

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)

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 William H. Garside, Augusta, Finance Officer
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 Samuel A. Hinds, Assistant Finance Officer
 Appointed November 20, 1968; Effective, January 1, 1969

LETTER OF TRANSMITTAL

January 1, 1969

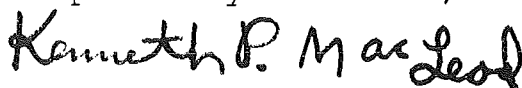
To the Members of the 104th Legislature:

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

PROPOSED BILLS TO BE SUBMITTED TO THE 104TH LEGISLATURE

	Page
AN ACT to Create the Wildlands Use Regulation Commission-----	8
AN ACT Relating to Reports of the Managers of the Maine Industrial Building Authority and the Maine Recreation Authority-----	42
AN ACT Providing for Legal Assistance by the State to Municipalities in Property Valuation Cases-----	65
AN ACT Providing for Annual Revision of State Valuation-----	66
AN ACT Abolishing the Campaign Reports Committee-----	89
RESOLVE, Proposing an Amendment to the Constitution Providing for Convening of the Legislature at Such Times as the Legislature Deems Necessary-----	98
AN ACT Increasing Compensation of Members of the Legislature---	108
AN ACT Establishing the Municipal Public Employees Labor Relations Law-----	139
AN ACT Reclassifying Prestile Stream of the Meduxnekeag River Basin-----	173
RESOLVE, Reimbursing Mars Hill Utility District for Bonds Issued for Sewer Construction-----	174
AN ACT Providing for Transportation of Passengers in Units of Trucking Equipment on a Test Basis-----	187

C O N T E N T S

	Page
Legislative Research Committee Membership-----	ii
Letter of Transmittal-----	iii
Proposed Legislation-----	iv
Table of Contents-----	v
 Research Reports:	
Wildlands Use Regulation-----	1
(Photo Essay inserted as Appendix F)	
Maine Industrial Building Authority-----	35
State Valuation Procedures-----	43
Joshua L. Chamberlain Toll Bridge-----	68
Legislative Procedures, Sessions and Compensation-----	77
Tax Sharing vs Grants-in-Aid-----	109
The Municipal Public Employees Labor Relations Law-----	132
Insurance Transactions-----	158
State Obligation to Mars Hill-----	165
Transportation of Passengers by Motor Truck-----	180

STATE OF MAINE
LEGISLATIVE RESEARCH COMMITTEE

REPORT ON
INSURANCE TRANSACTIONS

to the
ONE HUNDRED AND FOURTH LEGISLATURE

JANUARY, 1969
Legislative Research Committee
Publication 104-8

ORDERED, the Senate concurring, that the Legislative Research Committee is directed to study the practice of transacting insurance in this State, through mail order facilities or organizations, for the purpose of formulating such operating procedures and implementing legislation as may be necessary or desirable; and be it further

ORDERED, that the Committee report the results of its study at the next regular session of the Legislature.

SUBCOMMITTEE ON INSURANCE TRANSACTIONS

CHAIRMAN - Emilien A. Levesque

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William E. Dennett

Kenneth P. MacLeod

Horace A. Hildreth, Jr., Ex Officio

At the regular session of the 103rd Maine Legislature, the Legislative Research Committee was directed by Joint Order House Paper 1198, to study insurance transactions in this State through mail order facilities.

Also during the same legislative session, legislative document 925, AN ACT to Create a Commission to Prepare a Revision of the Insurance Laws, was enacted as Chapter 171 of the private and special laws of 1967, (Appendix "A") thus creating a joint interim commission charged with the responsibility of submitting a complete revision of the insurance laws in final legislative draft form at the regular session of the 104th Legislature.

In view of the purpose of this Act and the subsequent appointment of two Research Committee members to the Commission, (Appendix "B") one of whom was to serve as its chairman, and the public hearings and consultations that followed, the Legislative Research Committee felt it unnecessary in terms of time and expense to continue its study along a parallel course and therefore recommended that no further action be taken by the Subcommittee on Insurance Transactions. The Committee, mindful of its responsibilities, further recommended that the subject matter of HP 1198 be properly referred to the Commission along with necessary access to the Committee file.

Accordingly, the Committee takes no further action in this regard, but awaits a modern integrated and consistent code of public laws, as developed by the Commission, dealing with the business of insurance in every aspect.

JUL 5 '67

171

STATE OF MAINE BY GOVERNOR

P & S LAW

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-SEVEN

S. P. 326 — L. D. 925

AN ACT to Create a Commission to Prepare a Revision of the Insurance Laws.

