

MAINE STATE LEGISLATURE

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STATE OF MAINE
LEGISLATIVE RESEARCH COMMITTEE

Reports
to the
ONE HUNDRED AND FOURTH LEGISLATURE
Volume One

January, 1969

Legislative Research Committee

Publication 104-20 (Vol. I)

STATE OF MAINE
LEGISLATIVE RESEARCH COMMITTEE

REPORTS
TO THE
ONE HUNDRED AND FOURTH LEGISLATURE
VOLUME ONE

JANUARY, 1969
LEGISLATIVE RESEARCH COMMITTEE
PUBLICATION 104-20 (VOL. I)

LEGISLATIVE RESEARCH COMMITTEE

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 Senator Kenneth P. MacLeod, Brewer, Chairman
 Elected September 19, 1968
 Representative Samuel A. Hinds, Vice Chairman

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 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 1, 1969

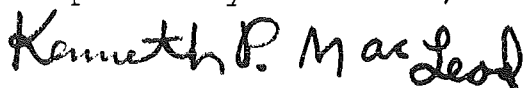
To the Members of the 104th Legislature:

It is my honor to transmit herewith the first volume of studies authorized by the 103rd Legislature for Legislative Research Committee study and determination during this past biennium.

This volume, designated as Legislative Research Committee publication 104-20 (Vol. I), combines in a single publication the findings and recommendations developed in ten specific areas of study which are individually reported in committee publications numbered 104-1 through 104-10.

The Members of the Committee 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,



KENNETH P. MACLEOD, Chairman
Legislative Research Committee

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STATE OF MAINE
LEGISLATIVE RESEARCH COMMITTEE

REPORT ON
TAX SHARING VS GRANTS-IN-AID
to
ONE HUNDRED AND FOURTH LEGISLATURE

JANUARY, 1969
Legislative Research Committee
Publication 104-6

SUBCOMMITTEE ON TAX SHARING VS GRANTS-IN-AID

CHAIRMAN - Kenneth P. MacLeod

VICE CHAIRMAN - Samuel A. Hinds

Sam A. R. Albair

William E. Dennett

Armand Duquette

Harrison L. Richardson

J. Hollis Wyman

Horace A. Hildreth, Jr., Ex Officio

ORDERED, the House concurring, that the Legislative Research Committee be, and hereby is, directed to study the subject of federal tax sharing as opposed to federal grants-in-aid; and be it further

ORDERED, that a report of such study, together with any recommendations deemed necessary, be made to the next special or regular session of the Legislature as the Committee shall determine.

Background

No subject dealing with intergovernmental relations has received more attention in the past few years than the topic of so-called Federal categorical grants-in-aid. The distinguishing features of the present categorical system of Federal grants-in-aid trace back to 1862 when Congress enacted the Morrill Act to assist the States in establishing and maintaining land-grant colleges. From these relatively modest beginnings, Federal grant-in-aid programs have proliferated until at the present time it is beyond human comprehension to know the exact number of available programs. The dollar amount of federal aid to the states has climbed to over \$15 billion the past fiscal year. Congressman Roth of Delaware and his staff spent 8 months trying to catalog all federal programs and found it impossible. He did insert in the Congressional Record on June 5, 1968, a listing of over 1200 programs which took 150 pages for a brief summarization. As an example of how these programs have multiplied, the listing included 211 operating federal programs for just college students. The Department of Health Education and Welfare alone had over 100 separate scholarship programs.

Attached to this report, as Appendix A, is a summary of Federal grants to State operating funds for the fiscal year 1966-67. No attempt has been made to itemize the multitude of programs offered to other units or subdivisions of local government.

It has now become necessary for all the major cities of the country, and most states, to have a full-time staff in Washington to lobby for various grants and loans. There has developed a new profession called grantsmanship, consisting of people skilled in cutting through the Federal red tape and mass of regulations to get federal tax money for their clients. This places a severe disadvantage upon the poorer, smaller states and the rural areas of our country have no representation at all.

