

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
LEGISLATIVE RESEARCH COMMITTEE

**Reports**  
**to the**  
***ONE HUNDRED AND FOURTH LEGISLATURE***  
**Volume Two**

*January, 1969*

Legislative Research Committee

Publication 104-20 (Vol. II)

## LEGISLATIVE RESEARCH COMMITTEE

Senator Horace A. Hildreth, Jr., Falmouth, Chairman  
 Resigned August 14, 1968  
 Senator Kenneth P. MacLeod, Brewer, Chairman  
 Elected September 19, 1968  
 Representative Samuel A. Hinds, Vice Chairman

## From the Senate:

Sam A. R. Albair, Caribou  
 Armand Duquette, Biddeford  
 Harvey Johnson, Smithfield  
 Carlton D. Reed, Jr., Woolwich  
 Appointed October 20, 1967  
 Joseph Sewall, Old Town  
 Appointed August 16, 1968  
 Roger V. Snow, Jr., Falmouth  
 Resigned October 18, 1967  
 J. Hollis Wyman, Milbridge

## From the House:

Ethel B. Baker, Orrington  
 David B. Benson, Southwest Harbor  
 Albert E. Cote, Lewiston  
 William E. Dennett, Kittery  
 Louis Jalbert, Lewiston  
 Emilien A. Levesque, Madawaska  
 Harrison L. Richardson, Cumberland Center  
 Raymond M. Rideout, Jr., Manchester  
 Rodney E. Ross, Jr., Bath

## Ex Officio:

Joseph B. Campbell, Augusta  
 President of the Senate  
 David J. Kennedy, Milbridge  
 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  
 Resigned July 12, 1968  
 William H. Garside, Augusta, Finance Officer  
 Appointed July 17, 1968  
 Samuel A. Hinds, Assistant Finance Officer  
 Appointed November 20, 1968; Effective, January 1, 1969

## LETTER OF TRANSMITTAL

January 15, 1969

To the Members of the 104th Legislature:

As Chairman of the Legislative Research Committee of the 103rd Maine Legislature it is with great pride and pleasure that I present a cumulation of findings and recommendations that we as a Committee have developed on our assigned subjects during the past biennium.

This, the second of three volumes, designated as Legislative Research Committee publication 104-20 (Vol. II), combines in a single publication the findings and recommendations developed in nine specific areas of study which are individually reported in committee publications numbered 104-11 through 104-19.

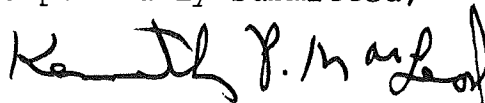
On behalf of the Committee and myself, I would like to take this opportunity to extend our grateful appreciation to Horace A. Hildreth, Jr., formerly our Committee Chairman, to Roger V. Snow, Jr., a former member of the Committee and to Frederick W. Kneeland, the former Legislative Finance Officer, each of whom resigned during the interim after having so faithfully served this Committee.

I also extend, on behalf of the entire Committee, our sincere gratitude and appreciation to the Committee, staff, to the news media and to the many private citizens, organizations and employees of the State, without whose endless cooperation and dedicated

service the Committee could not have reached its conclusions.

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

Respectfully submitted,

A handwritten signature in black ink, reading "Kenneth P. MacLeod". The signature is written in a cursive style with a large, stylized initial "K".

KENNETH P. MACLEOD, Chairman  
Legislative Research Committee

PROPOSED BILLS TO BE SUBMITTED TO THE 104TH LEGISLATURE

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STATE OF MAINE  
LEGISLATIVE RESEARCH COMMITTEE

REPORT ON  
GOVERNMENTAL OPERATIONS  
to  
ONE HUNDRED AND FOURTH LEGISLATURE

JANUARY, 1969  
Legislative Research Committee  
Publication 104-16



## SUBCOMMITTEE ON GOVERNMENTAL OPERATIONS

CHAIRMAN - Raymond M. Rideout, Jr.

VICE CHAIRMAN - Louis Jalbert

Joseph B. Campbell

David J. Kennedy

Horace A. Hildreth, Jr.

