

# 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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C O N T E N T S

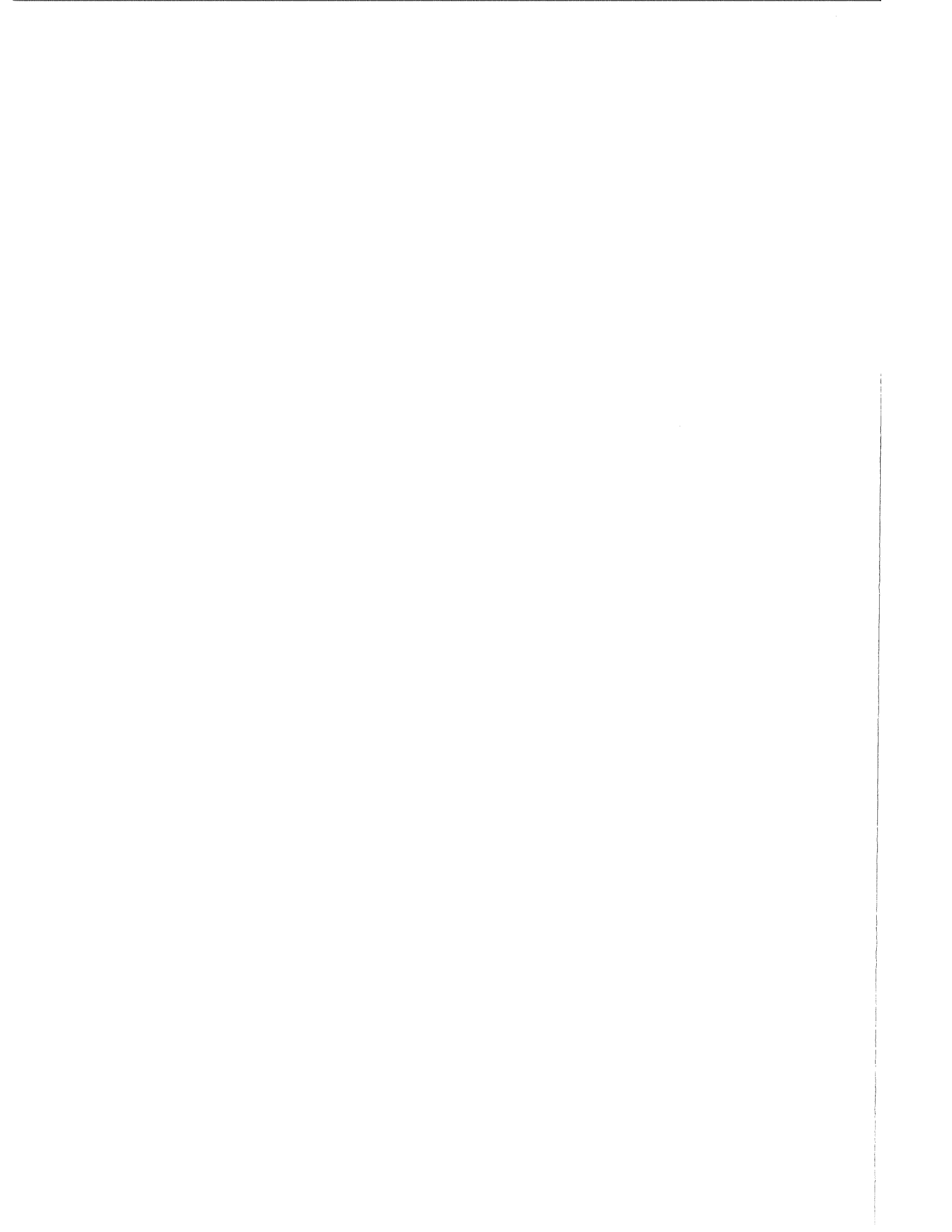
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STATE OF MAINE  
LEGISLATIVE RESEARCH COMMITTEE  
STATE HOUSE  
AUGUSTA, MAINE 04330

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  
EMPLOYEE MAINTENANCE  
to the  
ONE HUNDRED AND SIXTH LEGISLATURE

