability of foster homes for non-committed children, funds are needed for a voluntary placement program for children who are not committed but who need homes away from home. Such children are not getting care away from home and are often placed by parents or relatives in situations which are too often inadequate, degrading or actually dangerous to the child's well-being, according to information received from the Department of Health and Welfare. Frequently courts will commit children into temporary care on a criminal complaint for purely financial or family stress reasons.

Because of the lack of a voluntary placement program the Department of Health and Welfare is frequently put into a position of having children committed to care after the condition of the children has worsened considerably. This situation should be corrected and the Research Committee so recommends.

The 102nd Legislature passed a bill which expanded the definition of total disability to include the mentally ill.

Federal and State funds are available for this purpose, but are limited. The need for increased appropriation for the purpose of providing assistance to this group of individuals is a pressing need. Substantial federal funds can be generated if state funds were made available and this would assist in providing adequate living accommodations for the additional number of needy persons.

It appears that serious consideration must be given to creating facilities for children with special needs, to use the example cited above, this profoundly retarded child must be near community professional and other help necessary for his care. Special facilities are needed to fill the requirements of the "special" children.

Hundreds of children ready to be released from institutions which no longer can improve their condition and which must make room for new cases, must be adequately and professionally provided for.

Trainables who are retarded and employable are in need of adequate group living facilities which are properly supervised. Day Care facilities can meet the needs of the retarded and their families and will serve to relieve all concerned, from stress and strain now experienced in frustration. We must think seriously about providing the funds for such part-time living for the retarded who fit into this category.

The availability of homes for committed children is extremely limited. Male or female, if the child is a juvenile

offender, it will be difficult to find a foster home for him.

The Department of Mental Health and Corrections experiences difficulties in finding community care homes for children ready to be released from the Boys Training Center and Stevens Training Center.

Greater community understanding and better pay for prospective foster homes may be a determining factor which could cause individuals who are desirable to think about shouldering such a responsibility. Favorable circumstances such as these mentioned could encourage desirables to make this effort. Before the community is expected to do its share for such children, funds for institutional care and education should be provided to enable the institutions to care for and educate the kind of children that prospective foster parents will consider desirable to live in their homes.

A plan is needed to bring together all the planning efforts of the Department of Health and Welfare, Education and Mental Health and Corrections, to offer more efficient programs that deal with the whole person plus the many other advantages which could be realized by working together and by closer planning. Possibly this could be done with deputy commissioners working with an appointed number of knowledgeable representatives of the public. Greater focus could be placed on programs affecting children and adults and their needs.

It seems that the Maine Military and Naval Children's Home, in Bath, Maine, which accepts needy children and is

requested by authority to never refuse a child admittance, should be used and filled to capacity of 42 instead of operating at a capacity of 27, because of the lack of requests for admissions. If as stated above, children are often placed in homes which are degrading, inadequate, and actually dangerous to the child's wellbeing, then it is hereby recommended that the facilities of this home be utilized to a greater extent and that funds be made available for same. Putting a price tag on a child's life and future development is false economy and a disgrace to the State of Maine.

After review of the budget for the Maine Military and Naval Children's Home it seemed as if the operation of the home was very expensive with an enrollment of 27 children when it should be filled to its capacity of 42. However, the fault does not lie with the home. The reason, as previously stated, is the lack of requests for admission which should be remedied. If a substantial increase of money for more staff is needed to serve 15 more needy children and to feed and clothe them, then this money should be made available.

The record of this home in rearing needy children is excellent. The State knows the quality of product resulting from efforts of the home and the taxpayers money has been well spent.

The complete care function provided by the Military and Naval Children's Home relieves the social workers of many duties that otherwise may be required of them and leaves them

free time to attend to other casework. Cultural and physical advantages offered by the Military and Naval Children's Home over other state wards who are placed in foster homes should be praised. It is hereby recommended that standards and services of this home not be lowered but inasmuch as feasible, standards and services of other foster homes be raised through increased pay for services.

A proposal was made to make the Military and Naval Children's Home a part of the correctional program of the Department of Mental Health and Corrections. This suggestion was found to be impractical according to those who manage and supervise our correctional institutions.

This home is a shining example of foster care geared to mould needy children into good, intelligent, healthy normal adults, who as a result will become taxpayers instead of tax burdens.

Selective placement in a facility such as this prevents the need for placing children from one foster home to another and provides a home for more than one child of the same family.

Considerable time has been spent in bringing to your attention, in brief form, the function of the Military and Naval Children's Home because frequently attempts are made to discredit its value to needy children of our State. This home is superior and it should remain in service as a

children's home, supported by an appropriation of the State.
There are also children in the home who are supported by
private individuals, the funds from which are returned to
the State.

SUMMARY OF RECOMMENDATIONS

1. Need to increase board and care payments for foster home care from \$55 to \$75 per month.
2. Need for additional staff for the Division of Child Welfare to lower the caseload to a maximum of 60 cases per worker.
3. Need for staff and facilities at Pineland Hospital and Training Center for research, treatment and care of the infant to be suffering birth defects and retardation. This would be money well spent in the arrest of further physical and mental deterioration.
4. An expansion of vocational training services at Pineland to prepare children for the community.
5. Clarification of custody and guardianship responsibilities relative to placement of the retarded child either with the Department of Mental Health and Corrections or with the Department of Health and Welfare.
6. Special facilities and staff for group and emergency care of children.
7. Need for day care facilities for mentally retarded to relieve the child and family from undue stress, professionally staffed when necessary.
8. Need for improvement of training center programs, facilities and increased staff to better prepare juvenile offenders for reentry to community living and for the

encouragement of more prospective foster homes for such children. Need for funds to encourage desirable foster care for this group of individuals.

9. Funds and staff for Maine Military and Naval Children's Home to be continued and expanded.

10. Need to provide funds for the Division of Child Welfare to permit a voluntary foster home placement program thus allowing foster home placement of children when necessary without condemning parents of child neglect as a prerequisite to placement.

SCHOOL TRANSPORTATION SAFETY

ORDERED, the Senate concurring, that the Legislative Research Committee be instructed to study the adequacy of existing law in providing for the safety of school children in the course of their transportation to and from school, and school sanctioned activities.

SUBCOMMITTEE MEMBERS

Senator Sidney D. Maxwell, Chairman

Senator Roger V. Snow, Jr., Vice Chairman

Representative Joseph E. Binnette

Representative Emilien A. Levesque

Representative Catherine H. Carswell

Representative Louis Jalbert, Ex Officio

The National Safety Council statistics indicate that one out of every three American families sends their children to school on public financed buses. To them, the yellow buses are a godsend which frees them from having to transport their children to school and makes more efficient consolidated schools possible. However, danger lurks behind such a convenience. The National Safety Council statistics also indicate that school buses are involved in a rising number of accidents. For the 1960-1964 period the Council statistics show that one out of every 19 school buses would be involved in an accident each year. During the school years 1960 to 1963, 10,659 children were injured in 37,400 school bus accidents. In 1963-1964 year, approximately 50 pupils and 5 drivers were killed and 3,700 injured riding buses.

The 1963 total of 3,533 children injured was an increase of 22% over 1962 and this figure rose to about 3,700 injured in 1964. Two chief factors are attributed to this rising accident rate involving school buses. The number of children transported by bus and the mileage that the vehicles travel are increasing all the time. Both factors are claimed to result in more accidents unless major efforts are stepped up.

To counteract bus accidents, three major efforts are developing: better traffic controls, legislation to insure higher standards of drivers and better inspection of

vehicles and continuing technical research to improve bus safety.

The State of Maine can be proud of its extremely fine safety record in transporting school bus pupils to and from school as shown on Exhibit A. However, it is expected that this record will be marred considerably as we look to the future, especially in view of the growing number of pupils to be transported and the additional miles to be covered as previously stated.

Much of the testimony gathered during the public hearings held by the Subcommittee pointed in the direction of defining a school bus. It appears under Revised Statutes, section 2011, paragraphs one through eight of Exhibit B, there are four separate classes of vehicles used in transporting school children in Maine today. They are as follows:

1. Vehicles with a capacity of less than 10.
2. Vehicles with a capacity of 10 to 19.
3. Vehicles with a capacity of 20 or more.
4. Vehicles of the private common carrier.

The requirements for each class are separate and distinct as the statutes provide and basically are the cause of a confused public. Let us now review each class and the particular problems concerning it to show some of the confusion and dangers involved.

1. First, and perhaps the most troublesome, are those vehicles with a capacity of 10 or less. Examples of such vehicles are the standard passenger car, station wagon or truck. The law makes no provision for size, color, flashing lights or other equipment on such vehicles - only that they bear on the front and rear thereof a plainly visible sign "SCHOOL BUS" in letters not less than 4 inches in height, etc.

Vehicles with a carrying capacity of 10 or less are generally found in rural or suburban areas.

Transportation of school children in such areas is conducted under conditions that are very different from urban communities. Education in rural areas relies on the centrally located facilities of school administrative districts or at the most, one school of each class serves an entire township. The distances involved require the transportation of all or nearly all children from grade one through the senior year of high school, most of whom board buses on state or county roads where high speed traffic is the rule. It is under such conditions that yellow-paint, 8-inch-lettered school bus signs and flashing red lights serve a definite purpose. The approaching motorist is warned to bring his vehicle under control and be prepared to stop, but the safety of a child cannot be guaranteed. Even though properly identified, there is plenty of evidence that many motorists fail to observe

the requirement of law which prohibits passing of a school bus. One may ask at this point where this leaves the small vehicle conveying less than 10 children and being operated under the cloak of immunity of a full-fledged school bus when its only identifying marks are signs in 4-inch letters on the front and rear of the vehicle. Perhaps the answer to this question can best be answered in the following illustration. You are riding on Route 202, the main highway between Lewiston and Auburn - a good highway - and you are following a green Volkswagen. At 1,000 feet in front of you, this Volkswagen slows down in the traveled lane. The highway is posted 60 miles an hour, and you are traveling 60 miles an hour. Upon seeing the Volkswagen slow down, you do likewise by reducing your speed to 40 miles an hour. Seeing that it is clear for 2,000 feet in front of this Volkswagen, you start to pass. At 200 feet, you read a sign on this motor vehicle that says "school bus." The reason you saw the sign at 200 feet is because 200 feet is the distance that 4-inch letters are legible to the ordinary person with ordinary eyesight. At 40 miles per hour, which is 20 miles per hour under the posted speed limit, assuming you are using due caution after seeing the vehicle stopping in the traveled lane, it would take you 230 feet to stop. You would have passed a stopped school bus and have violated existing law. Let's hope in this particular case you

wouldn't have hit a child.

In 1965 there was a total of 136 vehicles similar to the type described above being used regularly as school buses.

2. The second class of vehicles conveys more than 10, but less than 20 passengers and carries the same 4-inch letters on its sign. The only addition is that this vehicle is required to be equipped with flashing red lights, which seem to lessen the danger at least to some extent. Still, the operators of this class tend to rely on their limited identity in the discharging of passengers. In the class of 10 through 19 passengers, there was a total of 109 vehicles involved in transporting school children in 1965.

3. The third class involving vehicles conveying 20 or more passengers with the bright yellow chrome enamel paint, 8-inch school bus letters on signs front and rear, and flashing red lights has all the identifying marks commonly known and accepted to all as a school bus. This bus is subject to meeting the Uniform School Bus Standards and is fully regulated as to safety and all other particulars by the Maine Statutes. There have been many advances made in recent years in making school buses safer. The new buses are made of double-flanged high tensile strength steel and have high visibility safety windows, special escape doors, heavy duty chassis, brakes and stop signal

lights. It is this type of bus that parents psychologically think their child is being transported in, but due to limited budgets of many Maine communities this is often not the case.

4. The fourth and last class includes those vehicles owned and operated by a motor carrier having a certificate of public convenience and necessity issued by the Public Utilities Commission under Title 35, sections 1508 to 1518, which comply with the requirements of the Commission and shall not be regarded as "school buses." A list of all carriers has been provided as Exhibit C. The certificated carrier operates to a large extent within urban areas and generally does not use yellow paint, flashing lights or necessarily conform to other Maine school bus statutes, being adequately governed by the Public Utilities Commission. Compared to rural areas, city traffic moves much slower, drivers expect to change their action or stop at short notice, police supervision is greater and many intersections are signalized, which retards speed. Students are already traffic-wise in urban areas, having walked to and from their primary schools, ridden their bikes, used the pedestrian push-button at the crosswalks, the crossing guides and other safety measures at the principal intersections, ridden on buses after school hours, on Saturdays and Sundays to attend movies, boys clubs, Sunday schools and have for the most part established their own

concept of safety. Such devices as flashing red lights and yellow buses in an urban area, as it has been pointed out, have a psychological effect in encouraging children to depend upon such devices for safety. Also, you can imagine the traffic congestion that would result, for example, if in one of our larger city areas 88 to 100 buses unloaded at every street corner requiring a complete stoppage of all traffic. The safety record of the certified carrier has been excellent and speaks for itself. From the following data provided by the Maine State Police, one may draw a comparison between school bus records and the records of certified carriers:

	<u>1964</u>	<u>1963</u>
Total number of vehicles involved in reportable accidents	32,013	27,581
Total number of carrier vehicles involved in reportable accidents	122	89
Total number of school buses involved in reportable accidents	71	71
	<u>1964</u>	<u>1965</u>
Total number of carrier vehicles involved in personal injuries	47	29
Total number of school buses involved in personal injuries	19	18
Fatalities - carriers	2	1
Fatalities - school buses	3	1

Maine statutes provide, in part, that school buses with a carrying capacity of over 20 passengers must comply with the Uniform School Bus Standards.

The Subcommittee feels that since Maine law only specifies compliance with the Code for vehicles with a capacity of over 20 passengers those vehicles with a capacity of less than 20 offer a haphazard sort of protection for their passengers. Does it really make much difference, barring cost factors, when the ultimate intent is for protection of the youthful passenger, whether he is riding in a vehicle with a capacity of 10, 19 or 20? The Subcommittee thinks not. Therefore it is recommended that all children should be offered equal protection under the law insofar as protective identity of the vehicle in use is concerned, regardless of size. Recommended legislation is proposed by this Subcommittee limiting the use of vehicles other than the certificated carrier for transportation of school children unless strict compliance with color and other identification requirements are adhered to, as set forth in the minimum standards for school buses. The Subcommittee has further provided proposed legislation which has been included and made a part of this report.

For those vehicles which fail to meet the minimum standards, regardless of size and excepting the certificated carrier, we suggest that the drivers conform with normal safe driving practices and to no longer rely on their identifications for protection. It is also recommended that loading and discharging of passengers for such unqualified vehicles should take place off the traveled way.

This Subcommittee is of the opinion that the identity and definition of a school bus was the most important consideration before them. The testimony of enforcement officials and of the many persons or agencies who attended the public hearings indicates this is a basic issue. Identity and definition by existing statutes depends largely upon the size of vehicle used, as we have previously discussed; and the larger the vehicle, the better the identity. The question arises, "shouldn't the latter statement be reversed or uniform?" For the sake of the precious passenger, the answer would probably be "yes" in most cases, but for economic reasons, even though one may argue false economy, the answer to the identity question is "no" in Maine today. The criteria for proper identity, according to the Subcommittee's understanding of the Uniform Vehicle Code, include the following:

1. Color: Chrome yellow enamel with black trim.
2. Flashing signal lights.
3. School bus signs in 8-inch letters exhibited in plain view, front and rear of the vehicle.

One should note at this point that the Uniform Vehicle Code and Minimum Standards for School Buses are in no way regulatory until incorporated by reference or enacted by state statute. Prior to such adoption, standards and codes only exist as guidelines for proposed legislation.

The development of an educational program suited for

all levels of grade school that would provide a youngster with the proper knowledge and respect for his own safety, as well as for the safety of others, is proposed by this Subcommittee. Items to be included in such a program should include: school bus safety, jaywalking, various signs, walking beside the road or on the sidewalk, how to dress at night, crossing a roadway with or without a crosswalk, debarking from a bus, conduct on a bus, and police, both state and local, just to name a few.

Driver education has proved its value on the higher grade levels, and it is proposed that their program could be expanded to provide the training for school bus operators and teaching of school bus safety to children in the lower grade levels.

The study also revealed that many agencies, boards and departments are oriented toward independent efforts in school bus safety. A recommendation is strongly urged by the Subcommittee that a better liaison and coordination of efforts be maintained between all departments, agencies boards and commissions, including local, state and federal levels of government, to avoid duplication of effort and to provide a well organized and concentrated program for school transportation safety. Since federal legislation places the responsibility of overall safety upon the Governor's office, it seems logical that the Governor should name a person as a coordinator to periodically

review federal and state programs, internal relations within state government and coordination of local or municipal efforts. This plan would provide the executive branch with first-hand knowledge of the progress achieved in coordinating all safety programs, which in turn would provide a sound base for future action or regulation.

Other areas of the Subcommittee's study included operator's requirements such as age, examination and related school activities, school buses, markings, stopping at railroad tracks, all of which the Subcommittee's recommendations reflect in the proposed legislation to follow:

AN ACT Revising the Law Relating to School Buses.

Sec. 1. R. S., T. 29, §2011, repealed and replaced.

Section 2011 of Title 29 of the Revised Statutes, as amended, is repealed and the following enacted in place thereof:

§2011. School buses; markings; stop at railroad tracks

The term "school bus" includes every motor vehicle that complies with the color and identification requirements set forth in the most recent edition of "Minimum Standards for School Buses" and is used to transport children to or from school or in connection with school activities, but not including buses operated by a motor carrier having a certificate of public convenience and necessity issued by the Public Utilities Commission under Title 35, sections 1501 to 1518, which comply with the requirements of the commission.