David B. Benson

Armand Duquette

Harrison L. Richardson

Rodney E. Ross, Jr.

Kenneth P. MacLeod, Ex Officio

On April 17, 1968, the 103rd Legislative Research Committee, acting on a unanimous recommendation of its Subcommittee assigned to legislative procedures, considered the necessary steps to formally establish a special subcommittee to study the general operations of State Government, its laws, rules and regulations.

Precedent for establishing such a legislative service function is well founded in maintaining the balance of power and equality between administrative and lawmaking branches of State Government. As early as 1961 the Committee on Legislative Processes and Procedures of The National Legislative Conference reported that: "the lawmaking branch should exercise forms of appropriate legislative oversight over administrative action . . . that newly formed rules should be subject to review by a committee of the Legislature to determine whether legislative intent is being carried out. Perhaps more significant was the Conference Committee's recommendation that the Legislature might consider creating a committee of watch-dog nature, empowered to review agency practices . . . to assure that there is no evasion of statutory requirements and procedures."<sup>1</sup>

Two years later a new committee (Organization of Legislative Services of the National Legislative Conference) reemphasized earlier proposals in the form of the following specific recommendations as a major type of legislative assistance in keeping with the trend toward an expanded legislative role and

1. Council of State Governments, National Legislative Conference. American State Legislatures in Mid-Twentieth Century, Chicago, 1961, pg. 10.

urged that each Legislature should arrange for an appropriate agency, controlled by and serving it, to review the operation of existing programs and their administration, and also to review rules and regulations of the administrative agencies of the State.

In support of this far-reaching proposal the Conference Committee reasoned that:

review of the operations of governmental agencies has tended in most states to be sporadic rather than systematic and continuous, as indicated by the appointment of special interim committees from time to time or by the occasional creation of a legislative subcommittee to study this or that agency because of an administrative "crisis." The report noted that in a few states review has been fairly continuous and comprehensive . . .

A legislative service agency charged with responsibility for "continuing program review," as this service is sometimes known, provides a forum in which program administrators can discuss with representatives of the Legislature their operating problems and potential trouble spots in the subject areas with which they are concerned. Such an agency acts, also, as the legislative listening post for complaints for citizens and citizens' groups about the administration of, or policies underlying governmental programs. An agency of this nature also can serve as a clearing house for the exchange of information on major

state programs and, in the role of a critic, engage in systematic and periodic review of these programs.

Out of any such study there can, and frequently does, arise the conclusion that corrective legislation is needed - to eliminate administrative weaknesses or inequities in a going program or for some other kindred reason. Such studies represent an organized effort by the Legislature to review on-going governmental operations. It is obvious that the conclusions reached and recommendations made as a result of such studies contribute to the development of a legislative program for the next session to consider.

In view of the broad range of coverage of such an agency, it may reasonably be expected to develop an extensive program of recommended action. Some recommendations can be implemented by administrative or executive action alone; some will involve minor legislative changes with reference to administration; others will deal with basic state policies, their financial support and their administration.

"A specialized aspect of governmental operations review of increasing interest and concern to Legislatures is the review of administrative rules and regulations to determine whether they are in accord with legislative intent. Eight states - Alaska, Connecticut, Iowa, Kansas, Michigan, Nebraska, Virginia and Wisconsin - presently have statutory provisions for such review. By resolutions in six of these

states, the Legislature may annul, reject, suspend or disapprove of any rule. In Nebraska, the Legislature may change any rule 'in such manner as it deems advisable.' In Iowa, rules promulgated do not receive permanent status until the Legislature has had an opportunity to review or amend them. Provisions have been made in two of these states - Michigan and Wisconsin - for special committees to review all regulations. In Alaska, this duty is imposed on the Legislative Council."<sup>2</sup>

In light of this and other background information, the Legislative Research Committee unanimously voted to establish a specialized subcommittee within the existing structure of the Full Committee for the purpose of legislative review of governmental operations of this State. The statutory authority under which the Legislative Research Committee was organized was considered sufficiently broad in its provisions to permit such action. Although the newly formed subcommittee was referred to as a Budget Analysis and Fiscal Review Committee, it later acquired and adopted the name of the Committee on Governmental Operations.