JANUARY, 1973  
Legislative Research Committee  
Publication 106-9



## EMPLOYEE MAINTENANCE

WHEREAS, State departments charge employees varying amounts for furnishing such maintenance services as meals, rental or housing; and

WHEREAS, employees are charged for such services in some instances, similar State services are furnished to others without charge; and

WHEREAS, employee maintenance was estimated to return \$213,298 during the current fiscal year but to date is \$72,472 in arrears; and

WHEREAS, the State needs to develop and utilize a single policy applying equally to all state employees; now, therefore, be it

ORDERED, the House concurring, that the Legislative Research Committee be authorized and directed to study the general problem of employee maintenance and to make recommendations to the next special or regular session of the Legislature for a uniform policy regarding all maintenance charges which can be applied equally to all state employees entitled to receive such benefits.

SP 675	In Senate Chamber	House of Representatives
Dunn	Read and Passed	Read and Passed
Oxford	June 21, 1971	June 22, 1971
	Sent down for concurrence	In concurrence

## SUBCOMMITTEE ON EMPLOYEE MAINTENANCE

CHAIRMAN - Walter L. Bunker

VICE CHAIRMAN - Roland A. Gauthier

Ethel B. Baker

Louis Jalbert

## EMPLOYEE MAINTENANCE

The Legislative Research Committee has studied the problem of Employee Maintenance pursuant Legislative Order, Senate Paper 675 of the 105th Legislature, and due to inadequacy of the existing system has developed and supported into law a uniform policy concerning maintenance changes which can be applied equally to all state employees entitled to receive such benefits.

In certain cases, it is to the interest of the State to maintain either professional, administrative or maintenance personnel at various institutions and locations through the State after on a 24-hour duty basis. In such cases, the State has furnished housing, food supplies, water, electricity, heat, telephones, domestic services, furnishings and construction improvements in order to maintain the necessary manpower to support some functions.

The problem here, as stated in the preamble of the joint order directing the study, stemmed from the fact that certain state agencies were charging their employees varying amounts for furnishing such maintenance services as meals, rental and housing and other services, while others have not. The fact that estimates on amounts to be returned to the State for providing such services were substantially in arrears plus the general inequity of the entire situation were also important factors to be considered.

Under the terms of the Order, the committee was given the option of reporting to the next special or regular session the legislation. The committee chose the former and proceeded to



hear the matter in conjunction with visits to a sampling of the premises involved in preparation of introducing a bill at the Special Session.

In keeping with its objective, after numerable hearings, the committee drafted and the Chairman sponsored the following legislation which was enacted as an emergency measure under Chapter 588 of the Public Laws of 1971 at the first special legislative session:

AN ACT Relating to Housing and Food Supplies Furnished  
by State Departments.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the elimination of unnecessary procedures in State Government, with resultant efficiency and economy, is of utmost importance to the people of Maine; and

Whereas, a constant review of providing means for housing and food for state employees is essential, if State Government is to continue to provide the services required of it in an efficient and economical manner; and

Whereas, the following legislation is vitally necessary to accomplish these purposes; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine, and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

R. S., T. 5, §§ 8-A - 8-H, additional. Title 5 of the Revised Statutes is amended by adding 8 new sections, 8-A to 8-H, to read as follows:

§ 8-A. Declaration of purpose

For the benefit of the people of the State, it is essential that certain activities of the State Government be constantly reviewed in order to provide essential state services more efficiently and economically. To aid in accomplishing this purpose and due to improved travel conditions and communications, housing for state employees at state institutions and other areas of State Government and commissaries operated by state departments for the sale of food and food supplies to state employees shall be controlled as set forth in sections 8-B and 8-C respectively.

§ 8-B. Housing

It is the intent of the Legislature to discourage the construction, reconstruction and equipping of new housing facilities for state employees at state institutions and all other areas of State Government. The housing facilities of each state department shall be reviewed by the state department involved, and if such facilities are not necessary for the operation of the department or any branch thereof, use of such facilities for housing shall be eliminated. If, after such review, it is determined that such facilities are essential, a rental charge shall be made to cover the total operating cost of any such facility. These costs shall include, but not be limited to, rates charged to the State, in operating such facility, for water, electricity, heat, telephone and furnishings and any other maintenance costs. Such costs shall not include charges for telephones used primarily for state business. In

determining the feasibility of any such facility, the department shall consider the availability of living facilities for its employees, particularly in the unorganized territory and rural areas of the State. Any facility used on a seasonal basis shall be partially exempt from rental charges, at the discretion of the department.