Some of the serious inequities and disadvantages of the present system follow:

1. Excessive categories of programs hinder overall programs.
2. Lack of coordination among federal agencies.
3. Lack of federal administration of some programs.
4. Federal requirement conflicts with State Constitutional or legal provisions.
5. Rigid interpretation of regulations and arbitrary decisions.
6. Methods of making grant awards are not uniform.
7. Slow reporting of federal allotments hinders planning.
8. Reporting requirements are detailed and burdensome.
9. Complete by-pass of State Governments in many categories.

10. Lack of guarantees that worthwhile programs will receive continued funding.
11. Formulas do not recognize degree of State development.
12. Merit system requirements do not allow flexibility in personnel management.

The above partial listing could be expanded many times over but even this incomplete summary shows the extent and the depth of the problem under existing practices.

The Committee's Approach to the Problem

The Legislative Research Committee, operating through a special subcommittee on Tax Sharing vs. Federal Grants-in-Aid, held two public hearings and six subcommittee executive sessions in a diligent effort to satisfy the provisions of its legislative directive. Testimony was heard from heads of the various State Departments, the State University, the Maine Municipal Association, the Maine Teachers Association, Maine Superintendents Association and representatives of several private colleges and other interested agencies, both public and private.

Much of the evidence presented to the subcommittee indicated that the major objection to the present system was the lack of certainty that funding would continue once a program was underway. This objection does not necessarily however, apply to the Health and Welfare and Highway Departments, which comprise over 50% of all Federal Grants-in-Aid on the State level.

President Young of the University of Maine stated that many worthwhile programs that had received initial approval of the Federal Government had later been curtailed or shut off completely. An example of such a situation was a project instituted by the University two years ago under which a grant of \$75,000 per year was received for "talent scouts". These were guidance people employed to travel throughout the State of Maine seeking out and encouraging young people from disadvantaged families to go on to higher education. This particular program was a joint venture of all the State colleges and was extremely successful. However, after a period of two years, the Federal Government discontinued the funds because, while they conceded that it was a fine program, there were many new programs which they wished to get underway. The University felt so strongly about this particular project that it will continue to keep it going on a much smaller scale, but they have necessarily been forced to dispense with most of the staff.

The State Department of Education cited an instance of having, under one Federal Act, excess funds under one Title while not having enough to carry on under another. For such reasons this department is very much in favor of more general federal aid, to be dispensed in accordance with State laws. This same feeling is shared by most of the educational associations in Maine. They also recommend a greater degree of flexibility in the use of these

funds and that major federal programs be enacted on an on-going basis, as opposed to their being subject to termination at the end of a one, two or three-year period.

In general, testimony from education officials indicated that they would prefer a block grant type of aid, with more discretion allowed to the individual states as to how the money would be spent. Some school superintendents complained that the federal requirements on record keeping and reporting were burdensome and also that the programs themselves allowed too little flexibility in meeting local school districts' needs.

Our State Department of Health and Welfare feels that there is presently a trend toward block type grants and away from categorical aid and would like to see the trend continue, in the direction of simplicity, block grants and improved formulae. They point out that the categorical system does help assure some degree of similarity between the various states which would prevent the problem of people moving from state to state to participate in some program in a given state that happened to be highly desirable.

The Maine Municipal Association indicated its strong support of consolidation of the grants which are now available for cities and towns and they, too, point out that it is the smaller communities who lose out when it comes to Federal Aid; partly because they lack the professional expertise in procurement of these funds.

The Research Committee also took into consideration recommendations of the Advisory Commission on Intergovernmental Relations, which 3 years ago set out to explore the idea of federal revenue sharing. In their two-volume report published in October 1967, this Commission, of which both Senator Edmund S. Muskie and Vice President-elect Spiro Agnew are members, called for combining many existing federal grant programs to increase the powers of State Government in deciding how the grant money should be allocated. Chairman Farris Bryant warned in the report that, "A broader, more decentralized and better balanced approach to federal, state and local taxing and spending policies is urgently needed if we are to avoid serious disruption of the American federal system." The Commission recommended decentralization on the part of the Federal Government in the field of decision making in the administration of grant programs, and decentralization in the matter of review and approval of State and local plans. They also made several specific recommendations in the fields of vocational education, water and sewer line construction, etc.

It was clear that the Commission on Intergovernmental Relations felt that there must be a reversal of the present trend in the grant-in-aid system of excessive categorization and proliferation of grants.