The subcommittee consisted of nine members, three of whom were ex officio, namely the President of the Senate, the Speaker of the House and the Chairman of the Legislative Research Committee. The six remaining members were appointed by the Chairman of the Legislative Research Committee.

2. Council of State Governments, National Legislative Conference. Mr. President. . . Mr. Speaker. . . Chicago, 1963, pgs. 63-65

The purposes of the subcommittee were given as follows:

1. To assist the Legislature and the Research Committee in the proper performance of their functions and providing their members with impartial and accurate information and reports concerning the legislative fiscal problems which come before them, which information may be obtained by independent means and by cooperation with and information from agencies in this State or other states as to the practice and procedure in dealing with these problems.

2. 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.

3. To work in concert with the Governor's Council and the state department heads in establishing legislative intent on fiscal matters and the arriving at a solution of fiscal problems to the benefit of the State as a whole.

4. This subcommittee will be professionally staffed by the Legislative Finance Office and by any other means the subcommittee may choose.

With authority to establish and proceed, the Governmental Operations Subcommittee was formally organized on April 22, 1968 and since that time has followed a rigorous work schedule as summarized by Appendix I.

In terminating the subcommittee efforts for the biennium, the record should clearly indicate that the benefits from this legislative service

program have far exceeded all expectations and the following recommendations are offered for serious consideration in organizing the Legislative Research Committee of the 104th Legislature:

1. That the Committee on Governmental Operations be continued on a permanent basis as a standing subcommittee of the Legislative Research Committee for continuous review of governmental operations.
2. That the Subcommittee be empowered through the Chairman of the Legislative Research Committee to hire such professional and clerical assistance as it deems necessary with necessary funding from the Legislative Appropriation.
3. That provision be made for additional compensation in consideration of the extra duties involved by those serving on this Subcommittee.
4. That necessary steps be taken to provide this Subcommittee with copies of all Council Orders prior to final enactment.
5. That the authority to approve departmental transfers of funds be removed from the jurisdiction of the Executive Council and become a function of this Legislative Research Subcommittee.

## APPENDIX I

HEARING SCHEDULE  
OF  
THE COMMITTEE ON GOVERNMENTAL OPERATIONS

<u>DATE</u>	<u>PARTICIPANTS</u>	<u>TOPICS UNDER DISCUSSION</u>
1968		
May 1	DEPT. OF FINANCE & ADMINISTRATION: Maurice Williams, Commissioner Henry Cranshaw, State Controller Roland Berry, Budget Officer Ernest Johnson, Tax Assessor Linwood Ross, Purchasing Agent Niran Bates, Director, B.P.I.	Operations & Procedure of the Department. The Releasing of Revenue Figures for the Use of the Legislature. Methods Used in Estimating Revenues.
	LEGISLATIVE FINANCE OFFICE: Frederick W. Kneeland, Legislative Finance Officer.	
May 8	DEPT. OF TREASURY: Michael A. Napolitano, State Treasurer.	Bonded Indebtedness. Official Bid Forms. State Bonding in General.
May 15	DEPT. OF MENTAL HEALTH & CORRECTIONS: Walter Ulmer, Commissioner Kenneth Burns, Business Manager	General Fund Appropriations. Comparison of Appropriations. Lapsed Balances. Detail of Allotment Reserve. Undedicated Revenue.
May 16	DEPT. OF EDUCATION. BUREAU OF PUBLIC IMPROVEMENTS.	Bailey Hall Science Library Bldg. at Gorham State College.



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Hearing Schedule of  
The Committee on Governmental Operations, cont.