Every bus used for the transportation of school children shall bear upon the front and rear thereof plainly visible signs containing the words "SCHOOL BUS" in letters not less than 8 inches in height, and in addition shall be equipped with visual signals as approved by the Secretary of State, which shall be actuated by the driver of said school bus whenever, but only whenever, such vehicle is stopped on the highway for the purpose of receiving or discharging school children.

When a school bus is being operated upon a highway for purposes other than the actual transportation of

children either to or from school, all markings thereon indicating "SCHOOL BUS" shall be covered or concealed.

All school buses when carrying children shall come to a full stop before crossing any railroad track or tracks, such stop to be made at a point not more than 50 feet and not less than 10 feet from the nearest rail. The driver thereof shall take such steps as are necessary to ascertain beyond reasonable doubt that no train, engine or car is approaching the crossing before he shall proceed to drive such bus across the track or tracks. The operator of any school bus failing to so stop shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than \$200; and his driver's license, or right to operate a motor vehicle or right to obtain an operator's license shall be revoked by the Secretary of State for a period of not less than 2 years.

Notwithstanding section 2122, every school bus as defined in this section shall be submitted to an official inspection station during the months of August and February for the purpose of complying with section 2122, concerning adjustment and sufficiency of the required equipment. This inspection shall be conducted by certain specified official inspection stations.

Notwithstanding section 2125, the fee for such inspection shall be \$2.

Sec. 2. R. S., T. 29, §2014, repealed and replaced.

Section 2014 of Title 29 of the Revised Statutes is repealed and the following enacted in place thereof:

§2014. Overtaking and passing school buses

The driver of a vehicle upon a highway, upon meeting or overtaking from either direction any school bus which has stopped on the highway for the purpose of receiving or discharging any school children, shall stop the vehicle before reaching such school bus when there is in operation on said school bus a visual signal as approved by the Secretary of State and said driver shall not proceed until such school bus resumes motion or is signaled by the school bus driver to proceed or the visual signals are no longer actuated.

The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or passing a school bus which is on a different roadway or when upon a limited-access highway and the school bus is stopped in a loading zone which is a part of or adjacent to such highway and where pedestrians are not permitted to cross the roadway.

AN ACT Revising the Laws on School Bus Operators.

R. S., T. 29, §2012, amended. Section 2012 of Title 29 of the Revised Statutes, as amended by section 5 of chapter 369 of the public laws of 1965, is further amended to read as follows:

§2012. School bus and certain other bus operators' requirements

No person shall operate a school bus, church, camp or any similar type of bus with a seating capacity of 10 or more persons in ~~the~~ actual conveyance of ~~several~~ children until he shall have complied with the following requirements:

1. License. Must have held an operator's license from the State of Maine or any other state for at least ~~one-year~~ the 12-month period immediately preceding the date of application;

2. Age. Must be at least ~~18~~ 21 years of age ~~unless~~ ~~he-has-passed-a-driver-education-course-in-Maine~~ and has held an operator's license for at least one year;

3. Examination. Must pass such examination as the Secretary of State shall prescribe to determine his ability to operate the specific vehicle which will be driven while transporting ~~several~~ children or any comparable type vehicle and must pass an operator's reexamination at such times thereafter as the Secretary of State shall determine;

4. Application. Application for such examination must be filed with the Secretary of State ~~within-30-days-after~~ ~~the-commencement-of-such-operation;~~

5. Fee. A fee of \$3 shall be paid to the Secretary of State for such examination. The fee for all subsequent examinations shall be \$2.

~~This section shall not apply to a substitute or occasional driver who is not regularly employed as a school bus operator and who does not operate a school bus more than 10 days in any school year.~~

INDEX OF EXHIBITS

	Page
EXHIBIT A School Bus Records 1947-1965	44
EXHIBIT B Summary of existing State Law Pertaining to School Transportation	45
EXHIBIT C List of all Certificated Carriers Operating within the State	56
EXHIBIT D Excerpts from the Uniform Vehicle Code	59

SUMMARY -- School Buses

	<u>ACCIDENTS</u>	<u>INJURIES</u>	<u>DEATHS</u>
1947	11	4	0
1948	11	5	0
1949	19	7	1
1950	27	14	1
1951	10	2	1
1952	18	5	1
1953	8	2	0
1954	9	2	0
1955	36	9	0
1956	36	9	0
1957	52	10	1
1958	62	18	0
1959	46	14	0
1960	43	8	0
1961	78	16	1
1962	139	45	1
1963	71	18	1
1964	71	19	3
1965	40	12	0*
	<hr/>		
	747	207	11

*NOTE: A death treated by the news media and by the courts as a "school bus accident" was not, in the opinion of the Maine Highway Safety Committee, a school bus death. It involved a private common carrier, not subject to school bus treatment under the law.

State Laws Pertaining to Transportation of Pupils.

Responsibility for Providing Conveyance

Responsibility for Determining Which Children Shall Be
Conveyed

Responsibility for Determining What Constitutes A Reasonable
Walking Distance

Title 20, Sec. 3561, Revised Statutes 1964

The superintendent of schools in each town shall procure the conveyance of all elementary school pupils residing in his town, a part or the whole of the distance, to and from the nearest suitable school, for the number of weeks for which schools are maintained in each year, when such pupils reside at such a distance from the said school as in the judgment of the superintending school committee shall render such conveyance necessary. In all cases, conveyance provided shall conserve the comfort, safety, and welfare of the children conveyed and shall be in charge of a responsible driver who shall have control over the conduct of the children conveyed. Contracts for said conveyance may be made for a period not to exceed 5 years. The superintending school committee may authorize the superintendent of schools to pay the board of any pupil or pupils at a suitable place near any established school instead of providing conveyance for said pupil or pupils, when in their judgment it may be done at an equal or less expense than by conveyance.

Whenever a parent or guardian having children of compulsory school age in his care domiciles such children in a location remote from and inaccessible to schools or public highways, he shall be personally responsible for the cost of boarding these children within walking distance to an established public school or for providing suitable conveyance to a public highway. Failure to so provide conveyance or board shall be considered a violation of the truancy law and punished accordingly.

Title 20, Sec. 220, Revised Statutes 1964

The superintendent of the School Administrative District, with the approval of the school directors, shall procure the conveyance of all public school pupils residing in the district a part or the whole of the distance to and from the nearest suitable school for the number of weeks for which the schools are maintained in each year when such public school pupils reside at such a distance from the school as in the judgment of the school directors shall render such conveyance necessary. In all cases, conveyance so provided shall conserve the comfort, safety and welfare of the pupils conveyed and shall be in charge of a responsible driver who shall have control over the conduct of the pupils while they are being conveyed. Contracts for said conveyance may be made for a period not to exceed 3 years. Such contracts shall be executed by the superintendent of the School Administrative District with the approval of the school directors. The expenditures for transportation

shall be considered as expense of operation of said school or schools in such School Administrative Districts.

Whenever a parent or guardian having children of compulsory school age in his care domiciles such children in a location remote from and inaccessible to schools or public highways, he shall be personally responsible for the cost of boarding these children within walking distance to an established public school or for providing suitable conveyance to a public highway. Failure to so provide conveyance or board shall be considered a violation of the truancy law and punished accordingly.

School Bus Defined

Title 29, Sec. 2011, Par. 1, Revised Statutes 1964

The term "school bus" includes every motor vehicle owned by a public or governmental agency or private school and operated for the transportation of children to or from school, or to or from any school activities at a school regularly attended by such children, or privately owned and operated for compensation for the transportation of children to or from school or to or from any school activities at a school regularly attended by such children, or to and from any municipality sponsored, nonschool activity within the State for which use of a bus has been approved by the superintending school committee, community school committee or board of directors; school as used in this sentence shall mean either a private or public school. Buses operated by

a motor carrier having a certificate of public convenience and necessity issued by the Public Utilities Commission under Title 35, sections 1501 to 1518, which comply with the requirements of the commission shall not be regarded as "school buses."

Descriptive Signs

Title 29, Sec. 2011, Par. 2, Revised Statutes 1964

All school buses, with a carrying capacity of over 20 passengers, shall bear upon the front and rear thereof a plainly visible sign "SCHOOL BUS" in letters not less than 8 inches in height which shall be removed or covered when the vehicle is not in use as a school bus, and all school buses with a carrying capacity of 20 passengers or less shall bear upon the front and rear thereof a plainly visible sign "SCHOOL BUS" in letters not less than 4 inches in height which shall be removed or covered when the vehicle is not in use as a school bus, but this provision shall not apply to public buses while transporting school children together with regular passengers. Such standard "descriptive signs" shall be furnished at cost by the Department of Education.

Seating Space

Title 29, Sec. 2011, Par. 3, Revised Statutes 1964

No municipality and no person or corporation employed by a municipality to convey children to and from school may use a conveyance which provides less than one linear foot of seating space for each such child.

Two Exits

Title 29, Sec. 2011, Par. 4, Revised Statutes 1964

All motor vehicles used as school buses, except the pleasure car type, so called, shall be equipped with 2 doors, one on the right side near the front of the bus to be used for all ordinary exits and entrances; the other to be located in center of rear end of bus or in rear half of left side of bus if engine is so located as to make it impossible to place door in center of rear end.

Operator in Compartment with Children

Title 29, Sec. 2011, Par. 5, Revised Statutes 1964

Any such motor vehicle shall be so constructed that the operator has access to the passenger compartment without leaving the vehicle, and that the exhaust pipe shall extend beyond the external rear of the body of the bus, but not beyond the bumper, and shall be entirely outside of the body, and that the gasoline tank filler, vent, and drain openings shall be outside of the bus body.

Fire Extinguishers

Title 29, Sec. 2011, Par. 6, Revised Statutes 1964

All school buses shall be equipped with a fire extinguisher of a type and size approved by the laboratories of the National Board of Fire Underwriters.*

Flashing Red Lights

Title 29, Sec. 2011, Par. 6, Revised Statutes 1964

In addition to other lights required by law on each such bus, its front and rear shall be equipped with flashing red lights of a type approved by the Secretary of State. Such flashing red lights shall be turned on by the operator of such bus at least 100 feet before any stop is made to receive or discharge its passengers and shall be continually displayed until after the bus has received or discharged its passengers. This section with reference to lights shall apply only to school buses with a carrying capacity of 10 or more pupils.

Crossing RR Crossings

Title 29, Sec. 2011, Par. 7, Revised Statutes 1964

All school buses when carrying children shall come to a full stop before crossing any railroad track or tracks, such stop to be made at a point not more than 50 feet and not less than 10 feet from the nearest rail. The driver thereof shall take such steps as are necessary to ascertain beyond reasonable doubt that no train, engine or car is approaching the crossing before he shall proceed to drive such bus across the track or tracks. The operator of any school bus failing to so stop shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than \$200; and his driver's license shall be suspended by the Secretary of State for a period of not less than 2 years.

*Note: At least one 2 1/2 lb. dry-chemical type required in all buses of carrying capacity of 20 or more passengers.

Buses With Carrying Capacity of Over 20 Pupils

Title 29, Sec. 2011, Par. 8, Revised Statutes 1964

School buses with a carrying capacity of over 20 passengers must comply with the Uniform School Bus Standards.

School Bus Operators: Requirements

Title 29, Sec. 2012, Revised Statutes 1964

No person shall operate a school bus with a seating capacity of 10 or more persons in the actual conveyance of school children until he shall have complied with the following requirements:

1. License. Must have held an operator's license from the State of Maine or any other state for at least 1 year;

2. Age. Must be at least 18 years of age unless he has passed a driver-education course in Maine and has held an operator's license for at least 1 year;

3. Examination. Must pass such examination as the Secretary of State shall prescribe to determine his ability to operate the specific vehicle which will be driven while transporting school children or any comparable type vehicle;

4. Application. Application for such examination must be filed with the Secretary within 30 days after the commencement of such operation;

5. Fee. A fee of \$1 shall be paid to the Secretary of State for such examination.

This section shall not apply to a substitute or occasional driver who is not regularly employed as a school bus operator and who does not operate a school bus more than 10 days in any school year.

School Bus Operators: Physical Examination

Title 29, Sec. 2013, Revised Statutes 1964

No person shall operate a school bus with a seating capacity of 10 or more persons in the actual conveyance of school children until he shall have passed such annual physical examination as the State Board of Education shall prescribe to determine his physical fitness.

Compulsory School Bus Insurance

Title 29, Sec. 831, Revised Statutes 1964

The Secretary of State shall not register any motor vehicle rented or leased on plans commonly known as U-Drive, Drive Yourself or Driverless Car plans nor any motor vehicle used for livery or hire, except as provided in Title 35, Section 1510, or as a school bus, and no person, firm or corporation shall operate or cause to be operated upon any public highway in this State any such motor vehicle, until the owner or owners thereof shall have procured insurance or a bond, having a surety company authorized to transact business in this State or 2 individuals as sureties thereon, in the amount of \$10,000 because of bodily injury or death

to any one person, and subject to said limit respecting one person, in the amount of \$20,000 because of bodily injury to or death to two or more persons in any one accident, and in the amount of \$5,000 because of injury to and destruction of property in any one accident, which insurance or bond shall be approved by the Secretary of State and shall indemnify the insured against any legal liability for personal injury, the death of any person or property damage, which injury, death or damage may result from or have been caused by such bond. The Secretary of State shall not approve the policy or bond unless it provides primary coverage for the operator as well as the owner.

School Bus Speed Regulations

Title 29, Sec. 1252 2F, Revised Statutes 1964

School buses shall not be operated at a speed in excess of 45 miles per hour, except that when used for purposes of an educational trip or for transporting pupils to and from an extra-curricular activity a school bus may be operated at a speed not exceeding 50 miles per hour.

Biannual Bus Inspections

Title 29, Sec. 2011, Par. 9 and 10, Revised Statutes 1964

Notwithstanding Section 2122, every school bus as defined in this section shall be submitted to an official inspection station during the months of August and February for the purpose of complying with Section 2122 concerning adjustment and sufficiency of the required equipment. This

inspection shall be conducted by certain specified official inspection stations.

Notwithstanding Section 2125, the fee for such inspection shall be \$2 and the fee for the inspection of passenger cars used as school buses shall be \$1.

Note: The Secretary of State, the Maine State Police and the State Department of Education have agreed that to implement the intent of this section of the law, the State Police will make periodic inspections of all vehicles used for transporting pupils as a follow-up to bus inspections required by law.

To assist administrators with respect to the approval of units for school conveyance, school bus service reports have been developed to indicate satisfactory ratings in relation to the bus chassis and body. The form used is shown on Page 69.

Vehicles which do not conform with reasonable standards for safe transportation are to be withdrawn from service until the necessary corrections have been effected.

Overtaking and Passing School Buses

Title 29, Sec. 2014, Revised Statutes 1964

The driver of a vehicle on a way, except the roadway of a dual highway divided by a median strip, carrying traffic in the opposite direction, upon meeting or overtaking from either direction any school bus which has stopped on the way for the purpose of receiving or discharging any school children shall stop the vehicle before

reaching such school bus and shall not proceed until such school bus resumes motion, or until signaled by the school bus driver to proceed. Each motor vehicle, carrying the designation "SCHOOL BUS," shall conceal or remove such designation when such motor vehicle is parked on any way and does not contain any pupils or used for any purpose other than transportation of pupils.

School Bus Shelters

Title 20, Sec. 804, Revised Statutes 1964

School bus shelters for school children, when approved by the superintending school committee of the town in which they are located may, notwithstanding the 50 feet from the nearer line of the traveled way provision of Title 32, Section 2758, be placed or maintained outside the right-of-way and at least 33 feet from the center line of any highway and carry not more than 2 panels on the sides thereof for the identification of sponsors. No such panel shall exceed 32 square feet or extend beyond the sides of such shelter and at least 60% of its area must be devoted to public service safety or other noncommercial use. Each such shelter shall, to the satisfaction of the superintending school committee, be constructed of steel or other durable material, with concrete floor raised above ground level, kept clean, well painted or otherwise suitably maintained at all times and kept free from snow, or the committee may order its removal.

EXHIBIT C

The following is a list secured from the Public Utilities Commission which includes all of the certificated carriers, whether or not they furnish a local service and whether or not they operate runs under contract with the local school department.