Conclusions

After careful consideration of all the evidence presented to

the Legislative Research Committee, and after many intensive hours of discussion, it is the Committee's recommendation that every available means be brought to bear on Washington to revise the present system of federal aid. The Committee is of the opinion that only through a consolidation of categorical grants, coupled with some block type grants, will it be possible for the State of Maine to select their most pressing problems on the basis of priority and channel funds as needed. The Committee feels that the State, along with its municipalities, is, through elected representatives and officials, in the best position to judge the areas of most critical need and establish priorities to fulfill such needs.

The Committee also feels that although some of the categorical grants should undoubtedly be continued, it would be desirable to have some of the federal funds turned back in the form of unrestricted block grants. In connection with the continuing categorical grants, there should definitely be some attention given to the problems of continuity of programs and the vast amount of paper work involved.

The Committee, realizing the limited courses of action open to them, strongly urges that all the national legislative associations make every effort to convey to the lawmakers in Washington that drastic revision of the categorical grant-in-aid programs must be made. It is sufficient to note at this point the text of three resolutions pertaining to federal revenue sharing adopted

at the recent National Legislative Conference and annexed as Appendix B of this report. The Committee acknowledges that action must come from Washington but feels that our congressional delegation, if they are to truly represent their constituents, should assist us in bringing this revision to pass.

In conclusion, the Committee submits, as the only course open to it, a Joint Resolution which it unanimously recommends that the 104th Legislature promptly adopt and duly transmit to the members of our congressional delegation, the Office of the President and the Congress of the United States.

SUMMARY

Federal Grants

Operating Funds
1966-67

GENERAL FUND	\$20,054,519.56
SPECIAL REVENUE FUNDS	17,310,990.18
HIGHWAY FUND	<u>23,473,969.59</u>
GRAND TOTAL	\$60,839,479.33

Note: General Fund figure per
Controller is \$20,346,422.
This figure includes revenue
to surplus accounts as follows:

6316	\$ 6,000
6356	200,500
6370	<u>85,403</u>
	\$291,903

General Fund
Federal Grants
1966-67

Code 2206-2226, 2232

TotalUndedicated RevenueHealth and Welfare

4610 Welfare Administration \$ 80,243.08

State Park and Recreation Commission5410 Administration 20,397.56 \$ 100,640.64Dedicated RevenueCivil Defense and Public Safety

1590 Administration 117,504.97

1591 Federal Matching Program 31,561.59 149,066.56Indian Affairs2610 Administration 1,510.16 1,510.16Adjutant General2830 Military Fund 12,489.00 12,489.00Water Improvement Commission3750 Administration 36,917.00 36,917.00Agriculture3860 Markets 56,210.04 56,210.04Forestry

4130 State Forest Nursery 3,000.00

4131 Forest Rehabilitation 11,499.04

4145 Forest Fire Control - Organ. Towns 127,117.96

4147 Aid to Small Woodland Owners 82,302.44

4150 Entomology 21,700.00 245,619.44Inland Fish and Game4395 Swan Island Development 5,701.97 5,701.97Health and Welfare

4410 Bureau of Health 500.00

4610 Welfare Administration 1,349,465.32

4650 General Assistance 1,855.90

4670 Eye Care and Special Services 263,811.75

4681 Assistance to the Aged, Blind
or Disabled 10,757,298.25

4690 Aid to Dependent Children 6,155,843.68

4697 Hospital and Medical Care 71,431.96 18,600,206.86Education

4845 Schooling Children in Un. Territory 3,410.48

4872 Vocational Rehabilitation 408,549.81 411,960.29Arts and Humanities, Commission on4950 Administration 25,000.00 25,000.00State Library5010 Administration 258,291.00 258,291.00 \$19,903,612.96

