

MAINE STATE LEGISLATURE

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STATE OF MAINE
LEGISLATIVE RESEARCH COMMITTEE

SUMMARY REPORT
TO THE
ONE HUNDRED AND SIXTH LEGISLATURE

VOLUME ONE

JANUARY, 1973

STATE OF MAINE

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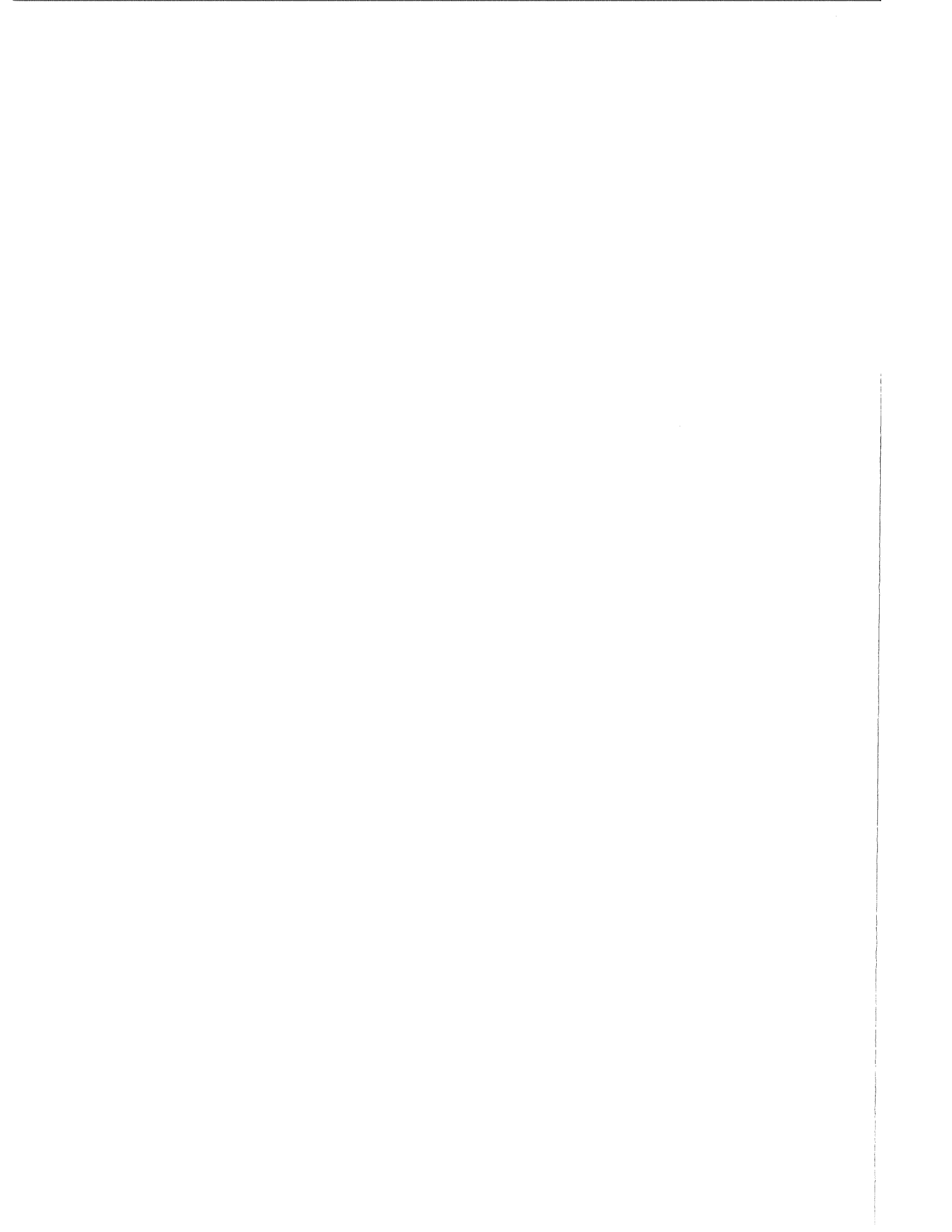
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STATE OF MAINE
LEGISLATIVE RESEARCH COMMITTEE
STATE HOUSE
AUGUSTA, MAINE 04330

January 3, 1973

To the Members of the 106th Legislature:

The Legislative Research Committee hereby has the pleasure of submitting to you its report on activities for the past two years. This summary, designated as Volume I, deals with both assigned and unassigned studies and contains the findings and recommendations pursuant thereto.