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

Sec. 1. Commission; duties. A special commission shall be constituted and appointed to supervise the preparation, in final legislative draft form, of a proposed Insurance Code for the State of Maine, such proposed Code to be presented to the regular session of the 104th Maine Legislature. Such proposed Insurance Code shall include and consist of a complete revision, redraft and rearrangement of all sections of the Revised Statutes pertaining to the business of insurance and the regulation of such business, including, without limitation, all such sections as are included in Title 24 of the Revised Statutes and in any other Titles, the revision of which is deemed appropriate to the purposes hereof. Such proposed Insurance Code may, without limitation, incorporate such necessary repealers, amendments and modifications of existing laws as, in the judgment of such commission, are necessary and appropriate to accomplish such purposes. Such proposed Insurance Code may include such new or modified provisions as, in the judgment of the commission, will best serve the interests of the people of the State, and the commission shall give due consideration to the insurance laws of other states, and the requirements for enforcement thereof and for the regulatory and administrative requirements of the Maine Insurance Department. Such commission shall employ a chief counsel, and, subject to his recommendations, such additional counsel as may be required, to perform the necessary research and drafting of such Code, the chief counsel to meet the requirements as set forth. Such commission shall hold such public hearings as may be deemed necessary to acquaint insurers, and persons interested in the business of insurance, or the regulation thereof, with its proposals and recommendations, and the commission shall have full access to all of the records of the Maine Insurance Department for the purposes of its investigations. It is the purpose and intent hereof to provide such commission with sufficient authority and funds to enable it to present to the Maine Legislature a fully modern, integrated and consistent code of public laws dealing with the business of insurance in every aspect.

Sec. 2. Membership. The membership of the commission shall be constituted and appointed as follows: Two members shall be members of the Senate in the 103rd Maine Legislature, to be appointed by the President of the Senate; 3 members shall be members of the House of Representatives in the 103rd Maine Legislature, to be appointed by the Speaker of the House and 4 additional members to be appointed by the Governor, with the advice and consent of the Executive Council. In considering such appointments, the Governor shall obtain the recommendations of all segments of the insurance industry.

The Insurance Commissioner and the Attorney General shall serve on the commission in an advisory capacity only. Each member shall serve until the commission shall have completed its work, or until his prior death or resignation. In the event of the death or resignation of any member, his place shall be filled, upon written notice thereof from the commission, by the then President of the Senate, Speaker of the House or Governor, as the case may be, in the same manner as with respect to the original appointment.

Sec. 3. Meetings. The said commission shall be appointed promptly upon enactment hereof, and the Governor shall notify all members of the time and place of the first meeting. At that time the commission shall organize, elect a chairman, vice-chairman and secretary-treasurer, adopt rules as to the administration of the commission and its affairs which rules shall require a minimum of 30 days' notice of any public hearing to consider one or more aspects of the laws or prospective laws to be considered by the commission and which rules shall require that all proposals shall be transmitted to each participant in the business of insurance which shall have recorded its desire to receive and willingness to pay for the costs of printing and mailing same, and thereafter shall meet as often as necessary until its work is completed. In all matters as to which there is disagreement, a majority vote shall prevail, and a quorum shall consist of at least 5 members. The commission shall maintain minutes of its meetings and such financial records as may be required by the State Auditor.

Sec. 4. Chief counsel. The commission shall contract a chief counsel, who need not be a resident of this State, who shall have the responsibility for legal research and drafting required in connection with the preparation of the proposed Insurance Code, under the direction and supervision of the commission. No person shall be employed as chief counsel who shall not, by virtue of prior training, experience, ability and reputation, have clearly demonstrated the ability to perform the tasks to be assigned to him by the commission, and the commission shall, so far as practicable, employ only a person with prior experience in the preparation of state insurance codes in one or more other states, after due consideration of his references, past performance and work, and ability to perform the job to be assigned pursuant to this Act.

Sec. 5. Reimbursement of expenses. The members of the commission shall serve without compensation, but may be reimbursed for their reasonable expenses in attending meetings, procuring supplies, correspondence and other related and necessary expenditures.

Sec. 6. Appropriation. There is appropriated from the Unappropriated Surplus of the General Fund the sum of \$20,000 for the fiscal year ending June 30, 1968, to carry out the purposes of this Act. Any unexpended balances shall not lapse but shall remain a continuing carrying account until June 30, 1971.

IN HOUSE OF REPRESENTATIVES,.....1967

Read three times and passed to be enacted.

.....*Speaker*

IN SENATE,.....1967

Read twice and passed to be enacted.

.....*President*

Approved 1967

.....*Governor*

APPENDIX "B"

COMMISSION ON REVISION OF INSURANCE LAWS

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