General Fund
Other Federal Revenue
1966-67

<u>Code 2296</u>		<u>Total</u>
<u>Undedicated Revenue</u>		
<u>Adjutant General</u>		
2810	Administration	\$ 58,642.15
2830	Military Fund	<u>58,077.93</u>
		\$ 116,720.08
<u>Education</u>		
4825	Farmington State College	3.00
4826	Gorham State College	7.00
4827	Washington State College	<u>2.00</u>
		12.00
<u>State Park and Recreation Commission</u>		
5410	Administration	<u>17,560.71</u>
		17,560.71
<u>Mental Health and Corrections</u>		
4760	Boys Training Center	<u>5,531.25</u>
		5,531.25
<u>Dedicated Revenue</u>		
<u>Civil Defense and Public Safety</u>		
1591	Federal Matching Program	<u>8,216.09</u>
		8,216.09
<u>Health and Welfare</u>		
4410	Bureau of Health	232.50
4610	Welfare Administration	<u>2,626.97</u>
		2,859.47
<u>Education</u>		
4871	Southern Maine Voc. Tech. Inst.	<u>7.00</u>
		<u>7.00</u>
		<u>150,906.60</u>
TOTAL GENERAL FUND		<u><u>\$20,054,519.56</u></u>

Special Revenue Funds
Federal Grants
1966-67

			<u>Total</u>
<u>Executive</u>			
612	Division of Economic Opportunity	\$ 70,902.20	
890	Division of Economic Opportunity- Neighborhood Youth Project	<u>24,750.19</u>	\$ 95,652.39
614	Commission on Rehabilitation Needs	<u>38,126.00</u>	38,126.00
<u>Civil Defense and Public Safety</u>			
619	Community Shelter Program	17,775.35	
620	Federal Matching Program P&A	102,572.17	
621	Federal Matching Program Advances	23,381.29	
624	Radiological Contract	<u>25,386.03</u>	169,114.84
<u>Agriculture</u>			
614	Federal Poultry Inspection	<u>293,428.60</u>	293,428.60
<u>Economic Development</u>			
715	Urban Planning Fund	<u>106,751.39</u>	106,751.39
<u>Sea and Shore Fisheries</u>			
740	Restoration and Development of Shellfish Resources	9,497.00	
741	Development of Anadromous Fisheries Resources	5,306.57	
744	Federal-State Marine Resources	162,357.54	
748	Marine Worm Fund	<u>23,788.70</u>	200,949.81
<u>Inland Fisheries and Game</u>			
750	Administration	<u>253,635.86</u>	253,635.86
<u>Maine Forestry District</u>			
810	Administration	<u>205,049.58</u>	205,049.58
<u>Health and Welfare</u>			
905	Sanitary Engineering	710.95	
910	Federal Health Grants	975,543.88	
912	Work Experience Program	1,209,615.27	
913	Headstart	183.00	
914	Armed Forces Medical Rejectees Program	42,958.14	
915	Health Insurance Benefits	61,043.67	
920	Federal Project Grants	104,384.49	
010	Child Welfare Services - Federal	<u>314,312.82</u>	2,708,752.22
<u>Mental Health and Corrections</u>			
8120	Federal Grants - Mental Health	65,152.50	
8124	Governor Baxter School for the Deaf	39,119.78	
8127	Boys Training Center	236.15	
8150	Stevens Training Center - Vocational Education	7,096.00	
8160	Pineland Hospital and Training Ctr.	74,977.56	
8161	Pineland Speech and Hearing Center	16,218.10	