- B# 13 Bangor & Aroostook Railroad Co., 84 Harlow St.,
Bangor, Maine
- B# 1 Biddeford & Saco Bus Lines, Inc., 176 Main St.,
Saco, Maine
- B# 29 Blaisdell, Richard and Rowe, Sheldon C. dba
R & S Bus Lines Terminal: 2 Academy Street,
Hallowell, Maine
Blaisdell's Address: Hillcrest Street, Augusta,
Maine
Rowe's Address: 31 Capital Street, Augusta, Me.
- B# 26 The Blue Line, Inc., 280 Bartlett Street,
Lewiston, Maine
- B# 28 Brunswick Transportation Co., Inc., Elm and
Middle Streets, Brunswick, Maine
- B# 27 Cyr, John T. & Sons, Inc., 15 Bosworth Street,
Old Town, Maine
- B# 21 Doyle, Charles B. dba Bath Bus Service, P.O.
Box 267, North Street, Bath, Maine
- B# 7 Dwyer, Lloyd G. dba Dwyer Bus Lines, 6 Silver-
mount Street, Waterville, Maine
- B# 20 Goldthwait's Bus Line, Inc., Biddeford Pool,
Biddeford, Maine

- B# 35 The Greyhound Corporation, 1400 West Third St.,
Cleveland, Ohio
- B# 31 Hodgkins, Philip C. dba Triangle Bus Line,
111 Main St., Farmington, Maine
- B# 45 Hornbrook, James Skiffington, 156 Union Street,
Calais, Maine
- B# 18 Howes, Kermit W., 5 Houlton Street, Patten, Maine
- B# 10 Hudson Bus Lines, Inc., 22 Alden Street, Bangor,
Maine
- B# 47 Hudson, Kenneth, Inc. dba Hudson Bus Lines,
280 Bartlett Street, Lewiston, Maine
- B# 22 Marshall, Wm. J., Jr., dba Marshall's Transp.
Co., 11 Court Street, Exeter, N. H.
- B# 5 Portland Coach Company, 117 St. John Street,
P.O. Box 936, Portland, Maine
- B# 3 Portland-Yarmouth Bus Line, Inc., 81 Concord
Street, Portland, Maine
- B# 58 Putnam, Dana M. & Cook, Daniel A. dba Putnam's
Taxi, 2 Main Street, Ogunquit, Maine
- B# 51 Roth, Norman, 191 Northern Avenue, Augusta, Maine
- B# 17 Trailways of New England, Inc., 10 Park Square,
Boston 16, Massachusetts
- B# 12 Vermont Transit Co., Inc., 135 St. Paul Street,
Burlington, Vermont
- B# 33 Wood, Herbert C. dba Wood's Bus & Taxi Service,
Main & Winter Streets, Rockland, Maine

- B# 14 York Utilities Company, 87 River Street,
Sanford, Maine
- B# 50 Brunswick Transportation Company, Inc., Elm
and Middle Streets, Brunswick, Maine
- B# 37 The Greyhound Corporation, 1400 West Third
Street, Cleveland, Ohio
- B# 23 Marshall, Jr., Wm. J. dba Marshall's Transporta-
tion Co., 11 Court Street, Exeter, N. H.
- B# 44 Trailways of New England, Inc., 10 Park Square,
Boston 16, Massachusetts
- B# 11 Vermont Transit Co., Inc., 135 St. Paul Street,
Burlington, Vermont

Sec. 1-160--School bus. Every motor vehicle that complies with the color and identification requirements set forth in the most recent edition of Minimum Standards for School Buses and is used to transport children to or from school or in connection with school activities, but not including buses operated by common carriers in urban transportation of school children. (Revised, 1962)

Sec. 11-707--Overtaking and passing school bus

(a) The driver of a vehicle upon a highway outside of a business or residence district upon meeting or overtaking from either direction any school bus which has stopped on the highway for the purpose of receiving or discharging any school children shall stop the vehicle before reaching such school bus when there is in operation on said school bus a visual signal as specified in section 12-218 and said driver shall not proceed until such school bus resumes motion or is signaled by the school bus driver to proceed or the visual signals are no longer actuated.

(b) Every bus used for the transportation of school children shall bear upon the front and rear thereof plainly visible signs containing the words "SCHOOL BUS" in letters not less than 8 inches in height, and in addition shall be equipped with visual signals meeting the requirements of sec. 12-218 of this act, which shall be actuated by the driver of said school bus whenever such vehicle is stopped on the highway outside of a business or residence district

for the purpose of receiving or discharging school children.
(Revised, 1962)

(c) When a school bus is being operated upon a highway for purpose other than the actual transportation of children either to or from school, all markings thereon indicating "school bus" shall be covered or concealed.

(d) The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or passing a school bus which is on a different roadway or when upon a controlled-access highway and the school bus is stopped in a loading zone which is a part of or adjacent to such highway and where pedestrians are not permitted to cross the roadway. (Section revised, 1954)

Sec. 15-109--Regulations relative to school bus

(a) The (State Board of Education) by and with the motor vehicle commissioner shall adopt and enforce regulations not inconsistent with this act to govern the design and operation of all school buses when owned and operated by any school district or privately owned and operated under contract with any school district in this State, and such regulations shall by reference be made a part of any such contract with a school district. Every school district, its officers and employees, and every person employed under contract by a school district shall be subject to said regulations.

(b) Any officer or employee of any (school or school district) who violates any of said regulations or fails to

include obligation to comply with said regulations in any contract executed by him on behalf of a (school or school district) shall be guilty of misconduct and subject to removal from office or employment. Any person operating a school bus under contract with a (school or school district) who fails to comply with any said regulations shall be guilty of breach of contract and such contract shall be canceled after notice of hearing by the responsible officers of such (school or school district).

(Section revised, 1962)

TRAINING AND INSTRUCTION OF THE BLIND

ORDERED, the House concurring, that the Legislative Research Committee is directed to study the desirability of providing for the training and instruction of the blind of this State through an appropriate program leading to competitive employment and self support; and be it further

ORDERED, that the Committee shall report the results of its study to the 103rd Legislature.

SUBCOMMITTEE MEMBERS

Representative Catherine H. Carswell, Chairman

Senator Armand Duquette

Senator Raymond J. Letourneau

Representative Rodney E. Ross, Jr.

Representative Kenneth R. Gifford

Representative Louis Jalbert, Ex Officio

"The Maine Association for the Blind, situated in Portland, Maine, was founded in 1903 (later to become the Maine Fraternal Association for the Blind in 1908). In 1905, Mr. William H. Ryan, Treasurer of the Maine Fraternal Association for the Blind, together with 2 other foresighted members of the community, founded the Maine Institution for the Blind, the purpose of which was to be the training and instruction of the blind citizens of Maine in order that they might be enabled to find gainful employment and, through such gainful employment, secure for themselves independence and self-respect. The success met by the Maine Institution for the Blind in these areas is the subject with which we are gravely concerned at this time.

The high purpose which led to the founding of the Maine Institution for the Blind in 1905 might well be termed rehabilitation 40 years in advance of the thinking of those days, but the thinking and the purpose have changed and the Maine Institution for the Blind no longer resembles in any respect the hope that was in the hearts of the 3 men who founded that organization and the hope that was promised to so many and which seems to have been denied totally in its long history of static performance.

In 1907, money was appropriated by the State Legislature to assist the Maine Institution for the Blind in the construction of a new workshop. In 1919 the Maine Institution for the Blind found it again necessary to

appeal to the State Legislature for a subsidy which would enable them to: Instruct and train all legally blind residents of this State, who are over 18 years of age, in some useful occupation conducive to his or her self-support.

In 1923, the purposes of the Maine Institution for the Blind were amended to read as follows: To establish, maintain and operate an institution for the instruction of the blind, and to provide a home for them during such period of instruction and for such longer periods as may be deemed necessary by the directors of said institution. This change of policy and the method of operation have resulted in the Maine Institution for the Blind becoming more of a home for the blind rather than a training situation, which had at its inception one purpose -- to enable these individuals to become independent citizens and self-reliant members of our society. In truth, as it is now operated, the Maine Institution for the Blind strips the individual of all incentive and any possibility of achieving these high goals.

Three studies have been made of the Maine Institution for the Blind for the purpose of improving services, one in 1944 by Peter Salmon, a recognized leader in the field of services to the blind, another in 1952 by Henry Redke of the office of Vocational Rehabilitation and the most recent in 1959 by the American Foundation for the Blind which was requested to do a study and to provide continuing consultation. These studies were made at the institute's request and conducted by professional people.

(Copies of these reports are available.) Although specific recommendations were made and accepted by the Board of Directors of said institution, to this date, none of them has ever been implemented.

For years there has been a question of whether the Maine Institution for the Blind is a public or private institution, since they have been receiving public funds since 1907. In 1963, the Maine Fraternal Association for the Blind requested a ruling on this question. The ruling was given through the Department of Health and Welfare, by the Attorney General's Office, which stated that the Maine Institution for the Blind is a private institution. However, it is felt regardless of this ruling, that the Maine Institution for the Blind is a public trust. As a result of the Attorney General's ruling, the Department of Health and Welfare has ruled that all residents of said institution are eligible to apply for Federal and State financial aid to the blind. Since 1923, the State subsidy has ranged from \$20,000 to not less than \$10,000 every year and has been used exclusively for maintenance. If the State subsidy is to be used for maintenance instead of instruction and training as originally intended by the Legislature, it would appear that the subsidy is no longer necessary, as residents of said institution are now eligible to apply for financial aid to the blind. Since 1907 the Legislature has subsidized the Maine Institution for the Blind in excess of \$500,000. During this time the Board of this institution

has been able to accrue total assets in excess of \$563,000. As shown in their annual report ending June 30, 1965, it would appear that these assets have accumulated at the expense of the taxpayers of the State of Maine.

In the history that covers 60 years of time, the Maine Institution for the Blind has compiled an incredible record. An institution born for the purpose of training and instructing blind citizens, theirs is the signal achievement of having failed to place one single individual in private industry at a competitive wage in three-score years. During this time they have received in State funds more than one half million dollars and they have accrued through endowments and other sources an additional one half million dollars. Their original intent, however, remains unfulfilled in any respect whatsoever."

The Legislative Research Subcommittee is in complete agreement with the following recommendations by the American Foundation for the Blind in their 1965 report:

The Board of Directors should review carefully the status of Maine Institution for the Blind as a voluntary agency and request the State Legislature to change those laws or resolves inconsistent with their role as a voluntary agency. In conjunction with this examination of the role and function of a voluntary agency, the constitution and bylaws should be revised and rewritten in line with what is considered to be sound social agency practice today. Maine Institution for the Blind should expand its program

to provide a basic group of social and vocational services. In so-doing Maine Institution for the Blind should accept responsibility for leadership by providing services not presently available and by stimulating the interest of general health and welfare community agencies to provide their services to blind residents in Maine.

Maine Institution for the Blind should secure professionally qualified staff who can offer quality services to the blind residents of Maine. It is recommended that Maine Institution for the Blind secure the services of an executive director to assist in overall development, coordination and expansion of the Maine Institution for the Blind program.

The State Department of Health and Welfare shall make no further use of the Maine Institution for the Blind until its program has been materially improved.

In view of the preceding comments and recommendations, the Subcommittee proposes the elimination of subsidies to the Maine Institution for the Blind unless it be specifically stated that any such appropriation will be used for the original intent and purpose: The training and instruction of the legally blind citizens of Maine as originally stated in the Charter of the Maine Institution for the Blind.

The Subcommittee further proposes that said appropriation be made available through the Department of Health and Welfare, Division of Eye Care and Special Services,

with the authority to appoint a qualified person to promote, develop and maintain training programs leading to competitive employment and self-support.

In addition the Subcommittee was also particularly interested in the 95 recommendations made to the Division of Eye Care and Special Services by the American Foundation for the Blind as enumerated in the 1965 report.

Of these recommendations, some have been or are in the process of being adopted while others were obviously unnecessary. The following list has been compiled of those remaining recommendations that the Subcommittee and the Division agree with and which will require enabling legislation.

1. Consulting services to the parents of young blind and visually limited children, from a child development point of view. These services require trained casework staff.

2. Three well qualified specialized teachers for the adult blind, for assignment to sections of the State, on the basis of percentage of adult blind population and geographical area to be covered.

3. Expansion of this program through the use of trained volunteers, working under supervision, for special local assignments. These people would be under the supervision of the caseworkers assigned to the various geographical areas of the State.

4. Secure qualified professional staff to provide social casework service to children and adults.

5. Develop a coordinated plan in which the social casework staff and the education counselors and vocational rehabilitation counselor can approach individual and family problems on a teamwork basis by having a team consisting of educational counselor, caseworker and vocational rehabilitation counselor in each district.

6. Develop a corps of volunteers supervised by the casework staff in providing transportation, etc.

7. Work with community groups in such cities as Portland and Bangor for the purpose of developing interest in the establishment of two sheltered workshops. (Three-fourths of the blind population is in the Greater Portland area according to information received from Mr. Pollard.)

8. Explore with federal officers Vocational Rehabilitation VRA, the possibility of obtaining funds for community groups and organizations for the establishment of workshops.

9. Utilize resources of the division to the fullest to enhance the comfort, well-being and independence of those confined to nursing homes. This requires social casework staff.

10. Explore voluntary services now given to blind persons and set up a method of coordination. This requires casework staff.

11. Involve the community planning agencies, where they exist, in coordinating volunteer activities. This requires casework staff.

12. Consider recruiting, training, orienting and coordinating a small corps of individual volunteers who have special skills as a special project under the Health and Welfare Department.

To implement the preceding recommendations and to provide a minimum of acceptable service to the blind in Maine, the following minimum additional staff is needed by the Division of Eye Care and Special Services: Casework supervisor, 3 social caseworkers, 2 educational specialists for adults and one additional vocational rehabilitation counselor and 2 clerical staff members.

In addition federal regulations require the hiring of a facilities and workshop specialist to work with and help develop rehabilitation workshops and facilities.

Federal Register, Vol. 31, No. 9, January 14, 1966,
Subpart H - State Planning Grants for Workshops and
Rehabilitation Facilities -

S401.140 Purpose

Planning grants authorized in section 12(g) (1) of the act shall be made for the purpose of paying part of the cost of organized efforts by the state vocational rehabilitation agencies to make an initial determination of the State's needs for workshops and rehabilitation facilities, and to provide for a continuing program for assessing

such needs and evaluating activities for establishment, construction, utilization, development, and improvement of workshops and rehabilitation facilities.

As a result of the efforts of this Committee the funds necessary for federal matching grant to hire a facilities and workshop consultant have been requested of the Governor and Council and were received. The Division of Vocational Rehabilitation of the Department of Health and Welfare is now in the process of hiring a workshop and facilities specialist who will give 25% of his service to the Division of Eye Care and Special Services and 75% of his time to the Division of Vocational Rehabilitation.

This consultant could function to establish standards for workshops and rehabilitation facilities, administer grants and service workshops and rehabilitation facilities available through the Federal Government.

He might also work directly with Maine Institution for the Blind in helping this institution to develop a program to meet the rehabilitation needs of the blind and other handicapped individuals in conjunction with the services of Goodwill Industries and Maine Medical Center. Once Maine Institution for the Blind agrees on an improved and approved program of training and instruction, a request for financial assistance from the State could be made to carry out the plans with the assistance of the qualified workshop and facilities

specialist.

In order to acquaint the reader with the modern trends available for training blind people to enable them to become self-supporting, let us review some of the major programs currently offered by the State Department of Health and Welfare, Division of Eye Care and Special Services, which has specific needs and could better utilize the funds employed than the purposes for which they now serve at the Maine Institution for the Blind.

Diagnosis - including general medical examination, eye examination, psychological tests, aptitude tests when needed for vocational purposes.

Medical Services - such as corrective surgery, or other medical attention which can reduce the degree of handicap; optical aids, hearing aids or other special devices; hospital care and psychological counseling to those accepted for rehabilitation services.

Personal adjustment - including care of self, shopping, eating in restaurants, and other ordinary daily living requirements for acquiring as much independence as possible; skilled specialists in public or private rehabilitation centers serving the blind or visually handicapped carry out these services, and also visit in home surroundings.

Vocational training or retraining - according to individual requirements, either in a trade school, on-the-job training or general or university education;

tuition and tutoring fees provided.

Job placement - counselors and an employment specialist work together to find the most suitable job for each person, if possible in his own community.

Tools-equipment-initial stock-licenses - in some instances the initial investment in establishing a small business can be provided in accordance with the type of equipment needed, and the economic need of the individual.

Vending stand program - a popular source of employment for blind persons can be initiated through this agency.

Job adjustment & follow-up - until firmly settled in his job to his own and his employer's satisfaction, the counselor continues a follow-up service to provide whatever further help and advice is necessary, most importantly to help promote assurance.

Library - for those who, because of a visual handicap, need large print, braille or recordings, the Division can arrange for a selection of each so that the visually handicapped person may continue to read for recreation and education.

Education - visually handicapped children may not need to go away from home to receive an education.

Because the Division maintains special services for visually handicapped children, a majority of them now remain in their own homes and communities and attend day school along with sighted children. Approximately

200 blind children are being instructed under a continually expanding program, including children in public school, children in their own homes and pre-school children.

The Committee's study further revealed that the Department of Health and Welfare, Division of Eye Care and Special Services, purchases the services of the Blind Children's Resource Center in Portland, founded and operated by Sister Mary Miguel of the Sisters of Mercy.

Sister Miguel working under contract to the Division of Eye Care and Special Services is responsible for:

1. The operation of a pre-school center which has a two-fold purpose, evaluation and readiness of blind children in the Portland area.
2. The supervision of the Blind Children's Resource Center in Portland and teaching of the children.
3. Supervision of the branch in Auburn.
4. The in-service training of assisting the department in special teachers in Skowhegan, Madison, Lewiston, Ellsworth, Camden, Houlton, Dyer Brook and South Berwick.
5. Consultation to the Cerebral Palsy Clinic in Portland area and their work with blind children.
6. Formulating of plans for opening of a branch at South Berwick for 1967.
7. Management of business in the office at the Resource Center, dictation, filing, etc.

8. Arranging for all braille books ordered for blind children attending school in Maine (approximately 200).

9. Ordering of equipment, supplies and periodicals for the children in the Portland area.

10. Daily business trips throughout the City of Portland related to the work, such as periodic visits to children's homes in relation to education.

11. Public speaking and public relations.

12. Conducts courses in braille. (It is necessary for volunteer braillists to become certified if they wish to braille books for the blind children. The Library of Congress certifies braillists. The classes conducted by Sister Miguel enable volunteers to submit their work to the Library of Congress).

13. Recruits certified braillists in other states, to braille books.

14. Supervises the binding of books and preparing them for shipment to school children. Under the Blind Children's Resource Center Program, blind children are taught to play, study, learn and compete with sighted children.

The American Foundation for the Blind 1965 Report terms this program as excellent. The donated equipment and classroom at the Resource Center is fast becoming inadequate to handle the ever expanding program.

Plans have recently been undertaken for expansion of the facilities at the Blind Children's Resource Center, Portland, Maine, at an estimated cost of \$200,000. The Committee recognizes the increased need for such a program and the lack of space and overcrowded conditions which hampers the teaching program at the Center. Therefore, the Research Committee strongly urges support of the enclosed Act, marked Exhibit A, An Act to Provide for Construction at the Blind Children's Resource Center in Portland.