§ 8-C. Food and food supplies

All commissary-type facilities operated by state departments for the sale of food and food supplies to any person shall be eliminated. Purchasing of food and food supplies for any person by requisition or otherwise, is prohibited, except that the Departments of Inland Fisheries and Game and Forestry may requisition food supplies for emergency use or special duty assignments. Meals purchased and prepared for institutional or school use may be sold to an employee based on the actual total cost of purchasing, preparing and serving such food or food supplies.

§ 8-D. Income

Any income derived from the operation of housing or food facilities, or both, under sections 8-B and 8-C, shall accrue to whatever fund pays for such facilities; if it is a General Fund account, the income shall accrue to General Fund; if it is a special revenue account, the income shall accrue to that account.

§ 8-E. Domestic service

No employee of the State of Maine shall be assigned to perform routine housekeeping, food preparation or other chores for employees assigned to and living in housing facilities owned by the State of Maine. This is not intended, however, to prevent

bona fide domestic training programs wherein various patients and others in state institutions of Maine are trained for increased employment opportunities.

§ 8-F. Rules and regulations; review

Each department shall establish and promulgate, subject to the approval of the Budget Officer, rules and regulations to carry out the purposes of sections 8-B to 8-C. Such rules and regulations shall be transmitted to the Legislative Research Committee for its review within 60 days after passage of this Act and thereafter biennially.

§ 8-G. Exemption

Section 8-A to 8-H shall not apply to the Baxter State Park Authority.

§ 8-H. Penalty

Any state officer or employee who violates sections 8-A to 8-F shall be punished by a fine of not more than \$1,000 and shall be dismissed from state service.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective February 24, 1972

Following enactment of this legislation, the committee reviewed rules and regulations which were established and promulgated by the following departments for approval of the State Budget Officer in accordance with Section 8-F of the new law.

RULES & REGULATIONS

<u>DEPARTMENT</u>	<u>APPROVED</u>
Agriculture	May 5, 1972
Education	June 7, 1972
Executive	No Application
Inland Fish & Game	March 30, 1972
Ferry Service	No Application
Forestry	July 1, 1972
Health & Welfare	No Application
Highway	No Application
Mental Health & Corrections	September 15, 1972
Augusta State Hospital	
Bangor State Hospital	
Pineland Hospital & Training Center	
Boys' Training Center	
Maine State Prison	
Mens' Correctional Center	
Stevens Training Center	
Womens' Correctional Center	
Military and Naval Childrens' Home	
Parks and Receptions	June 6, 1972
Maine Port Authority	No Application

As nearly all of the rules and regulations required by Chapter 588 neared completion and were approved by the State Budget Officer, the committee agreed to inform all departments concerned, that charges under these regulations were to be effective as of July 1, 1972. This date was selected to insure uniform treatment of all affected employees and because some

departments had been previously notified and were already making these deductions as of that date.

The State Budget Officer issued the notice on August 16, 1972 and the State Controller agreed to cooperate in accepting deferred payments in installments and other financial arrangements to alleviate any potential hardship.

As to the rules and regulations themselves, they have been purposely submitted from this report due to their extensiveness. However, those interested in obtaining such information should feel free to direct their inquiry to the Bureau of the Budget or the Departments themselves.

It may be concluded from this survey and the legislation that evolved that the committee feels it is essential to the continuation of the employee maintenance program that it be subject to continual review for effectiveness and economy on a biennial basis as now provided by law.

As a final note, the Committee feels it would be particularly helpful in strengthening the Committees' legislation if chapter 588 of the public laws of 1971 were amended to define "total operating costs." Following its recommendation, the Committee has directed that an appropriate amendment be proposed for introduction to the 106th Legislature.