The Committee was unfortunate in the loss of its original vice-chairman, the late Representative John E. Gill of South Portland. In his death on July 23, 1972, the State of Maine lost an able public servant. We of the Committee gratefully acknowledge our indebtedness to his ability and his contribution to the work of the Committee.

The Committee also wishes to acknowledge with appreciation the countless public and private individuals, organizations and agencies without whose assistance and cooperation the Committee would not have reached its conclusions.

The members of the Committee appreciate having been chosen to participate in this work and sincerely hope the results of many hours of work and devoted study transmitted here will prove beneficial to the members of the Legislature and ultimately to the citizens of the State of Maine.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "J. Sewall".

JOSEPH SEWALL, Chairman
Legislative Research Committee



STATE OF MAINE
LEGISLATIVE RESEARCH COMMITTEE

REPORT ON
EDUCATIONAL LEAVE
to the
ONE HUNDRED AND SIXTH LEGISLATURE

JANUARY, 1973
Legislative Research Committee
Publication 106-8

EDUCATIONAL LEAVE

WHEREAS, there is growing concern over the matter of educational leave being granted to some state employees and not to others; and

WHEREAS, employees on such leave remain on full salary and are provided expenses; and

WHEREAS, the practice of educational leave was initiated to help recruitment of specialized persons otherwise impossible to hire; and

WHEREAS, there is a strong feeling among employees that there should be rules and regulations relating to the granting of such leave; and

WHEREAS, such rules and regulations may best be promulgated and enforced by the State Personnel Board rather than at the discretion of the various departments; now, therefore, be it

ORDERED, that the Legislative Research Committee be authorized and directed to study the practice of granting such leave and to determine the feasibility of promulgating and enforcing rules and regulations by means of the State Personnel Board which will carry into practice a uniform policy for educational leave for all state employees; and be it further

ORDERED, that the State Personnel Board and Department be directed to provide the Committee with such technical advice and other assistance as the Committee deems necessary to carry out the purposes of this Order; and be it further

ORDERED, that the Committee report the results of its findings to the next regular session; and be it further

ORDERED, that said agencies of the State receive copies of this Order upon joint passage as notice of the proposed study.

SP 628	In Senate Chamber	House of Representatives
Carswell	Read and Passed	Read and Passed
Cumberland	June 21, 1971	June 22, 1971
	Sent down for concurrence	In concurrence

SUBCOMMITTEE ON EDUCATIONAL LEAVE

CHAIRMAN - Roland A. Gauthier

VICE CHAIRMAN - Ronald S. Wight

Ethel B. Baker

Albert E. Cote

Harvey Johnson

EDUCATIONAL LEAVE

In response to a growing concern over the matter of educational leave being granted to some State employees and not available to others, and lack of guidelines to regulate such activity, the Legislative Research Committee was instructed under Joint Order of the 105th Legislature, S.P. 628, to study the practice and to determine the feasibility of establishing a uniform policy on educational leave applicable to all State employees.

In general, permanent or probationary employees of this State may be granted a leave of absence with pay for the purpose of futhering education, when the granting of such leave is for the purpose of meeting the immediate, or clearly foreseeable needs of the department concerned, provided that: (a) the appointing authority and the director approve of such leave; (b) the course of study is accredited in the field of specialization or the appointing authority and the director agree that the proposed educational plan will meet the needs of the program; (c) the training, so secured, will qualify the employee for positions which it is extremely difficult to adequately fill because of serious shortages of available properly trained personnel; (d) such training is in the best interest of the State Service and will materially facilitate achievement of the objectives and fulfillment of responsibilities for which the State agency has been created; (e) the employee agrees to return to State Service following leave for a period to be determined in each instance by the appointing authority, or to reimburse the State for all expenditures associated with the educational leave.

No vacation or sick leave can be accumulated during such leaves.

Aside from the foregoing policy issued by the Department of Personnel the Committee found, in a survey conducted for the Committee by the Department pursuant to the Order, that educational leave programs in Maine range from no funding of any type for educational programs, to short-term, on-the-job training; to seminars and workshops of a few days duration; to the granting of a full year's tuition, expenses and full pay. For the most part, the latter programs are partially or fully financed by federal funds. There were indications that the larger agencies budget money for educational leave and that the small departments are unable to do so. The policies of the agencies with respect to granting of educational leave were also found to be highly individualized and representative of the needs of a particular department and its ability to meet those needs by providing training through educational leave arrangements. Where federal funds are available, it seems to facilitate educational leave. On the other hand, in positions financed from the General Fund, it appears difficult to allow the person time enough to be away from his job because no provision can be made for replacement.

