

#### 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)

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#### 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 iii

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,

L J. May

KENNETH P. MACLEOD, Chairman Legislative Research Committee

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### LEGISLATIVE RESEARCH COMMITTEE AUTHORITY

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#### AUTHORITY (3 M. R. S. §§161 - 164)

#### CHAPTER 7

#### LEGISLATIVE RESEARCH COMMITTEE

Composition of committee; appointment.
Term of office; vacancies.
Authority; studies; purposes; director.
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, §2-B.

#### §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 the 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 studies or by cooperation with and informatjon 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.

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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 \$13,000 \$14,000 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; 1967, c. 476, §1.

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;

13-A. Printing. To arrange for printing and binding its reports without using the facilities of the State Bureau of Purchases. 1967, c. 357.

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 \$12,000\$ \$13,000 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.

The Office of Legislative Finance officer shall serve as the secretariat of the Joint Legislative Committee on Appropriations and Financial Affiars.

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. 341, §1; c. 412, §4; c. 425, §2-D; c. 465; 1967, c. 357; c. 476, §§1,2.

#### §164. Funactions 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.

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### LEGISLATIVE RESEARCH COMMITTEE RULES

RULES (Adopted July 16, 1957; July 14, 1959; July 11, 1961; July 17, 1963; June 30, 1965; August 2, 1967)

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.

<u>Rule 7. Meetings public</u>. 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.

<u>Rule 12.</u> 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.

<u>Rule 13.</u> 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.

<u>Rule 18.</u> 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 -- 1968

#### LEGISLATIVE RESEARCH COMMITTEE MEMBERS

#### 1941-1968

(R'63; S'67) Albair, Sam A. R., Caribou (R'51; R'53) Albee, Earle W., Portland Allen, Frederick N., Portland (R'47; S'49; S'51) (R'67) Baker, Ethel B., Orrington Baxter, John L., Jr., Pittsfield (R'61) (R'65) Beane, William S., Moscow (R'51; R'53) Bearce, Harry W., Hebron (R'51) Bearce, Louis D., Caribou Benson, David B., Southwest Harbor (R'63; R'67) (R'61) Berry, Richard N., Cape Elizabeth Bibber, Earl V., Kennebunkport (R'55) Binnette, Joseph E., Old Town (R'65) (S'65) Boisvert, Romeo T., Lewiston (S'41; S'55) Boucher, Jean Charles, Lewiston (R'43; R'45) Boutin, Earnest A., Lewiston (R'57; R'59; R'61) Bragdon, Harold, Perham (S'51) Brewer, Albert C., Presque Isle (S'59) Briggs, Ezra James, Caribou (R'41) Briggs, Gordon D., Hampden Broggi, Carl J., Sanford (R'47) (S'63) Brooks, Ralph D., Jr., Yarmouth Brown, Dwight A., Ellsworth (R'59; S'61; S'63; S'65) (R'43; R'45; R'47; R'49) Brown, Harry M., Unity (S'67) Campbell, Joseph B., Augusta (R'51; R'53) Campbell, Riley M., Guilford (S'53; S'55; S'57) Carpenter, Miles F., Skowhegan Carswell, Catherine H., Portland (R'65) (R'51; S'53) Carter, John H., Bethel (S'59) Charles, Arthur, Portland (R'47; R'51; S'51; S'53) Chase, Edward E., Cape Elizabeth (R'55; R'57; R'65) Childs, Dana W., Portland Cleaves, Robert E., Jr., Portland (S'45)(S'57; S'59; S'61; S'63) Cole, William R., Liberty (R'45; R'47; S'51; S'53) Collins, Samuel W., Caribou (R'45) Connellan, James A., Portland (R'57; R'59) Cormier, Lucia M., Rumford (R'65; R'67) Cote, Albert E., Lewiston (R'59) Curtis, Cleveland P., Bowdoinham (S'57)Davis, Earl W., Harrison Dennett, William E., Kittery (R'67) Denny, Edward B., Jr., Damariscotta (S'45; S'47) (R'43) Doughty, John T., Gray (S'41) Dow, Robert B., Norway (R'43; R'45) Downs, George G., Rome Dunham, Lloyd T., Ellsworth (R'51) (R'55; S'65; S'67) Duquette, Armand, Biddeford