Special Revenue Funds
Federal Grants
1966-67

-2-

Total

<u>Mental Health and Corrections - cont'd</u>			
162	Pineland Hospital & Training Center - In-Service Training	4,330.62	
163	Bangor State Hospital - In-Service Training	10,248.88	
164	Augusta State Hospital - In-Service Training	21,738.02	
190	Committee on Problems of the Mentally Retarded- Mental Retardation Planning	<u>33,173.76</u>	272,291.37
 <u>Education</u>			
041	Aroostook State College - Educ. Opportunity Grants	1,398.75	
042	Gorham State College - Higher Education Act of 1965	6,130.00	
043	Washington State College - Library Materials	5,000.00	
201	Unorganized Territory Schools - Federal Projects	82,995.01	
208	Federal Vocational Education - Disability Freeze Determination	109,079.94	
209	Rehabilitation Social Security Trust	55,300.00	
216	Vocational Rehabilitation - Gift Fund	33,590.00	
217	Vocational Education Act of 1963 - Work Study Programs	8,300.00	
218	Civil Defense - Adult Education	36,081.63	
219	Vocational Education Act of 1963	1,305,905.02	
220	Vocational Education - George Barden Act	83,746.93	
221	N.D.E.A. III - Instructions	463,205.09	
222	N.D.E.A. V - Guidance & Testing	124,057.00	
224	N.D.E.A. X - Research & Statistics	46,021.65	
225	Federal School Lunches	1,131,650.46	
228	Higher Education Facilities Act	6,716.63	
231	Federal Fellowship for Teachers of the Mentally Retarded	50,312.00	
233	Manpower Development and Training Act	908,391.85	
234	Gorham State College-Library Materials Elementary and Secondary Education Act of 1965	13,058.00	
237	Title I - Children of Low Income Families	3,408,398.46	
238	Title II - School Library Resources	517,136.72	
239	Title III - Supplemental Educational Centers and Services	32,934.00	
242	Economic Opportunity Act - Title II-B Basic Adult Education	78,167.00	
243	Gorham State College - Upward Bound	72,635.00	
244	Aroostook State College - Library Materials	7,115.00	
245	Fort Kent State College - Library Materials	7,694.00	

Special Revenue Funds
Federal Grants
1966-67

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TotalEducation - continued

8247	Farmington State College - Education of Teachers of Mentally Retarded	18,000.00	
8248	Gorham State College - Educational Opportunity Grants	11,220.00	
8255	Gorham State College - National Science Foundation Grants	6,980.00	
	<u>Vocational Work Study Programs</u>		
8260	Central Maine Voc. Tech. Inst.	1,680.00	
8261	Southern Maine Voc. Tech. Inst.	3,000.00	
8262	Eastern Maine Voc. Tech. Inst.	6,000.00	
8279	Northern Maine Voc. Tech. Inst.	9,000.00	
8265	Farmington State College - Extension Courses	7,839.00	
8273	Neighborhood Youth Corps-Adminis. <u>Economic Opportunity Act - Work Study Program</u>	854,316.01	
8274	Farmington State College	16,075.00	
8275	Gorham State College	72,797.00	
8276	Washington State College	12,600.00	
8277	Fort Kent State College	17,542.00	
8278	Aroostook State College	<u>12,756.00</u>	9,644,825.15
	<u>State Library</u>		
8284	Special Federal Library Services	<u>18,885.00</u>	18,885.00
	<u>Park and Recreation Commission</u>		
8286	Boating Facilities Fund	<u>10,204.70</u>	10,204.70
	<u>Employment Security Commission</u>		
8290	Administration	2,648,423.27	
8294	Manpower Development and Training Act - Allowance Payment Fund	<u>644,900.00</u>	<u>3,293,323.27</u>
	TOTAL SPECIAL REVENUE FUNDS		<u><u>\$17,310,990.18</u></u>

A-7

Highway Fund
Federal Grants
1966-67

Code 2201, 2226

Total

9011	Highway Planning Survey	\$ 379,849.96
9095	Highway Construction	<u>23,094,119.63</u>

TOTAL HIGHWAY FUND

\$23,473,969.59

GENERAL FEDERAL GRANTS:
REVENUE SHARING

WHEREAS, programs to meet the growing problems of our society heavily involve state and local governments as well as the private sector and the Federal government; and

WHEREAS, the States must develop programs in recognition of the needs of local governments and the private sector; and

WHEREAS, it appears evident that increasing financial effort will be necessary to fund the required programs:

NOW, THEREFORE, BE IT RESOLVED by the Legislators' Section of the National Legislative Conference that, while we continue to modernize state and local government operations and their revenue structures, we believe that the Federal government must adopt new intergovernmental fiscal policies which would supplement existing grants-in-aid and provide more discretion and responsibility to the States and communities; and

BE IT FURTHER RESOLVED that the States, through cooperation among the organizations of legislators and chief executives, work with organizations representing local governments to develop a plan of general federal grants or other tax-sharing devices, to be proposed to the U. S. Congress, following these criteria:

Any allocation formula for revenue sharing should be simple and equitable.

The plan should assure substantial additional federal financial resources to urban communities as well as States.

The revenue-sharing plan should supplement and not substitute for state and local tax effort.