At the present time the 4 Roman Catholic Sisters are providing services to the visually handicapped children through the state program of education to visually handicapped children. Without the assistance of these Sisters it would be necessary for the State to have additional full-time positions, facilities and salary for the above services and we could not expect the amount of service the Sisters are now providing according to C. Owen Pollard, Director of Division of Eye Care and Special Services. Three of the Sisters are working as Education Consultants and one is working as a Teacher's aide. The salary range for Education Consultant with a master's degree falls in range 20, which as of July 1, pays \$120 - \$146 per week. Sister Mary Miguel has the equivalent of a Master's Degree and Sister Cecelia has her degree. With their education and experience they should be receiving at least \$146

per week or \$7,592 per year each. Last year the State paid Sister Miguel less than \$4,000 and Sister Cecelia a total of \$2,740. Sister Saint Thomas in Auburn, who does not have a degree, but is working on it, should be paid at the top of range 17 (\$136 per week or \$6,552 per year), and her helper should be paid somewhere in the vicinity of \$5,500 per year. Two full-time clerks are needed at the Resource Center in Portland to do the braille reproduction, keep records, print books, etc., rather than two part-time clerks now employed. The pay for these should be approximately \$9,000 - whereas now it is only \$4,000 that is being paid. In order for the State to adequately staff this training program for services to children for whose training the State is legally responsible, the appropriation for educational purposes should be increased approximately \$18,000 for the next biennium. This does not take into consideration the increased caseload that is anticipated, nor does it take into consideration the new services, such as special teachers for mentally retarded blind children that the Sisters are willing to train providing the facilities and staff are available.

During this particular phase of the study it was brought out that salary adjustments commensurate with responsibilities were necessary for the school year 1966 and 1967 at the Blind Children's Resource Center. Through the cooperative efforts of this Committee and C. Owen Pollard of the Division of Eye Care and Special

Services such adjustments were made, based on the latest Department of Personnel Classification and Salary Ranges.

This study also indicated that there are approximately 2,200 known blind persons in the State of Maine. The Committee recommends that serious consideration be given to mandatory reporting of blindness except when the individual requests that his case remain a personal and confidential matter.

A master plan will soon be developed through a Commission, already appointed by the Governor, which will survey the needs of all handicapped by the year 1975. The Governor and Council have granted a request for funds for Maine to participate in this project. The Department of Health and Welfare, Division of Eye Care and Special Services and the Department of Education, Division of Vocational Rehabilitation, plan to cooperate with this Commission in the program to study the problems of handicapped persons including workshops and facilities, present programs and needs.

Full utilization of the 100% federal matching funds to finance the activities of this Commission is expected.

Federal Register, Vol. 31, No. 9, January 14, 1966,
Subpart G - Grants for Comprehensive Statewide Planning
for Vocational Rehabilitation Services -

§401.120 Purpose

Special project grants authorized in section 4(a)
(2) (B) of the act shall be made for paying the cost of
planning for the development of a comprehensive vocational

rehabilitation program in each State, including the orderly development of services and resources (public and nonprofit private) so that by July 1, 1975, or sooner, vocational rehabilitation services will be available to all handicapped individuals in the State. This planning shall include, among other things, estimates of present and projected vocational rehabilitation needs through 1975; assessment of the adequacy of present programs and resources in terms of present and projected needs; and delineation and description of the specific steps necessary for the development of adequate vocational rehabilitation resources and programs within the State.

With the cooperation of State and Federal Government and private agencies, blind persons can be trained and placed into employment.

AN ACT to Provide Funds for Construction at the Blind Children's Resource Center in Portland.

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

Whereas, the Division of Eye Care and Special Services and the American Foundation for the Blind, among others, have stressed the need for the expansion of this program and facilities; and

Whereas, plans include training and instruction of the mentally retarded blind; and

Whereas, the program is continually expanding and lack of space and overcrowding necessitates the combining of classroom and office space which hampers the program of teaching; 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:

Blind Children's Resource Center; appropriation for.
There is appropriated from the Unappropriated Surplus of the General Fund the sum of \$200,000 to the Blind Children's Resource Center in Portland for construction of facilities at the center.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

PUBLIC HEARINGS

Room 228 - State House, Augusta and Maine Institution for the Blind, Park Avenue, Portland, Maine.

TOURS

Maine Institution for the Blind - Portland, Maine
Blind Children's Resource Center - Locust Street, Portland, Maine.

RESOURCE MATERIAL USED

American Foundation for the Blind, Inc., Program Review of the Division of Eye Care and Special Services of the State Department of Health and Welfare, dated May 17-21, 1965.

Review Staff Consisted of:

Coordinator of Program Review, Director of Community Services Division, American Foundation for the Blind, Inc.
Program Review Team, Nurse Consultant, National Society for the Prevention of Blindness.

Specialist in Pre-School Education, American Foundation for the Blind, Inc.

Specialist in Education, American Foundation for the Blind, Inc.

Specialist in Rehabilitation, American Foundation for the Blind, Inc.

Regional Consultant-Northeastern States, American Foundation for the Blind, Inc.

Additional Resource Material Used

The Henry Redke Report on Workshops - Department of Health Education and Welfare - Region I office, Boston, Massachusetts. Regional Identical Memorandum 65-24, Distributed to all State Agencies, August 1, 1965.

The Fitzgerald Report to the Maine Institution for the Blind in Portland, including recommendations for the development of the program of Maine Institution for the Blind, dated December 15, 1959.

The 101st Legislative Recess Committee Report on the Need of Establishing a Separate Department of Rehabilitation.

(A bill was presented to the 102nd Legislature and passed both branches of the Legislature but died on the appropriation table).

Acknowledgment

As Chairman of the Subcommittee on Training and Instruction of the Blind, I wish to express the gratitude of each Committee Member to the many persons and organizations for sharing our concern and offering their complete cooperation in providing valuable information and services so vital to the Committee's interests.

Respectfully submitted,

Catherine Carswell, Chairman
Subcommittee on Training
and Instruction of the Blind

WESTPORT-WISCASSET BRIDGE

ORDERED, the Senate concurring, that the Legislative Research Committee in conjunction with the State Highway Commission study the feasibility of constructing a high-level span on the Westport-Wiscasset Bridge to permit boat traffic under the bridge and the possibility of obtaining matching and sufficient federal funds to complete such a project; and be it further

ORDERED, that the committee report the results of its study to the 103rd Legislature.

SUBCOMMITTEE MEMBERS

Representative Rodney E. Ross, Jr., Chairman

Senator Floyd L. Harding, Vice Chairman

Representative Joseph E. Binnette

Senator Dwight A. Brown

Representative Albert E. Cote

Representative Louis Jalbert, Ex Officio

The following report on the Westport-Wiscasset Bridge is based on two public hearings, a site inspection and numerous letters and statements filed with the Committee by interested persons.

Prior to 1950 the only access to Westport Island, just west of the Town of Wiscasset, was by ferry. The Westport-Wiscasset Bridge District was created in 1947. A combination causeway-bridge was built and open to traffic in June, 1950. Although it was hoped that the project would be self-supporting, this did not prove to be the case. Consequently the State took over the District's obligations in 1955. Toward this end, Lincoln County paid \$95,000, Wiscasset, \$25,000, Westport, \$10,000 and the balance of \$185,000 was paid directly from state funds. The bridge has been maintained by the Highway Department since this date of transfer. Although accessibility to the Island is now satisfactory, many serious problems have arisen affecting the area economy, safety and pollution. This is due to the type of construction. The original proposal was for a high-level steel bridge. However, because of cost reductions, Army Engineers recommended and approved the present causeway and small bridge. At that time the present side effects and serious consequences were not foreseen.

The causeway itself acts as a dam both against incoming and outgoing tides. This has changed the normal tidal flow for estuaries as far west as the Kennebec River. In many places navigation is now either impossible, or at the best, extremely hazardous. Several drownings have been directly attributed to

this situation. Many boats have overturned in an attempt to navigate the extremely swift water with its ever changing currents.

One of the other major areas of concern is the severe pollution problem which has been created. Hundreds of acres of clam flats are now covered with stagnant water. Furthermore, thousands of tons of seaweed have been trapped thereby and allowed to rot over the years. This made it necessary to also close the flats which remained uncovered. Lobster fishing in the areas has been completely eliminated. Revenues lost from clams, lobsters and clamworms well exceed \$200,000 each year.

The tourist business has also suffered. Several pleasure boats used to make daily trips from Wiscasset to Bath via a short/^{scenic} route up Back River. This is no longer feasible. The only possible passage would now require an additional hour each way with several extremely dangerous stretches of water. Furthermore, boating enthusiasts who come to Boothbay Harbor by the thousands in the summer are now virtually deprived of the most interesting inland river trips.

A high-level bridge permitting normal water flow would eliminate all of these problems. The cost would approximate \$600,000 or the equivalent of three-fifths of one mile of Interstate Highway. In the interest of safety and anti-pollution alone, the Federal Government would probably defray a large proportion of this cost. Under these circumstances the Committee recommends replacing the present unsatisfactory construction with a high-level bridge similar to that shown in Exhibit 5.

EXHIBIT 1

Statement by Mr. Ramsom P. Kelley, President of Magnum Boat Line, Boothbay Harbor, Maine.

Reference - Westport Causeway Cowseagan Narrows, Effect on tides and currents:

Low water occurs about one hour later than formerly in Hockomock, Montsweag, Brookings and Hall Bays. The height of low water is about one foot higher than it used to be. This causes many acres of flats to remain covered at low water that used to be bare.

The tidal currents in Goose Rock Passage have been increased to a velocity of over seven knots. The nun buoy runs under during the strength of the tide and whirlpools are formed making navigation difficult and dangerous.

The tidal currents in lower Hell Gate have been increased to as much as ten knots and at times this is an extremely dangerous passage for small boats and difficult for larger craft. Coast and geodetic ship reports tidal currents in excess of ten knots. The can buoy up river of the gates runs under and this makes an additional menace to navigation.

The direction of flow in the Sasanoa River is now one hour west to eleven east. It used to be four to four and one-half west, seven and one-half to eight east.

The causeway has for all practical purposes blocked navigation by the western channel around Westport Island. The boat trip from Wiscasset to Bath is nearly twice as long as it used to be and much more dangerous.

The Kennebec River at Bath is nearly all fresh water and is badly polluted. The change of flow characteristics of the Sasanoa River have increased the pollution and fresh water percentages in Hockomock, Montsweag, Brookings and Hall Bays as well as the height of low water. This has adversely affected or destroyed the sardine and lobster fishing, worming and clamming. Because of the fresh water the bays freeze over earlier and for longer periods. This not only shortens the period of navigation but also works a real hardship on the waterfowl population. The aquatic vegetation has been largely destroyed.

To restore navigation and former tide and current patterns, a high-level bridge (50 feet vertical clearance) and the restoration of a channel capable of handling the same volume of water as formerly would be necessary. The restoration of the waterway would benefit the economy of the region and would repay the costs many times.

I have known and used these waters for over thirty years.

EXHIBIT 2

Statement by Mr. Frank H. Hammond:

Though statistics are, as a whole, most uninteresting to listen to, they are the only accurate means of determining the overall profit or loss of any venture.

For the last 8 to 10 months, by working with the Maine Marine Worm Conservation Committee and the Westport Bridge Committee, also having the cooperation of the Department of Sea & Shore Fisheries, state officials and figures from local industry, I have been able to tabulate the following data, a copy of which I shall give to you for your further study and approval.

As you know, the Westport Bridge Causeway was filled in in 1949.

Inasmuch as in 1947 Lincoln County supplied 77% of all marine worms supplied to out of state markets, and in 1950 this percentage had dropped to 40%, while the marine worm industry as a whole was expanding, it is safe to assume that this loss of 37% was caused largely by the inability to produce the supply due to the many acres of productive flats which were covered by water due to this causeway.

The minimum loss per year estimated by diggers and dealers of Lincoln and Sagadahoc Counties is \$120,000 per year, or \$1,440,000, in 12 years. The maximum estimate from statistics gathered and tabulated by the Department of Sea & Shore Fisheries equals \$250,000 per year or loss of \$3,000,000, in 12 years. This loss is to not only this locality but the

State of Maine as 100% of the revenue comes from outside the State.

While diggers from Lincoln and Sagadahoc Counties travel up to 100 miles per day to obtain worms from Cumberland and Knox Counties, our own commercial flats are, as they have been since 1949, covered by polluted water due to the dam which no one objected to the construction of, as it was promoted as a bridge, and all agreed and I believe all still agree that there should be a bridge between Westport and the mainland. This causeway or dam, however, is costing Lincoln County and the State of Maine at least \$185,000 per year or a total of at least \$2,405,000 in the last 13 years.

These figures are tabulated by adding the minimum estimate by diggers and dealers (who as a whole are not versed in economic statistics) adding it to the figure estimated by data gathered by the Department of Sea & Shore Fisheries (who undoubtedly are in a position to make the best estimate), and dividing by two to get the average. Considering a loss of \$1,850,000 to the State of Maine every 10 years the cost of a bridge instead of a dam seems minor, and the total cost of the original dam has been lost over 8 1/2 times as of this date as the cost of the Westport dam was \$286,000 and the cost to the marine worm business alone is \$2,405,000. The Marine Worm Industry, though growing yearly, is not only being forced out of Lincoln County, but out of the State of Maine to Nova Scotia by lack of planning, lack of foresight, or short range savings to make long range economic losses to one of the

State of Maine's major industries.

To quote a portion of an article by Commissioner Ronald Green appearing in the Industrial Section of the Portland Press Herald on January 25, 1963. Quote - "Last, but by no means least, Maine's Marine Worm Industry appears to have topped the million dollar mark for the first time in history. A total of 1,541,000 pounds of bloodworms and sandworms brought diggers over \$1,171,000 according to projected estimates. Thus to the astonishment of many, the unglamorous marine worm industry is solidly in fourth place, behind lobsters, ocean perch and herring, among the State's most valuable fisheries." unquote.

Though I myself know from business prior to 1949 that this is the worm center of Maine, due to the fact that a large percentage of our available flats are under water due to the Westport dam, I have purchased a large building in Washington County, to which I must turn unless our local flats again become workable.

Combined dealers in Lincoln County paid \$458,674 to diggers in 1962 for marine worms, having paid \$136,141.17 in 1962 for marine worms myself. These amounts do not include monies spent in Lincoln County by the industry for packing labor, twine, packing weed, boxes, autos, gas, oil, boots or digging equipment but only for the worms themselves.

With definitely no disrespect to the Central Maine Power Company, whom we are fortunate to have in Lincoln County but only to show an industrial comparison, the CMP payroll for the year here was \$420,000 (as per the payroll division of CMP in

Augusta) whereas the Marine Worm Industry paid \$458,674, or over \$38,500 more. Unless these flats are made available this revenue and income for Lincoln County will be not only driven from the county but a share of it from the State and United States into Canada.

For the good of Wiscasset, Lincoln County and the State of Maine, I request that action be taken on this matter at once while the business is still here to take advantage of our natural resources and dealers are not forced to Washington and Hancock Counties or Nova Scotia to procure the product which Lincoln County has under water in bountiful supply.

EXHIBIT 3

Average number of diggers in flats - 1946-49:

(Estimated)

Winter-----20
 Spring-----50
 Summer-----50-75
 Fall-----50

General Average---50

Average amounts dug -- 3 bu.

50 diggers per day x 3 bu. = 150 bu/day

5 days per week x 150 = 750 bu/week

1 year = 52 weeks x 750 = 39,000 bu.

Cut estimate by 1/2 = estimated 20,000 bu/year

Present prices (1964) average \$6.87 per bu. x 20,000 = \$137,400

1949 - Lincoln County, 20% of the State production.

1950 - Lincoln County, only 9% of the State production.

From 1949-1950, State production dropped 20%, but Lincoln County production dropped 66%.

BLOODWORM LANDINGS IN POUNDS

<u>Year</u>	<u>Cumber-</u> <u>land</u>	<u>Hancock</u>	<u>Lincoln</u>	<u>3 County</u> <u>Total</u>	<u>State</u> <u>Total</u>	3 Cty. Lndgs. as % of State <u>Total</u>	Lincoln County Landings as % of State <u>Total</u>
1948	56,229	65,931	438,105	560,265	567,987	98.6	77.1
1949	129,208	69,275	196,469	394,952	401,716	98.3	48.9
1950	66,502	89,965	152,981	309,448	311,404	99.4	49.1
1951	70,818	56,234	86,812	213,864	215,864	99.1	40.2

EXHIBIT 4

To: Robert L. Dow, Director, Marine Research

From: John Hurst

Subject: Robinhood Cove

The occasional pollution of the Robinhood Cove area has been somewhat mysterious. Don Harriman has found some local pollution but I question if this explains some of the high scores we have. I have talked to Walter Welch about his plankton tows in Robinhood Cove (1950-1954) and he recalls finding monofilament fibers of various colors. He feels that these fibers come from the Sasanoa. He suggests that the source of the fibers was the Varney Mill in Brunswick. The fibers are a good indication, I think, of the circulation of the Sasanoa water. Walter has suggested that the influence of the Sasanoa in this case was greater after the Westport causeway.