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Earles, William G., South Portland (R'59) Edgar, Joseph T., Bar Harbor (R'57; R'59) Edmunds, E. Perrin, Fort Fairfield (S'63)Elliot, Albert B., Thomaston (S'43)Elliott, Ross, Corinth (R'47) Emmons, Albert W., Kennebunk (R'57; R'59) Erwin, James S., York (S'61) Farwell, E. Sam, Unity (R'41) (S'61; S'63) Ferguson, Norman K., Hanover Fuller, David W., Bangor (R'51) (R'65) Gifford, Kenneth R., Manchester Gill, John E., South Portland (R'63) Good, Vinal G., Sebago (R'61) (R'51; R'53) Hand, Lynwood E., New Limerick Hanson, Percy K., Gardiner (R'55) Harding, Floyd L., Presque Isle (S'65) (R'45; S'47; S'49; S'55; S'57) Haskell, Robert N., Bangor (R'47; R'49) Hayward, John P., Jr., Machias Hildreth, Horace A., Cumberland (S'41) (S'67) Hildreth, Horace A. Jr., Falmouth (S'59; S'61) Hillman, Earle M., Bangor (S'63; R'67) Hinds, Samuel A., Ellsworth Humphrey, Archie L., Augusta (R'63) (R'47; R'51; R'53; R'63; R'65; R'67) Jalbert, Louis, Lewiston Johnson, Harvey, Smithfield (S'67) Jordan, R. Pierpont, Saco (R'43) (R'61; R'63; R'65; R'67) Kennedy, David J., Milbridge Lessard, Alton A., Lewiston (S'57; S'59) (S'65) Letourneau, Raymond J., Sanford (R'65; R'67) Levesque, Emilien A., Madawaska (R'41) Libby, Roy S., Caribou (R'51; R'53; S'55) Low, Seth, Rockland (S'67 MacLeod, Kenneth P., Brewer (S'61; S'63) Marden, Robert A., Waterville (R'47; R'49) Marsans, Romie L., Jr., Monmouth (R'55; R'57) Maxwell, Robert W., Winthrop (R'61; S'65) Maxwell, Sidney D., Jay (R'55) McCluskey, Leroy M., Warren (R'47; R'49) McKeen, Harry B., Lovell (R'41) McNamara, Robert C., Winthrop (R'49) Palmer, Linwood E., Jr., Nobleboro (S'55; S'57; S'59) Parker, Clarence W., Sebec Payson, W. Mayo, Portland (R'41; R'43) (R'41) Pelletier, Lorenzo J., Sanford (R'41) Poulin, Roland J., Waterville (R'51; R'53; R'55) Pullen, George D., Oakland

Reed, Carlton Day, Jr., Woolwich Reed, John H., Fort Fairfield Rogerson, Norman R., Houlton Richardson, Harrison L., Cumberland Rideout, Raymond M., Jr., Mancheste Rogerson, Norman R., Houlton Ross, Rodney E., Jr., Bath Ross, Rodney W., Brownville	
Sanborn, Lauren M., Portland	(S'43)
Savage, Brooks E., Skowhegan	(S'45; S'47; S'49)
Sewall, Joseph, Old Town	(S'67)
Silsby, William S., Aurora	(R'47; R'49)
Sinclair, Roy U., Pittsfield	(R'51; S'55)
Snow, Roger V., Jr., Falmouth	(S'65; S'67)
Snow, Stanley G., Auburn	(R'45)
Stanley, James S., Bangor	(S'61)
Stanley, Leslie H., Hampden	(R'55)
Stanwood, Lawrence E., Steuben	(R'55)
Stilphen, Carl M., Rockland	(S'59)
Tabb, Foster F., Gardiner	(S'51; S'53)
Townsend, John E., Bangor	(S'43)
Trafton, Willis A., Jr., Auburn	(R'55)
Tyler, Jarvis L., Farmington	(R'49)
Tyndale, Elmont S., Kennebunkport	(R'63)
Wade, Robert G., Auburn	(R'57; R'59)
Weeks, George W., South Portland	(S'55)
Welch, E. A., Mars Hill	(R'43)
Wellman, Bradford S., Bangor	(R'61; R'63)
Whitman, Gilman B., Woodstock	(R'61;
Wyman, J. Hollis, Milbridge	(S'55; S'57; S'59; S'61; S'63; S'67)

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## LEGISLATIVE RESEARCH INDEX

The following is an index by titles of all subjects studied by the Legislative Research Committee from 1940 to 1968. It does not include studies by special interim committees. The title is followed by the date and, where available, the legislative study number. The index through 1963 was prepared by State Archivist Samuel S. Silsby, Jr.

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