<u>DATE</u>	<u>PARTICIPANTS</u>	<u>TOPICS UNDER DISCUSSION</u>
1968		
June 5	DEPT. OF EDUCATION: William T. Logan, Jr. Commissioner Kermit S. Nickerson, Deputy Chester Booth, Chief Accountant LEGISLATIVE FINANCE OFFICE: William H. Garside, Ass't Leg. Finance Officer.	Comparative Summary of Education Appropriations. Bond Issues of the 102nd and 103rd. Legislature. Comparison of Appropriations by Major Program Area of the 102nd and 103rd Legislature. Actual Enrollments and Projections of State Colleges. Projections of Teacher Shortages in Elementary Grades.
June 12	BUREAU OF PUBLIC IMPROVEMENTS: Niran Bates, Director Richard Bachelder, Supervising Engineer.  DEPT. OF ECONOMIC DEVELOPMENT: James K. Keefe, Commissioner Allan Pease, Adm. Assistant Executive Dept.	Council Orders. Public Law Chapter 33 Analysis of Construction Cost for College Dorms.  Allocation for Urban Planning Grant. Tabulation of Work Program. Comprehensive State Plan Project. Towns & Communities Under 701 Plan of Approp. = 7715. The New Look at D.E.D.
June 18	DEPT. OF HEALTH & WELFARE: Dr. Dean Fisher, Commissioner	Comparative Analysis of the Approp. of the 102nd and 103rd Legislature.
July 17	DEPT. OF INLAND FISHERIES AND GAME: Ronald T. Speers, Commissioner. George Bucknam, Deputy.	Schedule of License Fees. Request for Allotment of Approp. June 30, 1968 and June 30, 1969. Financial Report 1965-66, 1966-67. Progress Annual Report 1965-66.

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Hearing Schedule of  
The Committee on Governmental Operations, cont.

<u>DATE</u>	<u>PARTICIPANTS</u>	<u>TOPICS UNDER DISCUSSION</u>
1968		
Sept. 11	MOTOR VEHICLE DIVISION OF THE SECRETARY OF STATE. Stanton S. Weed, Director Charles E. Wyman, Ass't Director.	Personnel Shortage. Backlog of Work in Several Sections. Part II Request for Nine New Branch Offices.
11	BUREAU OF PURCHASES PRINTING DIVISION: Linwood Ross, Purchasing Agent W. Douglas Jarvis, Director of Printing Division.	Determining Method of Bidding. Organization of an Advisory Committee.
	TWIN CITY PRINTING PRESS: Mr. Rote, Manager	
Oct. 16	AERONAUTICS COMMISSION: Scott K. Higgins, Director Robert D. Johnson, Engineer Members of Aeronautics Comm. (2) Niran C. Bates, Director, B.P.I. Richard G. Bachelder, Supervising Engineer of B.P.I.	Completion of New Aeronautics Building. Legislative Intent in Regards to the Finishing of this Building.
	BUREAU OF PUBLIC IMPROVEMENTS: Niran C. Bates, Director, B.P.I. Richard G. Bachelder, Supervising Engineer of B.P.I. John J. McCullum, New England Tel. Co. C. Richard LaCasce, Supt. of Bldgs. and Grounds.	The Necessity of the New Centrex Telephone System and How it Works.

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Hearing Schedule of  
The Committee on Governmental Operations, cont.

<u>DATE</u>	<u>PARTICIPANTS</u>	<u>TOPICS UNDER DISCUSSION</u>
1968		
Nov. 7	ASSOCIATED INDUSTRIES OF MAINE B. Morton Havey, Executive Sec'y James Perry, Manager of the Interchemical Co., Winthrop. Frederick W. Kneeland, Ass't to the President of Wyman Industries Donald Perkins, Law Firm of Pierce, Atwood, Scribner, Allen & McKusick.	Program Budgeting Data Processing. Feasible Possibilities of Tax Revenues.
Dec. 17	Kermit S. Nickerson, Deputy Commissioner of Education Department. Chester T. Booth, Chief Accountant	Coordinating local, state and federal fiscal years. Legislation relative to Changing the Time of Apportionment of Educational Subsidies to Administrative Units, Academies and Institutes and An Act to Provide a Uniform Fiscal Year for Municipalities.