Statement by Captain William S. Rich, Port Captain, Bath Iron Works Corporation:

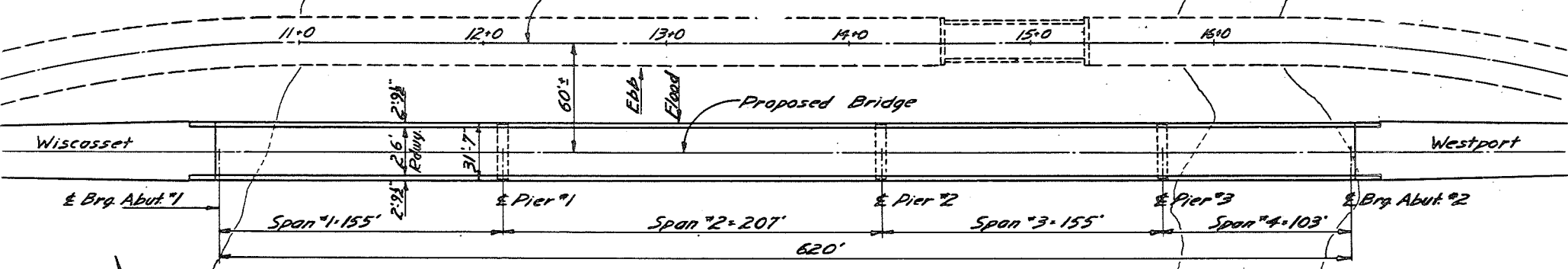
Captain Rich said that since the causeway was built it has created a cross tide from the mouth of the Sasanoa River opposite the shipyard docks which make it extremely difficult and dangerous to launch and navigate vessels at high tide. The Bath Iron Works would like to see an adequate tide restored.

M.H.W. El. 109.1 M.L.W. El. 100.0

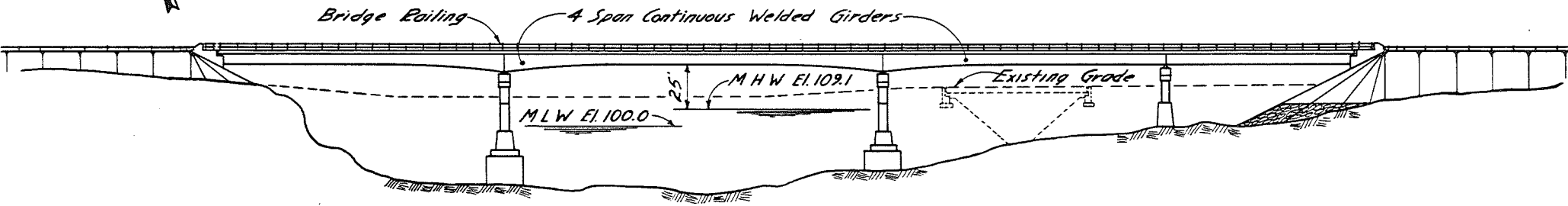
Existing Causeway & Bridge (Remove)

M.L.W. El. 100.2

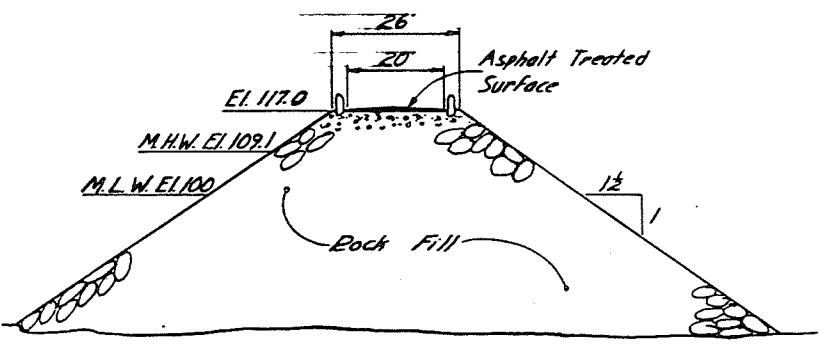
M.H.W. El. 109.1



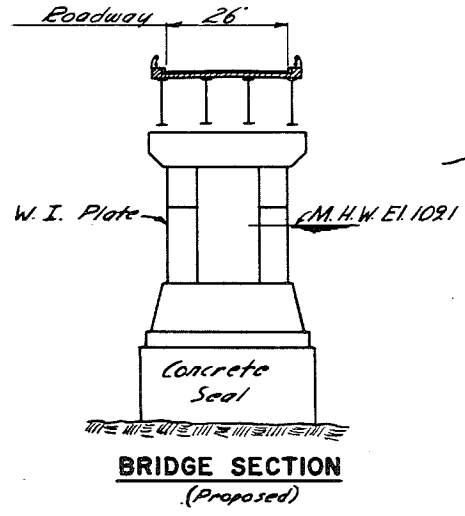
PLAN
Scale: 1" = 80'



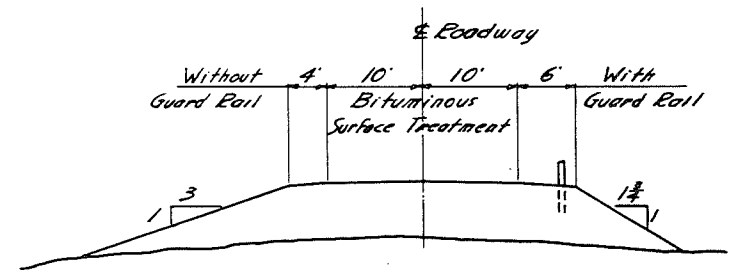
ELEVATION
Scale: 1" = 80'



EXISTING CAUSEWAY SECTION
(To be removed)



BRIDGE SECTION
(Proposed)



ROADWAY SECTION
(Proposed)

- NOTES:** (Existing Structure)
- Existing Structure to be removed.
 - 75' Simple Span 4-36 WF.
 - 20' Roadway, 1'-3" Concrete Curbs with Cable Guard Rail.
 - Shallow Abutments - No Piles.
 - Original Ground Information is from L.O. Hopkins & Sons, Inc. Nashville, Tenn. Drawing P.2.

Design Specifications - AASHO
Loading - H-20-44

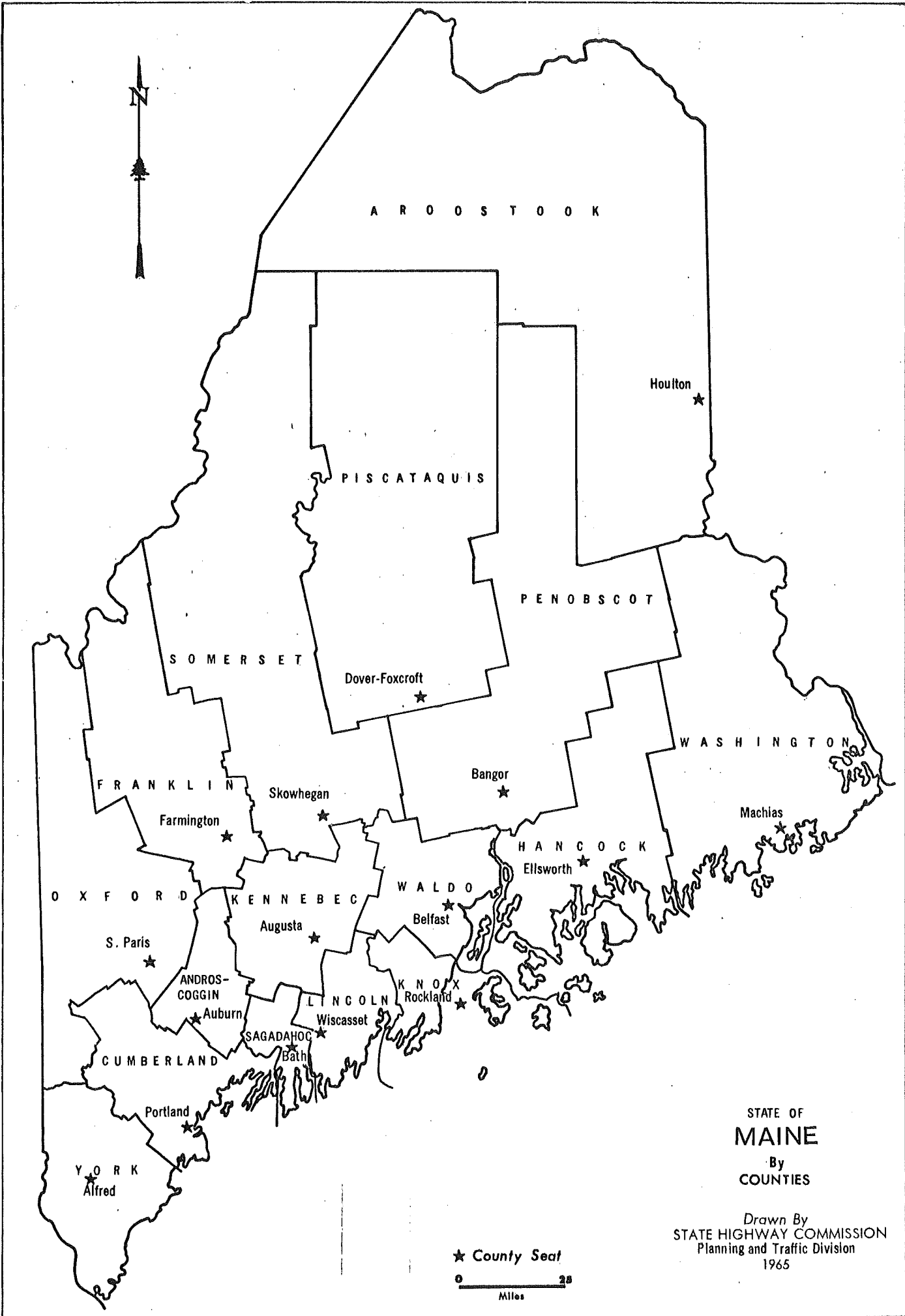
**PRELIMINARY STUDY
FOR
PROPOSED BRIDGE
CUSHMAN POINT SITE
WISCASSET TO WESTPORT
ROUTE 144**

COUNTY GOVERNMENT

ORDERED, the Senate concurring, that the Legislative Research Committee be, and hereby is, directed to study the government, management and cost of the several counties in the State; and be it further ORDERED, that a report of such study together with any recommendations deemed necessary be made to the 103rd Legislature.

SUBCOMMITTEE MEMBERS

Representative Joseph E. Binnette, Chairman
Senator Raymond J. Letourneau, Vice Chairman
Senator Dwight A. Brown
Representative Albert E. Cote
Representative Kenneth R. Gifford
Representative Emilien A. Levesque
Senator Sidney D. Maxwell
Representative Louis Jalbert, Ex Officio



A R O O S T O O K

Houlton ★

P I S C A T A Q U I S

P E N O B S C O T

S O M E R S E T

Dover-Foxcroft ★

W A S H I N G T O N

F R A N K L I N

Skowhegan ★

Bangor ★

Farmington ★

Machias ★

H A N C O C K

Ellsworth ★

O X F O R D

K E N N E B E C

W A L D O

Augusta ★

Belfast ★

S. Paris ★

ANDROS-COGGIN

Auburn ★

K N O X

Rockland ★

L I N C O L N

Wiscasset ★

SAGADAHOE

Bath ★

C U M B E R L A N D

Portland ★

Y O R K
Alfred ★

STATE OF
MAINE
By
COUNTIES

Drawn By
STATE HIGHWAY COMMISSION
Planning and Traffic Division
1965

★ County Seat

0 25
Miles

Professor Edward F. Dow recently wrote "Counties in Maine have followed the New England pattern. Never as active as in other parts of the country, their functions have tended to shrink until they have reached a point where they are top-heavy with elected officials and clerks, and their few functions are concentrated around the administration of justice and the recording of deeds. These matters are essential, but not local - counties act as state administrative agencies carrying out state law. They enact no policies nor do they carry out local mandates. There has been a gradual decline of county authority and the principal reason is a result of changing conditions and the expansion of state and local activities. In many states the county has been revitalized in recent decades, and is a real force and sometimes a fairly efficient agency serving its inhabitants."

The 16 Maine counties provide suprisingly few cases of true cooperation between counties and cities within their boundaries. The common situation might be described as one in which members of the same family get along by not seeing each other. In a few cases this is not true, but all too often an air of competition rather than cooperation seems to prevail. Although municipal boundaries might be meaningless in many areas, municipal services will sometimes be provided only within the city.

Interlocal relations between counties are minimal at best, and few officers of the counties have any notion of the methods of operation of their closest neighbors. The idea that county governments might join together to meet certain common needs seemed to have flowered only with the help of federal pressures which have been applied in such fields as regional planning as required by Department of Housing and Urban Development, Bureau of Public Roads, Farmers Home Administration, Health, Education and Welfare Programs, Medicare, Office of Economic Opportunity, Mental Health, Vocational Training, War on Poverty Programs, Economic Development Administration, Department of Urban Beautification and Open Space and U. S. Department of Agriculture.

Direct county-federal relationships have been almost nonexistent until fairly recent times. Until recently, the fairly substantial amounts of federal funds which found their way into county governments were normally channeled through some agency of the state. Some new federal projects, most notably the "war on poverty programs," have tended to bypass the state and in many cases the county government as well.

It is generally agreed by the members of this Subcommittee that county government must rehabilitate and remodel its administration toward increased cooperation to meet today's common needs and increasingly complex

problems involving the entire county and its neighbors. The Subcommittee has every confidence that county government is the level of government which can provide effective administration of coordinated planned programs and services on any basis, regional, district or area.

Problems of county government grow more, rather than less, severe, the State of Maine recently created a Comprehensive Planning Office, which can look at these problems as a whole or in relationship to the broader governmental programs and objectives of the state. As administrators and legislators who have struggled with the matter well know, it is exceedingly difficult to devise a broad scheme of coordination and assistance which would be compatible with the relatively discreet functions the several state agencies now perform through or within the counties. One possible approach to meeting the broader needs of the counties lies in the regional planning commissions, Revised Statutes, Title 30, section 1301 and regional development, sections 4501 to 4504. (See Exhibit B) It is recommended that this statute authorizing the establishment of regional planning commissions be amended to allow a county itself to initiate a regional planning commission or 2 or more counties to join forces with one another in addition to the other provisions already contained therein. Proposed legislation

to accomplish the preceding recommendation has been included in this report and marked Exhibit C. Once a county establishes a regional planning commission with provision for staff paid for by county government, possibly subsidized by the state and community to be served, it is in an excellent position to pursue studies in conjunction with local governments or municipalities to provide increased and more effective services at a lower cost to communities within its boundaries. Also long range comprehensive planning services would be available to the citizens and local governments on a regional basis as a county function which would offer new life to an old system. Upon adopting a workable planning commission, application could then be presented to the state and federal governments for funding to implement its programs. The commission also could enter into contracts or compacts or implement through the county new legislation. To date only 3 counties and a portion of the 4th have organized under this statute.

Programs such as long range study of the feasibility of establishing combined fire fighting facilities among the various cities and towns within the county whenever possible and how such a program should be funded could be developed. A similar study was proposed of all health and welfare programs in and available to the counties with a view towards combining and coordinating such health services and facilities whenever possible.

Budget programs used in the various counties could be examined to find better systems for the county. The Subcommittee favors line budgeting and recommends that all counties adopt such a system.

Police services and training facilities within the county were also mentioned just to name a few.

As previously stated, a great number of specialized assistance programs now demand comprehensive area planning as a prerequisite to receipt of any federal moneys. In addition, many state departments use regions for their work. The planning requirements for these different programs vary slightly, but generally they are very similar, and they almost all require that planning be done on an area basis. These planning efforts often utilize the same basic data, although this can be assembled in different ways for different programs.

Since area planning is required for so many programs, and since the necessary data is so similar, it seems logical to establish a system of planning areas or regions for the State of Maine with the assistance of many state departments. A proposed system has been drawn up by the Comprehensive Economic Plan Office.

If this system is used for planning regions, it would be further reasonable to anticipate that each region could meet the planning requirements of several different programs. This could be accomplished by each region establishing an office or headquarters which could be the data

center and planning office. A small staff could man this office, and this staff could serve the needs of several programs.

A small staff for each regional planning office serving programs would make sense for several reasons. The individual planning effort of each program is not sufficient to warrant continued planning. Yet, by pooling resources and by using the same people and the same basic data on a continuing basis for many programs, the shortage of planners and economic analysts could be overcome. Local staffs could be given training in the broad approach to area problems, and they could be assisted by professionals on a consulting basis. The same knowledge and talents could then be used on different programs, rather than a new group of people or new consultants having to become familiar with each area for each individual program.

Wherever possible, existing regional committees such as Regional Planning Commissions, Rural Area Development Committees, etc., and their staffs should serve as the nucleus for the coordinated planning effort. Comprehensive Planning can best be accomplished by broad participation of the many interests in the area or region; therefore, existing groups should be active participants.

Consideration in Constructing a Scheme of Regions

COUNTY LINES - Traditionally regional boundaries follow county lines, and this established practice is an important consideration. Further, counties are, in fact, functioning

units of government, albeit declining in importance. U. S. Census statistical data, crucial to any kind of economic planning, is compiled on the basis of counties. For these reasons, county lines should be utilized as much as is practicable, though they need not be considered as sacred. Exceptions might include such instances as the Patten area and the Moosehead Lake Region, where county lines have little or no relation to economics or population distribution, and as a matter of practicality should be ignored. Trade, commuting or economic areas usually are within county lines, but occasionally may cross the county boundaries.

NATURAL BOUNDARIES - Natural boundaries formed by rivers are perhaps useful in their simplicity, but often the river and both its banks have common problems and characteristics and to split the river basin would impede planning of course. River basins can most easily be considered as a whole in unorganized, unpopulated areas of the State, where natural resources are the prime developmental factors. However, in all of Maine, the needs of some agencies and departments will necessitate at least some river basin planning. In some areas mountain ranges and lake chains should similarly be treated as a unit.

POPULATION AND ECONOMIC AREAS - Generally speaking, economic and population concentration would be more important in heavily populated areas, and natural boundaries more important in unpopulated areas. Economic factors and

population distribution would increase in importance as an area increased in total population. Trade and service zones are further indications of the common interests of several communities.