The revenue-sharing plan should not weaken categorical federal grants designed to serve national priorities.

The procedure for revenue sharing should be flexible enough to support fiscal policy for a stable and growing economy without impairing orderly planning and budgeting in States and communities.

BLOCK GRANTS AND JOINT FUNDING SIMPLIFICATION

WHEREAS, there has been a proliferation of over 450 categorical federal grants-in-aid to state and local governments; and

WHEREAS, state and local governments are hampered in planning the most effective use of their own resources because of the complexity and overlapping of closely related federal aid programs; and

WHEREAS, this complexity of federal-aid programs creates administrative difficulties at the state and local level because of different matching, administrative, planning and reporting requirements; and

WHEREAS, efforts of the U. S. Congress to provide broader based grants, as shown by the Partnership for Health Act, Omnibus Crime Control and Safe Streets Act, and the Land and Water Conservation Fund are to be applauded and encouraged:

NOW, THEREFORE, BE IT RESOLVED, that, while the Legislators' Section of the National Legislative Conference recognizes the need of categorical grants-in-aid for accomplishing national purposes, it urges the Congress to make greater use of block grants for broad programs rather than narrow categories within programs; and

BE IT FURTHER RESOLVED that the Congress be urged to pass the Joint Funding Simplification Act to allow federal agencies to combine grants for related purposes on an interagency basis and thereby simplify state and local administration; and

BE IT FURTHER RESOLVED that copies of this resolution be forwarded to members of the Congress and to other interested agencies.

INTERGOVERNMENTAL COOPERATION ACT

WHEREAS, state and federal program agencies have often failed to keep Governors and the legislatures informed on financial aids granted to the States; and

WHEREAS, federal grant-in-aid laws and regulations frequently restrict the discretion of state government, in determining the organizational structure best suited to carry out federal programs within the State; and

WHEREAS, federal aids for urban development have sometimes been awarded without regard for state and local planning requirements; and

WHEREAS, the Senate of the United States has passed S. 698, the Intergovernmental Cooperation Act, and H.R. 16718 of the same title has been reported out of House committee; and

WHEREAS, these bills are addressed to the problems listed above as well as to other intergovernmental issues;

NOW, THEREFORE, BE IT RESOLVED that the Legislators' Section of the National Legislative Conference urge the Congress to pass an Intergovernmental Cooperation Act at this session; and

BE IT FURTHER RESOLVED that copies of this resolution be transmitted to members of the U. S. Congress and to the President of the United States.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND NINE HUNDRED AND SIXTY-NINE

JOINT RESOLUTION MEMORIALIZING CONGRESS TO CHANGE THE METHODS
OF ADMINISTERING FEDERAL GRANTS.

WHEREAS, the Federal Government has assumed a greater role in financing the needs of the States and local governments through an elaborate process of grants-in-aid; and

WHEREAS, the over development of categorical grant-in-aid programs has imposed stringent restrictions and conditions which are contrary to the requirements of this State; and

WHEREAS, unless the trend toward restrictive categoric federal grants is reversed, these grants will so entwine themselves that a state's freedom of movement will be significantly inhibited; and

WHEREAS, there is a need and a justification for consolidation and simplification of flexible grant programs which will allow the State and its municipalities more opportunity to express their own initiative and reflect their specific needs and preferences; now, therefore, be it

RESOLVED: That the Senate and House of Representatives of the 104th Maine Legislature express their strong support and belief in the concept that federal assistance to the states should be consolidated and simplified and move in the direction of tax-sharing proposals or block grants which do not impose restrictive conditions as to use, thereby restoring to the State and its municipalities the advantage of exercising independent judgments and freedom in determining the needs of its people; and be it further

RESOLVED: That the Senators and Representatives of this State in the Congress of the United States be instructed to review the present methods of administering federal aid and to support such changes as they deem necessary under this resolution; and be it further

RESOLVED: That a copy of this Preamble and these Resolves, duly authenticated by the Secretary of State, be immediately transmitted by the Secretary of State to the Honorable Richard M. Nixon, President of the United States, to the President of the Senate and the Speaker of the House of Representatives in Congress and to each of our Senators and Representatives in Congress.