It was also learned from the survey information supplied to the Committee that all of the New England states and the State of New York have an educational leave policy. The policy statements of the states surveyed indicate a wide variety of policies from decentralized (departmental) programs to that of a centrally controlled situation (Connecticut). The New York Legislature voted to cancel all educational leave funds during its last session, leaving New York agencies fully dependent upon federal funds for such

arrangements. Several other New England states are currently formulating suggestions for their respective Legislatures.

Specific features common to all educational leave policy statements in the states studied are:

ELIGIBILITY: Only permanent full-time employees with one or more years of progressively satisfactory work in state service may apply. Determination of eligibility is made by a committee (organization differs by state).

REMUNERATION RECEIVED WHILE ON LEAVE:

A variety of methods ranging from leave without pay to leave with part-pay to leave with full pay. Some states pay all expenses, others expect the employee to pay all or some of the expenses including tuition, books, fees, travel and living accommodations. Fringe benefits generally remain in tact; although in Massachusetts, for instance, the employee must return to work "between semester breaks" or forfeit vacation time. Rhode Island sets a flat \$250 maximum on paying for expenses of training other than salary.

Most of the states require the participant to sign a contract.

Agreements thus signed provide an obligation to remain in state employment one calendar

year for each full academic year. Clauses are contained to cover the event that an employee wants to reimburse the state after his training.

State funds for educational leave have generally been provided in cases where personnel shortages exist.

At the close of its hearings and the executive deliberations which followed, the Committee felt it would be in the best interests of the State if the various policies, practices and procedures currently employed by the State were subject to uniform regulation. It is the Committee's feeling that a permanent board should be established by statute to oversee and rule upon all such activity involving more than one week's duration and that this should be accomplished without the use of State funds.

To implement these findings, the Committee submits the following proposal and unanimously recommends its adoption:

STATE OF MAINE

In the Year of our Lord, Nineteen Hundred seventy-three.

An Act to Establish a Uniform Program for Educational Leave for State Employees.

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

R.S., T. 5, c. 60, additional. Title 5 of the Revised Statutes is amended by adding a new chapter 60 to read as follows:

CHAPTER 60
EDUCATIONAL LEAVE

§721. Title

This chapter shall be known as, and may be cited as, the "Maine Educational Leave Act."

§722. Declaration of purpose

It is in the public interest and is the policy of the State of Maine to foster and encourage, without State funding, an educational leave program to permit employees of the State to increase knowledge and skills and to improve work techniques and procedures. This would permit the agencies themselves and the citizens of Maine to benefit by what the employee has learned and by what he will impart to others when he returns.

§723. Educational Leave Advisory Board

There shall be an Educational Leave Advisory Board to advise and consult with the Department of Personnel to review and authorize all educational leave requests from classified and unclassified state employees for durations of more than one week. The board shall consist of 3 members as follows: The Director of Personnel who shall serve as chairman of the board; the Commissioner of Educational and Cultural Services; and one member who shall be appointed for a term of 3 years by the Maine State Employees Association. Members of the board shall receive no compensation for their services.

§724. Rules and regulations

The board shall by rule and regulation establish procedures for applying, processing and granting of educational leave to classified and unclassified employees of the State and shall

maintain an up-to-date register of employees and their terms of leave and may adopt such other regulations as it finds necessary to administer this chapter.

§725. Funds

No state funds shall be used or appropriated by the Legislature for the purpose of this chapter nor shall any employee of the State be compensated with state funds while absent on leave for educational purposes for more than one week. The board may apply for and accept donations and contributions from any other source to assist it in carrying out the purposes of this chapter and shall approve such applications by the agencies of the State, but the same shall be expended and accounted for in the same manner as funds appropriated to it by the Legislature.

§726. Report

The board shall make a detailed progress report biennially to the Legislature, together with such recommendations as it deems necessary to carry out the purposes of this chapter.

§727. Application

In the event that any provision of this chapter is in conflict with the provision of a federal grant or educational leave program, the terms of the federal grant or educational leave program shall prevail.

Statement of Fact

The intent of this Act is reflected in the declaration of purpose under section 722. It is not the purpose of the Legislature to restrict State employees from attending departmental conferences concerned with their department or other educational purposes of less than one week.