At first the various administrative and planning districts, regions, and areas of many state departments and federal agencies were obtained and reviewed. Some of those considered were:

Largest Units

Civil Defense Broadcasting System Districts
 Economic Regions of Dept. of Economic Development
 Economic Areas of Bureau of Census
 Geographic Divisions
 Highway Divisions
 Industrial Development Districts of DED
 Mental Health Center Areas
 Newspaper Daily Circulation Areas
 Public Utility Service Areas
 Retail Trade Areas (some medium sized)
 Recreation Inventory Areas
 River Basins (some medium sized)
 State Police Troop Districts
 Suggested Parks and Recreation Planning Regions

Medium Units

Counties*
 District Courts
 Economic Opportunity Districts
 Employment Security Districts
 Fish and Game Districts
 Labor Market Areas (MESAC)
 Large Landowners
 Mental Health Planning Regions
 Forestry Districts
 Manufacturing Concentrations
 Population Density Change Areas
 Soil and Water Conservation Districts
 Telephone Service Areas
 Regional Planning Commissions
 Regional Development Commissions

Small Units

Economic Areas of State (Thirty)@
 Education Districts
 SAD'S
 Unions
 Vocational
 Population Densities
 Tax Areas
 Urban Areas
 Work Commuting Patterns

*Several State and Federal Agencies use these political units as their districts, regions, etc.

@Labor & Industry, MESAC, DED

Having considered the various divisions of the state for different purposes, a scheme of DISTRICTS, 5 for the state, REGIONS, 17 for the state and AREAS, 41 for the state was considered. (See Exhibit A) Various agencies and groups concerned with regional or area planning and with growth or economic development reviewed the proposal.

The single most substantial recurring commentary on the proposed system of regions for Maine was concerned with the designation of the largest units - the Districts. Because of the great number of districts with many varieties to their size, shape, and purpose, it seems generally advisable to propose a system with only 2 levels; designated as Regions subdivided into Areas. The Areas will add up to Regions, and the Regions (or Regions and Areas) can be added together to compose larger units, with 4 or 5 covering the whole state. This greater flexibility will better serve the specific needs of the various programs.

Regions: Regions would be divisions approximating the present county division. Variance from county lines would occur in unpopulated areas where county lines ignore natural features, Allagash Region, Moosehead Region, or where commuting patterns and trading areas have made it difficult to follow county lines - Livermore Falls, Jay area, Brunswick and Bath area.

Areas: The smallest subdivisions would be similar to the present 30 Economic Areas, with employment and population being important factors, but not ignoring other

considerations. The size would vary, depending on the area's particular characteristics. A single metropolitan area should be kept in tact, while a chain of lakes or a small river basin might also best be considered as a whole, even though the discrepancy in area and population between the 2 would be great.

The Region-Area structure would lend a degree of flexibility to the use of the regions. Deviations from any one system of regions is inevitable, and if deviations within one level of regions must be taken for a particular reason, some combination of areas and regions might be utilized. For example, for a given purpose some agency might wish to consider the Southern Aroostook and Eastern Penobscot-Washington Regions together with the Northern Washington Area as a unit.

The review brought forth the discussion by some authorities of the desirability of Regions and Areas with uniform totals of population or valuation. There is such a variation in both these matters among the communities or groups of communities of Maine that this seems extremely impractical. Similarity of economy, and similarity of geographic or natural resource features and commuting patterns, utility service areas and existence of established administrative or planning boundaries are some of the practical considerations that can serve as a basis for a system of planning regions for Maine.

Consideration was given to all the comments which were received, and some modifications made in the proposed Areas and Regions.

THE SYSTEM THAT IS SUGGESTED IS MEANT TO SERVE AS A GUIDE TO THE COUNTIES, COMMUNITIES AND AGENCIES OF THE STATE. By working together, more coordinated and continuing planning can be achieved. Then greater numbers of communities and areas will be able to meet the planning requirements of federal and state programs. These groups of communities will have in their regional planning commissions the vehicle through which they can communicate with one another and jointly work to solve problems which reach beyond one community or to make improvements which will serve more than one.

EXHIBIT AREGIONS

A political and planning unit encompassing one or more economic areas and similar in size to counties (often the same, or substantially the same as a county).

AREAS

The original thirty economic areas were delineated on the basis of population and manufacturing employment cross-sectional evaluation. The additional ten economic areas were delineated on the basis of population and economic activity, particularly recreation.

The descriptions which follow indicate similarity in geography and economy of the various groupings of communities and townships.

REGION A - NORTHERN AROOSTOOK

This Region includes all of northeast Aroostook County. It includes the important agricultural area around Presque Isle and Caribou, and the St. John Valley. The remainder of the county is heavily forested. Food processing and forest products utilization are the prime manufacturing activities, though there is some diversified light industry in the larger towns. Population is sparse except in the farming areas surrounding the larger towns in the St. John Valley, and along the major highway routes.

AREA 1 - ST. JOHN VALLEY

This most northerly area of populated Aroostook County is heavily wooded, with some land devoted to agriculture along the St. John River and the major highway arteries of U.S. Route #1 and State Routes 161, 162, and 11. Most of the population is clustered along the St. John River Valley. Some light manufacturing is carried on in the larger towns, much of it in the fields of food processing or wood products. A large pulp and paper operation is located at Madawaska.

AREA 2 - THE TRIANGLE

This is the portion of Aroostook County most heavily populated with the primary towns being Presque Isle, Caribou, and Fort Fairfield. The land area is heavily cultivated, much of it devoted to potatoes. Agriculture and food processing is the area's primary economic activity. Lumbering and forest products are also important factors. U.S. Routes #1 and #1a are the important north-south highway arteries.

AREA 3 - ASHLAND AREA

This sparsely-populated, heavily wooded portion of Aroostook County is primarily devoted to lumbering, with some farming, mostly of potatoes. Ashland is its leading population center. Some forest product utilization activity is carried on. Rivers include the Fish, Machias, and portions of the Aroostook River. State Route #11 is the area's primary highway artery.

REGION B - SOUTHERN AROOSTOOK

This Region includes the southern end of Aroostook County, plus three towns in Northern Penobscot County that are more closely related to this part of Aroostook than they are to any other part of Penobscot County. Houlton is the commercial hub of an extensive agricultural area, primarily potatoes. Also important to the area are forest products. Population is generally sparse except in the vicinity of Houlton and tends to cling to the major highway routes through the area.

AREA 4 - SOUTHEAST AROOSTOOK COUNTY

This area of Aroostook County is heavily forested in many portions, with much of the cleared area being devoted to the production of potatoes. In the populated areas, agriculture and food processing take on a paramount role. Houlton, the largest town and county seat, has considerable diversified light manufacturing. U.S. Routes #1 and #2a are the important highway arteries of this area.

AREA 5 - SOUTHWESTERN AROOSTOOK

This portion of Aroostook County and three adjacent towns of Penobscot County are connected on a north-south axis by State Route #11 and U.S. Route #2. Sparsely populated and heavily wooded, lumbering and wood products are crucial to the economy. In the populated areas agriculture, particularly potatoes, also plays an important role.

REGION C - EASTERN PENOBSCOT - WASHINGTON

This Region includes northeastern Penobscot County, and northern Washington County. Most of this area is unpopulated and forested. The major populations area is centered around the Lincoln area, with some manufacturing and agriculture. Forest products are important throughout. While the recreation industry is not greatly developed at this time, the area abounds in lakes and streams, and in the future this may be an important factor. State route #6 and U.S. Routes #1 and #2 interconnect this region.

AREA 7 - NORTHERN WASHINGTON

U.S. Route #1 is the primary highway artery through this sparsely populated, heavily-wooded northern wing of Washington County. Lumbering is the primary factor in the area's economy. Outdoor recreation also plays a part in the area's development. Much of the Grand Lake chain of lakes is within this area. Primary population centers are at Vanceboro and Danforth.

AREA 17 - NORTHERN PENOBSCOT COUNTY

This area is bisected by the Penobscot River, upriver from the Old Town-Bangor area. It is heavily wooded and sparsely populated except along the river and the major highway routes. Forest products and their utilization dominate the area's economy, though there is also some diversified agriculture. U.S. Route #2 and State Route #6 are the major highway arteries interconnecting the area. Lincoln, an important paper manufacturing center, is its largest town.

REGION D - WASHINGTON COUNTY COAST

This is the most sparsely populated area of the Maine Coast, and the one where the tourist and recreation industry is the least developed. Population centers include Machias, Lubec, Eastport, Calais, and Baileyville. Fishing and related processing activities are prime factors in the economy. Some agriculture, particularly blueberries, supports other processing plants. Lumbering is also an important activity. The sub-region has little manufacturing, though Woodlands (Baileyville) paper manufacturing plant processes the area's forest products.

AREA 9 - CALAIS-BAILEYVILLE

Forest products and their utilization are the mainstay of this area of Washington County. Calais is the commercial center, while Baileyville's paper industry makes it the area's leader in industrial employment. A heavily forested land mass and several sizable lakes give the area great potential for outdoor recreation activity. Calais also serves as a gateway to the Atlantic Provinces of Canada.

AREA 10 - EASTPORT-LUBEC

This furthest eastern area of Maine envelops Cobscook Bay and is identical with the equivalent Economic Area. The communities of Eastport and Lubec contain most of the area's population, which is otherwise sparse. Fishing and its processing are the leading economic activities. The proposed Quoddy Power Project would be located in this vicinity of Passamaquoddy Bay.

AREA 11 - MACHIAS AREA

This area is named for its largest town, the county seat of Washington County. Fishing, some agriculture, and their processing are important to the area's economy. Lumbering is also extensive. Except for Machias and its immediate vicinity, population is very sparse. The Navy facility in Cutler has become a significant factor in the economy.

AREA 12 - WESTERN WASHINGTON COUNTY

This coastal area of Washington County is similar to the Jonesport Economic Area. It is quite rural in nature, with sparse population. Fishing and its processing are very important to the economy. There is some agricultural activity, mostly blueberries, with a related food processing industry. Lumbering is also an important economic activity.

REGION E - HANCOCK COUNTY

This Region includes the eastern side of Penobscot Bay, Mount Desert Island, the Gouldsboro Peninsula, all in Hancock County. The tourist and recreation industry is important all along the coast with Mount Desert Island being a major center of such activity in the State. Fishing is also very important to the area. Ellsworth is the Major trading center and county seat. Bucksport, with its paper manufacturing

activity, is virtually the only large manufacturing center.

AREA 13 - MOUNT DESERT-GOULDSDORO

This eastern end of coastal Hancock County is nearly identical to an existing Economic Area. Recreation and tourism are important, particularly on Mount Desert Island. Fishing and fisheries processing plays an important role in the economy. There is also some agriculture and lumbering in the area.

AREA 14 - EASTERN PENOBSCOT BAY

This coastal peninsula of Hancock County has a natural affinity to the sea with fishing activity and summer recreation. Some food processing takes place, and the Stonington Area has granite quarrying activity. This area approximates a State Economic Area, and is a natural geographic unit.

AREA 15 - BUCKSPORT-ELLSWORTH

This Area closely approximates the comparable Economic Area, and includes the two large communities of Ellsworth and Bucksport. Bucksport is a paper manufacturing center, and Ellsworth is a leading trading and food processing center for Hancock County. U.S. Route #1 passes through the Area, and as a consequence, the tourist trade is prominent in the economy.

REGION F - SOUTHERN PENOBSCOT

This Region includes Southern Penobscot County, several towns in Somerset County, and one in Hancock County. It includes the Bangor Area, which has considerable diversified manufacturing activity and serves as a commercial and transportation center for much of northern and eastern Maine. It also includes the smaller manufacturing centers of Newport and Dexter, and considerable diversified agricultural activity. Forest products are important to the area's economy. The Penobscot River flows through this region.

AREA 8 - AIRLINE

This expanse of Hancock and Washington Counties, east of Bangor, is connected to that city by the so-called "Airline" or Route #9. It is heavily forested and mostly unpopulated. Lumbering and some recreational activity are the mainstays of the economy along the Airline.

AREA 16 - BANGOR AREA

This Area includes the heavily urbanized communities of Bangor, Brewer, Orono, and Old Town, and other nearby towns in Southern Penobscot County. Bangor is the commercial and distribution center of Northern and Eastern Maine, and in the general vicinity are a number of manufacturing establishments. The University of Maine is located here, and is thus the center of many diverse activities. Outside of Greater Bangor are a number of small towns, predominantly rural in make-up, where agriculture and lumbering are of prime importance. Flowing through this area is the Penobscot River. This area approximated the equivalent Economic Area. Dedham is in Hancock County, but could be oriented toward Bangor.

AREA 19 - SOUTHWESTERN PENOBSCOT

This area of western Penobscot County and eastern Somerset County towns is predominantly rural in nature with some light manufacturing activity in the larger towns. Lumbering and agriculture also are important to the economy. North-south route #7 and #43 tie these towns together rather than more closely to the urban areas adjacent to Bangor.

REGION G - WALDO

All of this geographically compact county is included in this Region, including the coastal area along U.S. Route #1, the county seat of Belfast, and those inland towns most closely associated with the coastal area.

AREA 20 - WALDO

Fisheries products and recreation are important along the seacoast, while agriculture, particularly poultry, and lumbering are most important in the inland communities. Belfast is a poultry-processing center, and the largest community in population. Adjoining Searsport has important harbor facilities and several industries. These several inland communities of Waldo County are most closely associated with the U.S. Route 202 and a more inland area of the State than they are with coastal U.S. Route #1. They are rural in nature, and the economy is based primarily on agricultural and wood products. *Burnham is in Waldo County, but could be oriented toward Area #19, Southwestern Penobscot.

REGION H - LINCOLN-KNOX

The coastal or tide-water towns of Lincoln County and all of Knox County are included in this region. Recreational activity is an important economic factor in the coastal towns, and fishing and other marine resource activities play a very important part in the economy. Inland towns have considerable agricultural activity. Rockland is the largest community, and it and several of the larger towns, such as Waldoboro, have some diversified light industry.

AREA 21 - KNOX COUNTY

All of Knox County is included, coinciding with the present Knox County Regional Planning Commission. Marine products are important to the economy of all the coastal communities. Agriculture, particularly poultry and blueberries, is important throughout the county. Rockland, county seat and by far the largest town, has diversified light industry in its immediate vicinity. Recreation is an important aspect of the economy all along the coast, particularly in the Camden-Rockport Area.

AREA 22 - LINCOLN COUNTY

Most of Lincoln County is included in this area. Fishing is important along the coast, while agriculture and lumbering dominate the economy of the more inland communities. Recreation-oriented activity is important along the coast and inland at Damariscotta Lake. Some light industry can be found, particularly near the coast. U.S. Route #1 ties the coastal communities together, and much of the area's population is concentrated along or near this artery. *Jefferson, Somerville Plt., Hibbert's Gore are in Lincoln County, but could be oriented toward Augusta in Kennebec County.

REGION I - KENNEBEC VALLEY

This Region includes most of Kennebec County and a few towns in Somerset, Sagadahoc, and Lincoln Counties. It is bisected by the Kennebec River Valley, which includes the important population and industrial centers of Waterville and Augusta. Population and arteries of transportation tend to center along this river valley. The western part contains an extensive area of lakes and ponds, with an accompanying development of recreation activity.

AREA 23 - SOUTHERN KENNEBEC

This Area corresponds closely to the presently defined Augusta Economic Area, and includes the urbanized Augusta-Gardiner complex and surrounding towns. In addition to the manufacturing, commercial and administrative employment associated with Augusta, there are important agricultural aspects to the economy. Recreation and seasonal residences are important in the lakes area west of Augusta. *Mt. Vernon is a borderline case with diverse orientation toward Augusta, Waterville, Livermore Falls, and Farmington. A slight predominance of pull toward Winthrop and Augusta seems evident.

AREA 24 - NORTHERN KENNEBEC

This Area is similar to the existing Waterville Economic Area, and includes those towns most closely associated with the manufacturing center of Waterville and Winslow. In addition, there is agricultural activity in the surrounding towns and an important recreational center in the Belgrade Lakes, just west of Waterville.

REGION J - SOMERSET COUNTY

This Region comprises most of Somerset County. It includes the upper portions of the Kennebec River Valley, and generally follows U. S. Route 201 to the Canadian Border. The southern portions of the region contain diversified manufacturing and agriculture while the northern portions are unpopulated and very heavily wooded. Forest products and their utilization are very important aspects of the economy. Outdoor recreation is important to the northern portions, though at present the region is not greatly developed in this respect.

AREA 25 - UPPER KENNEBEC

This Area in Somerset County includes most of the upper Kennebec River Valley and follows U.S. Route 201 north of the Waterville area. The southern portion contains most of the population, with diversified manufacturing activity and agriculture. The northern portion is very sparsely populated. There is heavy forestation throughout, particularly in the northern portions. The southern portion comprises most of the present Skowhegan Economic Area, and the northern portion includes most of a present School Administration District centered at Bingham.

AREA 38 - JACKMAN AREA

This isolated section of Somerset is heavily wooded and nearly unpopulated. Lumbering is the primary economic activity. Outdoor recreation, centered around the Moose River area and now the Enchanted Mountain Ski area, is a still growing factor in the economy. Jackman is the leading population center.

REGION K - NORTHWESTERN MOUNTAINS

This Region includes most of Franklin County, and wilderness portions of Somerset County. The southern portion includes the Wilton-Farmington area, with diversified manufacturing and agriculture. The northern portions are wooded and mainly unpopulated. However, they include two major recreational areas: the Rangeley Lakes Chain and the Sugarloaf-Flagstaff Lake Area. Both areas are developing into year-round vacation centers with common planning and development problems. The entire area is heavily wooded, and forest products are a major factor in the economy.

AREA 26 - SOUTHERN FRANKLIN COUNTY

This Area comprises most of the southern portions of Franklin County and one closely-related town in Kennebec County. It is hilly, has much forestation, some farming, and is generally rural in nature. Some manufacturing activity takes place in Farmington and Wilton, with leather and wood products predominating. Forest products are important in all portions of the area. Recreation is also of some importance, particularly in the Mt. Blue-Lake Webb vicinity.

AREA 36 - RANGELEY LAKES AREA

This northwestern portion of Franklin encompasses the Rangeley Lakes Chain, a group of several lakes set in wooded, mountainous terrain. Recreational activity is a leading facet of the economy, both winter and summer, and promises to be more so in the future. Lumbering is also an important activity in this heavily forested, sparsely populated area.

AREA 37 - SUGARLOAF-FLAGSTAFF AREA

This Area, encompassing parts of Franklin and Somerset Counties, straddles the Carrabasset River and Maine Route #27. It is mountainous and heavily wooded, and includes the developing

recreational area of Sugarloaf Mountain, the Bigelow Range and Flagstaff Lake. Lumbering is also an important economic activity, and several wood product manufacturing plants operate within the Area. Population is generally sparse with most of it centered in Kingfield, New Portland, and Eustis.

REGION L - ANDROSCOGGIN VALLEY

This Region includes all of Androscoggin County, and a few towns in Cumberland, Sagadahoc, and Franklin Counties. Androscoggin County is bisected by one of the State's most important waterways, the Androscoggin River. The heavily-populated industrial centers of Lewiston-Auburn and Livermore Falls-Jay provide much of the area's employment. An important consideration here is the continuing existence of the Androscoggin Valley Regional Planning Commission.

AREA 27 - ANDROSCOGGIN VALLEY - NORTH

This Area is comprised of four towns whose economics are closely connected with the paper industry of Livermore Falls and Jay. These towns are quite separate from the Lewiston-Auburn area in various socio-economic considerations, but have more in common with Androscoggin County towns in general than with the Franklin County towns to the north.

AREA 28 - ANDROSCOGGIN VALLEY - SOUTH

These towns comprise most of the Lewiston-Auburn Economic Area, and coincides loosely with the present Androscoggin Valley Regional Planning Commission. Manufacturing centers of Lewiston, Auburn, Lisbon, and Mechanic Falls are surrounded by smaller towns that are closely connected to them economically. In addition to manufacturing, there is some agricultural production and lumbering.

REGION M - CUMBERLAND-SAGADAHOC

This Region includes most of Cumberland and Sagadahoc Counties, a few towns in Oxford County, and one town in Lincoln County. Its coastal features include Casco Bay and the peninsulas south of Brunswick and Bath, all of which have been heavily developed for recreational purposes. Portland Harbor is the busiest port of Maine and the Brunswick-Bath Area is a ship-building center. Both areas are important industrial centers. Inland, the region

contains the Sebago Lake Chain, an important recreational center of the State and water supply for the Greater Portland Area. The important highway routes of Interstate 95, U. S. Route #1 and 302 interconnect the area.

AREA 29 - BRUNSWICK-BATH

This is identical to the existing Economic Area, taking into account the integrated economics of the neighboring communities of Brunswick and Bath, and their effect on surrounding towns.

AREA 30 - GREATER PORTLAND

This Area corresponds closely with those towns included in the Greater Portland Regional Planning Commission, and the corresponding Economic Area as defined by DED and the Department of Labor & Industry. It is designed to group those towns most closely associated with the economy of the core city of Portland and its vicinity. *Freeport is a manufacturing center and residential community serving both Portland and Brunswick. Geographically, it is closer to Brunswick than Portland. It could logically be placed in either region.

AREA 33 - NORTHERN CUMBERLAND

This area includes those communities surrounding Sebago Lake and its neighboring lakes and ponds, plus those towns most likely to be grouped with those towns due to similarity inter-dependence of economy, ease of transportation, etc. All of those towns are primarily rural in nature, with some agriculture and lumbering. Most have a heavy commitment to the recreation industry or seasonal homes.

REGION N - YORK COUNTY

York County is the most southerly county of the State and is geographically contiguous and compact. It contains the important industrial centers of Biddeford-Saco, Sanford, and Kittery. Its coast has long been intensely developed for recreational activity. Of particular importance in the definition of this Area is the fact that the York County Regional Planning Committee has already been very active in planning activities for several years.

AREA 34 - INLAND YORK

This Area covers the western section of York County. It includes towns with similar geographical characteristics centered around the manufacturing center of Sanford, which is a natural central town for the rural middle area of York County. Also included in this Area are the rural towns located in the foothills of the White Mountains. In the past, this group of towns have worked together as an Ossipee Valley grouping of towns, taking their name from the river that runs through the Area.

AREA 35 - COASTAL STRIP

This Area is consistent with that used in the Regional Plan of the York County Planning Committee. It includes the towns of York County most connected with the coast. Many of these are resort towns, and have similar economic characteristics. Also, included are the ship-building center of Kittery, and the industrial center of Biddeford-Saco, both of which draw on adjacent coastal towns for some of their labor force. The Maine Turnpike and U.S. Route #1 run through all these towns.

REGION 0 - OXFORD HILLS

This Region includes most of Oxford County, south of the Rangeley area, and north of the White Mountain National Forest. Much of the land is sparsely populated, hilly to mountainous with much forest area. Recreational development is not great, but there are several growing ski areas within the regions. Leading communities are Norway-Paris in the southern part of the region, and Rumford in the northern part. Most manufacturing is confined to the area surrounding these communities. Forest products are very important to the region.

AREA 31 - RUMFORD-BETHEL AREA

Most of the central bulge of Oxford County is included in this area, bisected by the upper reaches of the Androscoggin River. The area is generally sparsely populated, heavily wooded and very hilly or mountainous. Lumbering and wood products are important economic factors throughout. Rumford is one of the State's leading centers of the pulp and paper industry. Outdoor recreation is an increasingly important economic activity, making use of the area's scenic mountainous terrain, both in summer and winter.

AREA 32 - NORWAY-PARIS AREA

This south-east portion of Oxford County has varied economic characteristics, but is geographically compact and closely connected by roads. Norway and South Paris have a diversified manufacturing base, and serve as a commercial center for the surrounding area. Agriculture and food processing play an important role in the eastern portions. To the west, the area is very heavily forested, and lumbering and forest products predominate. Most of the area is thinly populated.

REGION P - PISCATAQUIS - MOOSEHEAD

This Region includes Southern Piscataquis County and the Moosehead Area of Piscataquis and Somerset Counties. It is heavily wooded, and forest products are the greatest single factor in its economy. Southern Piscataquis County is composed of small towns with some diversified agriculture and light manufacturing. Moosehead Lake is one of the important recreational centers of the State.

AREA 18 - SOUTHERN PISCATAQUIS

This southern portion of Piscataquis County is sparsely populated and rural. Lumbering and agriculture make important contributions to the economy. In the larger communities there is also some light manufacturing. Route #6 is the important east-west highway artery through the southern part of the county, following the Piscataquis River.

AREA 39 - MOOSEHEAD

The portions of Piscataquis and Somerset Counties that immediately surround Moosehead and Seboomook Lakes comprise this Area. The immense water body of Moosehead Lake is an important center of outdoor recreation activity. Population in the area is very sparse or non-existent except immediately along the lake or at Greenville. Lumbering is also important to the area's economy. Primary highway routes are State Route #6, the Pittston Farm Road, and the Baxter State Park Road.

REGION Q - NORTHERN MAINE FOREST REGION

This Region includes Northern Penobscot, Piscataquis and Somerset Counties, and Northwestern Aroostook County. Its only population center of any size is the Millinocket

Area, a large paper manufacturing center. The remainder of the region is heavily forested and virtually unpopulated. Forest products are paramount in this region's economy. Recreation is a growing factor, however. Baxter State Park and the new Allagash Riverway are important recreational features. The Penobscot and St. John River have their headwaters in this region.

AREA 6 - MILLINOCKET AREA

Millinocket and East Millinocket are important paper manufacturing centers, an industry which is dominant in this area's economy. Outside the towns this area is unpopulated and very heavily wooded, and lumbering is naturally important in the area. Due to the abundance of lakes and streams, outdoor recreation has a role in the economy. Within this area, the Penobscot River splits into its East and West branches.

AREA 40 - KATAHDIN - ALLAGASH - ST. JOHN

This wilderness area of Northern Maine is unpopulated and heavily forested. The production of timber is the primary economic activity. Growing in importance is outdoor recreation, particularly at Baxter State Park, and also on the Allagash River, site of a new state-controlled wilderness riverway. The St. John River, site of a proposed power project, has its headwaters in this area.

Revised Statutes, Title 30, section 1301.§1301. Membership in regional planning commission

A county in which a regional planning commission has been formed may become a member of the commission by resolution of the county commissioners. A county has the same powers and duties as a municipality with respect to chapter 239, subchapter 1, and the county commissioners have the powers and duties of municipal officers. A county is entitled to 2 representatives and one associate representative. They shall be appointed by the county commissioners. The term of office of a representative is 4 years, but initial appointments shall be made for 2 and 4 years, respectively. The term of office of an associate representative is 4 years. The jurisdiction of a regional planning commission may include all or part of a member county as determined by the commission.

Revised Statutes, Title 30, sections 4501 to 4504.§4501. Regional planning commission

A municipality which has a planning board may join a regional planning commission for the purpose of regional development.

§4502. --Membership

1. Composition. The commission may be composed of 2 or more member municipalities.

2. Budget. The commission shall prepare an annual budget and shall determine on an equitable

basis the amount to be paid by each member. The amount to be paid by each member shall be certified to its municipal officers by the commission in sufficient time to allow an appropriation to be made.

A. The failure of a member to appropriate and pay the amount determined by the commission terminates its membership.

3. Planning. A member may raise or appropriate money and furnish necessary services for the use of the commission. A member may contract with the commission for the furnishing of funds or services in the preparation of a comprehensive regional plan, and for special planning work to be done by the commission for the member.

§4503. --Representation

1. Appointment. Appointments to the commission shall be made by the municipal officers from nominations of residents submitted by the planning board as follows:

A. Where the population of the municipality according to the last Decennial Census of the United States is less than 20,000, it is entitled to 2 representatives; 20,000 to 100,000, 3; and more than 100,000, 4.

B. Each member is entitled to one associate representative.

2. Term. The term of office of a representative is 4 years, but initial appointments shall be made for 2 and 4 years where a member is entitled to 2 representatives; 2, 3 and 4 years where a member is entitled to more than 2 representatives. The terms of office of an associate representative is 4 years.

3. Vacancy. When a regular representative is unable to act because of interest, physical incapacity or absence, the associate representative shall act in his stead. A permanent vacancy shall be filled for the unexpired term in the same manner in which a regular appointment is made.

§4504. --Powers and duties

1. Jurisdiction

A. The jurisdiction of a regional planning commission includes the area of its members.

B. The power of the commission is advisory, and pertains generally to the development of the whole region, or to the solution of a problem which involves more than one member.

2. Organization.

A. The commission shall elect annually a chairman, vice-chairman, secretary, treasurer and other necessary officers from its own representatives.

B. Meetings shall be held at the call of the chairman, and at other times determined by the commission.

C. The commission may adopt bylaws necessary to the conduct of its business. It may accept contributions of any type from any source for its work. It may hire personnel, rent offices and obtain goods and services necessary to its proper function. It may contract with the State and Federal Governments for carrying out the purposes authorized by this section.

D. The secretary shall keep minutes of the proceedings of the commission which shall be filed in the office of the commission. The minutes are a public record.

3. Comprehensive regional plan.

A. The commission shall prepare a comprehensive regional plan containing its recommendations for the development of the area within its jurisdiction.

B. The purpose of the plan is to promote the health, safety and general welfare of the residents of the region.

C. Among other things, it shall be designed to encourage the most appropriate use of land for agriculture, forestry, industry, commerce and residence; to provide adequate transportation and communication; to provide for the proper location of public utilities and services; to encourage the development of adequate recreational areas; to promote good civic design; and

to encourage the judicious expenditure of public funds.

D. Among other things, the commission may make recommendations for the use of land; the general location, extent, type of use, character, and development of public ways, public property, public utilities and services; and for the improvement, redevelopment, rehabilitation and conservation of industrial, commercial, residential and other areas.

E. When all or part of the plan is completed, the commission may file certified copies of it with the planning board of any member.

F. The commission may assist a member in carrying out any regional plan developed by the commission.

4. Local assistance

A. The commission may make recommendations on the basis of its plans and studies to any planning board, to the municipal officers of any member, and to any county, state or federal authorities.

B. A municipal planning board may adopt all or part of the regional plan which pertains to the area within its jurisdiction as its own comprehensive plan, subject to sections 4951 to 4956.

C. The commission may assist any of its members in solving a local planning problem. It shall keep an accurate account of the cost of the assistance, and shall provide the member with an itemized statement. The assistance shall be paid for entirely by the member to which the service is rendered.

(1) Where there has been a contribution to commission for the purpose, part of the cost of local assistance may be paid from it.

Sec. 1. R. S., T. 30, §1301, amended. The first sentence of section 1301 of Title 30 of the Revised Statutes is repealed and the following enacted in place thereof:

A regional planning commission may be formed by resolution of the county commissioners, by a county, by a county with municipalities within the county, between 2 or more counties, or between 2 or more counties and municipalities within the counties.

Sec. 2. R. S., T. 30, §4502, sub--§1, amended. Sub-section 1 of section 4502 of Title 30 of the Revised Statutes is amended to read as follows:

1. Composition. The commission may be composed of 2 or more member municipalities, except as provided in section 1301.

GUARDIANSHIP OF RETARDED PERSONS

ORDERED, the Senate concurring, that the Legislative Research Committee is directed to study the problem relating to guardianship and custodial supervision of retarded persons, both in and out of state institutions, and report the results of its study, together with any recommended legislation, to the 103rd Legislature.

SUBCOMMITTEE MEMBERS

Senator Raymond J. Letourneau, Chairman
Representative Rodney W. Ross, Vice Chairman
Representative Joseph E. Binnette
Senator Dwight A. Brown
Representative Catherine H. Carswell
Representative Louis Jalbert, Ex Officio

In response to the entreaty of affected parents, interested citizens and professionals cognizant of the need, the 102nd Legislature undertook to study by its Joint Order listed on the preceding page to the Legislative Research Committee, the manner in which protective services and personal representation might be provided the adult mentally retarded of Maine through guardianship of the person and property of this group of incapacitated persons.

The current trend in Maine points toward increased emphasis on community responsibility for certain of the mentally retarded, the so-called "custodial case," the retarded person who is neither in need of, nor can benefit from, the educational treatment or training programs available through institutionalization, but who are in need of personal supervision of their person or property or both. The parents of such retarded persons are, or will be, unable to provide the needed protective services of such guardianship and in many instances no other person is willing and able to assume such protective responsibility.

Thus, we bring into focus the need for the establishment of a State guardian, an official of State Government whose function it will be to provide the needed protective services through guardianship of the mentally retarded adult residing in the community and in some instances residing in State Institutions for whom no qualified person is available to serve.

The State guardian offers a continuing available resource, accessibility to the Probate Courts of the State, objective professional supervision of the person or property or both, knowledge of, and accessibility to, services available through other governmental and private agencies and is considered to be of vital importance in the overall program of public responsibility for the welfare of the mentally retarded who comprise an estimated 3 per cent of our population.

Recognizing that the establishment of such a State guardianship function can only satisfy in part the needs of the mentally retarded, and is not a panacea, the institution of which will mitigate the need for further establishment and improvement of services for the mentally retarded, State guardianship in appropriate cases will provide a most important service unavailable through the provision of any other type of service, a personal legal representative for those persons who are lacking in mental capacity to the extent that they are unable to care for themselves or their property or both.

Consideration of the establishment of State guardianship for the mentally retarded in Maine has involved an analysis of state guardianship statutes of other states, proposals for the establishment of State guardianship and a variety of articles and commentaries on this specific guardianship problem.

At the time of preparation of this report, a first draft of An Act Relating to the Guardianship of Mentally Incapacitated Persons was drawn by Courtland D. Perry, Assistant Attorney General. This draft was subjected to the scrutiny of the Interdepartmental Board on Mental Retardation, the Maine Committee on Problems of the Mentally Retarded, the Maine Association for Retarded Children, the Subcommittee of the Legislative Research Committee assigned to the study, and the public by means of a public hearing held August 19, 1965, in Augusta, Maine, and October 24, 1966, in Portland, Maine.

Due to an unforeseen conflict with federal regulations, the responsibility as originally placed within the Department of Health and Welfare cited in this first draft was determined to be not feasible. With the benefit of comments from interested professionals, lay people and members of the Subcommittee, the draft underwent a complete revision through the joint efforts of Mr. Perry and William K. Tyler, Esquire, an attorney of Portland, Maine. A suitable solution was reached in the course of the revision by placing the responsibility upon the Office of Public Guardian, the creation of which is realistic in terms of its function and cost. After much study and research, a new draft was completed and incorporated herein as an integral part of the Subcommittee report.

It is the recommendation of the Legislative Research Subcommittee and others who participated in the study that this Act Relating to the Guardianship of Mentally Retarded Persons receive the ultimate consideration and support by the members of the 103rd Legislature.

AN ACT RELATING TO THE GUARDIANSHIP
OF MENTALLY RETARDED PERSONS

Be it enacted by the people of the State of
Maine as follows:

Sec. 1. R. S., T. 18, c. 501, sub-c. III-A, additional.

Chapter 501 of Title 18 of the Revised Statutes is
amended by adding a new subchapter III-A, to read as
follows:

SUBCHAPTER III-A

GUARDIANSHIP OF MENTALLY RETARDED PERSONS

Sec. 3621. Public Guardian; appointment and qualification.

There is hereby created the office of Public Guardian.
The Public Guardian shall be appointed by the Governor
for a period of 7 years, or during the pleasure of said
Governor, from a list of 4 nominated jointly by the Com-
missioner of Health and Welfare, and Mental Health and
Corrections, which nominees shall be persons who, by
reason of education and experience, are cognizant of
the social problems of the mentally retarded. Any
vacancy shall be filled by appointment as above for a
like term.

Sec. 3622. Purpose of Public Guardian

The Public Guardian is a State official who may be
nominated and appointed as guardian of the person and
estate of those mentally retarded persons who have been
determined under this subchapter to be legally incompe-
tent and in need of guardianship.

Sec. 3623. Definition

For the purpose of eligibility for guardianship under this subchapter, the phrase "a mentally retarded person" shall mean a person of any age who is certified to be mentally retarded either by a licensed physician or a certified psychologist, and who, in addition, is mentally retarded to the degree that he is incapable of managing himself and his affairs independently and requires supervision, control and care.

Sec. 3624. Nomination

The Public Guardian shall be nominated in writing to act as guardian, by:

1. A parent, relative or friend; or
2. The guardian, or the conservator for the mentally retarded person; or
3. The Commissioner of any State Department, the head of any state institution, the overseers of the poor, welfare director or health officer of any municipality.

Such nomination may provide that the Public Guardian shall file a petition for his appointment to take effect at some date or occurrence in the future that may be fixed in the nomination and shall be accompanied by the certificate set forth in Section 3623.

The Public Guardian shall accept or reject such nomination in writing. His acceptance shall be binding upon him and his successors to file the petition either

forthwith, or immediately following such date or occurrence for the appointment of the Public Guardian. Any such nomination to take effect in the future may be withdrawn by the nominator before such date or occurrence.

Sec. 3625. Petition

Pursuant to his nomination, or in his discretion in any other case, the Public Guardian shall petition for his appointment to act as guardian of the person and estate of the alleged mentally retarded person by filing a written petition in the probate court for the county in which the alleged mentally retarded resides, or in which his estate is located. Said petition shall be accompanied by the certificate set forth in Section 3623 and by the Guardianship Plan as set forth in Section 3627.

Sec. 3626. Notice and hearing

The probate court shall appoint a time and place for hearing and shall order that notice of the proceedings be given by serving the alleged mentally retarded person for whom a guardian is sought to be appointed with a copy of the petition and order of the court at least 14 days before the day of hearing; like notice in hand, or by certified mail, shall be served upon the Public Guardian and upon the parent, spouse, or next of kin and upon such other persons as the court may direct.

At such hearing the burden shall be on the petitioner to establish that the person for whom a guardian

is sought to be appointed is mentally retarded to the degree that he is incapable of managing himself and his affairs independently, and requires supervision, control and care of his person and estate. At the hearing the petitioner shall submit to the court a detailed guardianship plan in accordance with the individual and specific needs of the person for whom a guardian is sought to be appointed.

Sec. 3627. Findings of Probate Court

Upon petition and hearing, as provided in this subchapter, the probate court shall appoint the Public Guardian as Guardian of the person and estate if it shall find that:

1. The proposed ward is a resident of this State.
2. The proposed ward is mentally retarded.
3. By reason of such mental retardation the proposed ward is unable to properly manage and take care of himself and his property and is therefore legally incompetent.

In every case in which the Public Guardian is appointed, the Court shall adopt the Guardianship Plan as submitted or modified, under which the Public Guardian shall act.

Sec. 3628. General Duties of Public Guardian

It is the responsibility of the Public Guardian to provide for the care and maintenance, and education,

treatment, training, or employment of the ward, utilizing all available resources, services and facilities suited to the needs of the ward. The Public Guardian shall have custody of the person of the ward and shall determine the ward's place of residence. The Public Guardian may apply for, and effect the placement of, any ward in accordance with law, in an appropriate home, hospital or institution having facilities and staff adequate to provide care and supervision consistent with the needs of the ward. Any such placement, if in a private facility, shall only be made if such facility is properly licensed. In the event that the license of any such facility shall be revoked, the Public Guardian, having any ward placed therein, shall remove such ward and effect an appropriate placement or other disposition of the ward as soon as practicable after knowledge of revocation of the license. Excepting as otherwise specifically provided in this subchapter, the general provisions of this chapter relating to the powers and duties of guardians of adult persons are applicable to the public guardian acting under this subchapter. The Public Guardian may apply for, and receive on behalf of any ward, any benefits, grants or public aid to which such ward is entitled. The Public Guardian shall keep books of account or other records showing separately the principal amount received and increments thereto, and disbursements therefrom for the benefit of any ward,

together with the name of such ward, and the name and address, if known, of the source from which such money was received and the purpose for which the money was expended. The Public Guardian shall settle the accounts of his ward in accordance with Section 3901. Upon the termination of the guardianship, the Public Guardian shall file with the court its final accounting, and shall make disposition of any assets of any such ward then in its hand as ordered by the Court. This section shall not abrogate any powers or duties vested by law in the head of any public institution.

Sec. 3629. Bond and Compensation

The Public Guardian shall not be required to file bonds in individual guardianships, but shall give a surety bond for the joint benefit of the wards placed under the guardianship of the Public Guardian and for the State of Maine, with a surety company, or companies, authorized to transact business within the State of Maine, in an amount not less than the total value of all assets held by the Public Guardian, which amount shall be computed at the end of each fiscal year and approved by the Judge of the Probate Court for Kennebec County. At no time shall the bond of the Public Guardian be less than Five Thousand Dollars (\$5,000.00).

The Public Guardian shall receive such reasonable fees for his services as guardian as the probate court

may allow. The fees so allowed shall be allocated to a trust account from which may be drawn expenses for filing fees, bond premiums, court costs and other expenses required in the administration of the functions of the Public Guardian. Any balance in the Trust Account at the end of a fiscal year shall not lapse, but shall be carried forward from year to year and used for the purposes provided for in this section.

Sec. 3630. Special Guardian

Pending any proceeding under this subchapter, the probate court may appoint the Public Guardian as Special Guardian for the alleged mentally retarded person as provided in Section 3510, and may order guardianship of the person as well as of the estate.

Sec. 3631. Grounds for Removal

The appointing probate court shall have exclusive power to remove the Public Guardian when:

1. He has failed to perform any duties imposed by law; or
2. For any reason the interests of the person for whom he has been appointed guardian under this subchapter are likely to be jeopardized by a continuance in office.

Sec. 3632. Removal of Public Guardian

The probate court on its own motion may, or on the petition of any interested persons alleging adequate

grounds for removal, shall, order the Public Guardian to appear and show cause why he should not be removed, or when necessary to protect the ward, may summarily remove him. Upon removal, the court may appoint a new guardian for the ward. The Public Guardian summarily removed may apply by petition to have the decree of removal vacated and to be reinstated, and if the court vacates the removal and reinstates him, it shall make any order appropriate to accomplish the reinstatement.

Sec. 3633. Discharge of Guardian

The appointing court shall have exclusive power to discharge, by appropriate order, the Public Guardian as follows:

1. Upon petition by the ward or the public guardian after receiving evidence that the ward no longer requires a guardian, or
2. Upon petition of the Public Guardian, while the ward still requires guardianship, accompanied by a petition for the appointment of a new guardian.

The Public Guardian shall not be discharged on his own petition until the court appoints a substitute guardian or determines that now new guardian is required.

Sec. 3634. Review

The Public Guardian at least annually, and at any time when ordered by the probate court, shall review the case of every person for whom the Public Guardian

is acting as guardian under this subchapter. A report of each review shall be filed with the probate court.

Sec. 3635. Delegation

The Public Guardian acting under this subchapter may in any case delegate to a staff of competent social workers appointed by him, subject to the Personnel Laws, and serving under his discretion, supervision of his wards.

Sec. 3636. Determination of Need for Guardianship of Persons in Institutions and Residence Facilities

Whenever a mentally retarded minor has been admitted to the Pineland Hospital and Training Center or to any other State operated institution or residence facility for the mentally retarded, and has not been discharged therefrom, the head thereof shall, within 6 months prior to the 21st birthday of such mentally retarded person, cause him to be examined to ascertain whether such person will by reason of mental retardation be in need of Guardianship on attainment of his majority. If, in the opinion of the examiner such need will exist, the institutional or residence facility head shall advise in writing the parent, next of kin, or guardian of such minor of the need to institute proceedings for appointment of a guardian. In the event no guardian has been appointed when such minor has attained age 21, such institutional or residence facility head shall nominate

the Public Guardian to serve as guardian of such mentally retarded person as provided in this subchapter.

Prior to release of any mentally retarded person from the Pineland Hospital and Training Center, or from any other State operated institution, or residence facility for the mentally retarded, the head thereof shall cause such person to be examined to ascertain whether such person will, by reason of mental retardation be in need of Guardianship upon release from such institution or residence facility, and if in the opinion of such examiner such need will exist under release, the institutional or residence facility head shall advise in writing the parent or next of kin of such mentally retarded person of the need to institute proceedings for appointment of guardian. If neither the parent nor next of kin is willing to institute proceedings for the appointment of a guardian for such mentally retarded person, the institutional or residence facility head shall, prior to the release of such mentally retarded person, nominate the Public Guardian as provided in this subchapter.

Sec. 3637. Exclusiveness

When the probate court has appointed the Public Guardian under this subchapter no other guardian shall be appointed during the continuation of such guardianship.

Sec. 2. Appropriation

There is appropriated from the General Fund the sum

of \$43,315 for the fiscal year ending June 30, 1968,
 and \$50,232 for the fiscal year ending June 30, 1969,
 to carry out the purposes of this act according to the
 following schedule:

	<u>1967-68</u>		<u>1968-69</u>
PERSONAL SERVICES			
Permanent Full Time (5)	\$28,821	Permanent Full Time (6)	\$35,802
ALL OTHER	12,000		14,000
CAPITAL	<u>2,494</u>		<u>430</u>
TOTAL	\$43,315		\$50,232

LEGISLATIVE RESEARCH COMMITTEE AUTHORITY

AUTHORITY (3 M. R. S. §§161-164)

CHAPTER 7

LEGISLATIVE RESEARCH COMMITTEE

Sec.

- 161. Composition of committee; appointment.
- 162. Term of office; vacancies.
- 163. Authority; studies; purposes; director.
- 164. Functions and services of director.

§161. Composition of committee; appointment

A Legislative Research Committee, as heretofore established, shall consist of 7 Senators to be appointed by the President of the Senate from the majority and minority parties in the Senate, approximately in proportion to their respective membership in the Senate, and 7 10 Representatives to be appointed by the Speaker of the House of Representatives from the majority and minority parties in the House, approximately in proportion to their respective membership in the House, 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.

R. S. 1954, c. 10, §24; 1955, c. 381; 1965, c. 425.

§162. 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. 1954, c. 10, §25.

§163. Authority; studies; purposes; director

The committee shall have authority:

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

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

3. 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;

4. 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 or by cooperation with and information from similar agencies in other states as to the practice of other states in dealing with similar problems;

5. 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;

6. Administer oaths; subpoena; witnesses. In the discharge of any duty 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, 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;

1961, c. 417, §8.

7. 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 ~~\$11,500~~ \$13,000 per year and any necessary traveling expenses;

1955, c. 473, §1; 1957, c. 418, §1; 1959, c. 361, §1; 1963, c. 380, §1; 1965, c. 412, §4.

8. Appropriations. Appropriations for carrying out the purposes of this chapter shall be made biennially by the Legislature;

9. 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;

10. 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;

11. 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;

12. 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;

13. 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;

14. 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 for attendance at any meeting of the committee held while the Legislature is in session.

15. 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~~ \$12,000 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. (1961. c. 411.)

The Legislative Research Committee shall appoint an assistant finance officer to assist the Finance Officer in carrying out his duties. He shall be chosen without reference to party affiliation and solely on the grounds of fitness to perform the duties of his office. He shall hold office for 6 years from the date of his appointment and until his successor has been appointed and qualified. His salary shall be determined by the Legislative Research Committee.

R. S. 1954, c. 10, §26; 1955, c. 473, §1; 1957, c. 418, §1; 1959, c. 361, §1; 1961, c. 411; c. 417, §8; 1963, c. 380, §1; 1965, c. 425; c. 341.

§164. Functions and services of director

The director shall perform the following functions and duties:

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

2. 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;

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

4. 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;

5. 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 this chapter as the Legislature shall direct;

6. 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;

7. 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;

8. 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.

9. Continuing revision. 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;

10. 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;

11. 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;

12. 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 Personnel Law, such clerical assistants, as may be necessary to carry out this chapter. (1957, c. 397, §5.)
R. S. 1954, c. 10, §27; 1955, c. 463, §1; 1957, c. 397, §5.

LEGISLATIVE RESEARCH COMMITTEE RULES

RULES (Adopted July 16, 1957; July 14, 1959; July 11, 1961; July 17, 1963; June 30, 1965)

Rule 1. Regular meeting dates. Regular meetings of the Committee shall convene on the third Wednesday 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 Subcommittees shall be named by the Chairman and shall consist of not less than 3 members.

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

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

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

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

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

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

Rule 18. Additional studies. No studies in addition to those referred to it by the Legislature shall be considered by the Committee but by a two-thirds vote of the Committee present and voting.

DIRECTORY OF COMMITTEE MEMBERSHIP

1941 -- 1966

LEGISLATIVE RESEARCH COMMITTEE MEMBERS

1941-1966

Sam A. R. Albair, Caribou		(R'63)
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)
William S. Beane, Moscow		(R'65)
Harry W. Bearce, Hebron	(R'51;	R'53)
Louis D. Bearce, Caribou		(R'51)
David B. Benson, Southwest Harbor		(R'63)
Richard N. Berry, Cape Elizabeth		(R'61)
Earl V. Bibber, Kennebunkport		(R'55)
Joseph E. Binnette, Old Town		(R'65)
Romeo T. Boisvert, Lewiston		(S'65)
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)
Albert C. Brewer, Presque Isle		(S'51)
Ezra James Briggs, Caribou		(S'59)
Gordon D. Briggs, Hampden		(R'41)
Carl J. Broggi, Sanford		(R'47)
Ralph D. Brooks, Jr., Yarmouth		(S'63)
Dwight A. Brown, Ellsworth	(R'59; S'61;	S'63; S'65)
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)
Catherine H. Carswell, Portland		(R'65)
John H. Carter, Bethel		(R'51; S'53)
Arthur Charles, Portland		(S'59)
Edward E. Chase, Cape Elizabeth	(R'47; R'51;	S'51; S'53)
Dana W. Childs, Portland	(R'55; R'57;	R'65)
Robert E. Cleaves, Jr., Portland		(S'45)
William R. Cole, Liberty	(S'57; S'59;	S'61; S'63)
Samuel W. Collins, Caribou	(R'45; R'47;	S'51; S'53)
James A. Connellan, Portland		(R'45)
Lucia M. Cormier, Rumford	(R'57;	R'59)
Albert E. Cote, Lewiston		(R'65)
Cleveland P. Curtis, Bowdoinham		(R'59)
Earl W. Davis, Harrison		(S'57)
Edward B. Denny, Jr., Damariscotta	(S'45;	S'47)
John T. Doughty, Gray		(R'43)
Robert B. Dow, Norway		(S'41)
George G. Downs, Rome	(R'43;	R'45)
Lloyd T. Dunham, Ellsworth		(R'51)
Armand Duquette, Biddeford	(R'55;	S'65)

William G. Earles, South Portland	(R'59)
Joseph T. Edgar, Bar Harbor	(R'57; R'59)
E. Perrin Edmunds, Fort Fairfield	(S'63)
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; S'63)
David W. Fuller, Bangor	(R'51)
Kenneth R. Gifford, Manchester	(R'65)
John E. Gill, South Portland	(R'63)
Vinal G. Good, Sebago	(R'61)
Lynwood E. Hand, New Limerick	(R'51; R'53)
Percy K. Hanson, Gardiner	(R'55)
Floyd L. Harding, Presque Isle	(S'65)
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)
Samuel A. Hinds, South Portland	(S'63)
Archie L. Humphrey, Augusta	(R'63)
Louis Jalbert, Lewiston	(R'47; R'51; R'53; R'63; R'65)
R. Pierpont Jordan, Saco	(R'43)
David J. Kennedy, Milbridge	(R'61; R'63; R'65)
Alton A. Lessard, Lewiston	(S'57; S'59)
Raymond J. Letourneau, Sanford	(S'65)
Emilien A. Levesque, Madawaska	(R'65)
Roy S. Libby, Caribou	(R'41)
Seth Low, Rockland	(R'51; R'53; S'55)
Robert A. Marden, Waterville	(S'61; S'63)
Romie L. Marsans, Jr., Monmouth	(R'47; R'49)
Robert W. Maxwell, Winthrop	(R'55; R'57)
Sidney D. Maxwell, Jay	(R'61; S'65)
Leroy M. McCluskey, Warren	(R'55)
Harry B. McKeen, Lovell	(R'47; R'49)
Robert C. McNamara, Winthrop	(R'41)
Linwood E. Palmer, Jr., Nobleboro	(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)

Carlton Day Reed, Jr., Woolwich	(S'65)
John H. Reed, Fort Fairfield	(S'59)
Norman R. Rogerson, Houlton	(S'57)
Rodney E. Ross, Jr., Bath	(R'55; S'57; R'65)
Rodney W. Ross, Brownville	(R'65)
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)
Roger V. Snow, Jr., Falmouth	(S'65)
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)
Elmont S. Tyndale, Kennebunkport	(R'63)
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; R'63)
Gilman B. Whitman, Woodstock	(R'61)
J. Hollis Wyman, Milbridge	(S'55; S'57; S'59; S'61; S'63)