FINAL REPORT

OF THE

Legislative Research Committee

For 1943-1944

TO THE

91st Legislature

December 1, 1944

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of the

LEGISLATIVE RESEARCH COMMITTEE

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91st LEGISLATURE

INTRODUCTORY STATEMENT

Since the submission of its former report the Committee has given attention to various matters whose importance has seemed to merit inquiry. Some others have been brought to the attention of the Committee which did not seem to fall within this category and they have consequently not been considered.

This report embraces a discussion of such matters as we have canvassed and carries such recommendations in connection with them as we have been able to agree upon. Bills intended to carry into effect these recommendations are being prepared and will be presented to the incoming Legislature.

LEGISLATION TENDING TO SIMPLIFY PROCEDURES UNDER ALTERNATIVE LIEN AND TO MAKE TAX TITLES MARKETABLE BY COURT ACTION

The Committee offers three bills in the interest of enforcing tax collection on real estate and of making certain the title derived by those methods.

Simplification of Alternative Lien Procedures

The first proposed amendment is to the Revised Statutes, Chapter 81, Section 97, (the references herein used are, of course, to the 1944 revision of the statutes) with relation to the so-called alternative lien law which

seems to be the simplest method of gaining title for non-payment of a tax and the one favored in use by most of the Maine municipalities. As this section reads, the collector is required at the time of the recording of the certificate, that is, apparently, on the same day, (1) to file a copy with the town treasurer; (2) to mail a copy by registered letter to the holder of the mortgage; (3) a like notice to the record owner if he is not the party assessed. The amendment proposes that, instead of requiring the collector to do four things simultaneously, he may, (1) have ten days within which to file a copy of the certificate with the treasurer; (2) within ten days, and before filing the certificate in the Registry of Deeds' office, send a demand or notice to the record owner or holder of the mortgage; (3) or, within three months after the filing, if such notice or demand has not been given, the town treasurer may send a copy of the certificate.

Under the statute, as it now stands, the copy of the certificate must be sent to the mortgagee and the record owner as above at "his place of last and usual abode." Under the proposed act the interested party may file a request with the town treasurer setting forth a correct address and identifying the real estate and the notice will be sent to that address, but if there is no such request then the treasurer may send the notice to the last and usual place of abode or at the place of residence as given in the Registry of Deeds.

If the collector, under the present statute, has not given the notice to the mortgagee required above within the time specified there does not seem to be any cure. An amendment is proposed, which is similar to that used in the tax sale method, that the rights of the record holder of the mortgage shall be foreclosed within ninety days after actual notice.

In this same section there is to be added by amendment provision for the prima facie validity of the tax lien, which presumption does not now exist according to the decisions of our court.

Section 99 of the same chapter, which permits amendments to the record return or deed in accordance with the facts in connection with the tax sale method of enforcement, is proposed to be broadened to permit those amendments to be made in the tax lien method of collection.

The foregoing amendments are proposed to simplify the present administrative procedures under the tax lien method.

Proceedings in Equity to Perfect Tax Titles

The Committee also proposes two new statutes for the purpose of attempting to get some method whereby tax titles may be perfected by court action so that they may be salable and marketable. It is all too well known that no one wants to buy a tax title, no matter whether acquired by sale

or by lien foreclosure, and to use it as he would any other good and marketable title, such as for the purpose of building a building thereon. The result is that these properties, many of which have been to all intents and purposes abandoned by their former owners, are frozen as assets of the municipality and cannot safely be built up for dwellings or other useful purposes. In the decisions of our court, in which the enforcement of the tax lien by an action of debt and attachment has been upheld, the way is pointed to the remedy for this situation. There must be some point where the original owner of the land can come in before the court and defend his title, or, as an alternative, have the court say that his title has been forfeited. The Committee suggests three procedures.

Waiver and Foreclosure of Tax Mortgages

At the present time the tax lien or tax mortgage is foreclosed by purely administrative procedures. The tax collector takes the necessary steps and under the provisions of the statutes the tax lien or mortgage is automatically foreclosed. Because the tax lien foreclosure method, by the filing of a certificate, requires so few administrative procedures, compared to the tax sale method, there are many less opportunities to make mistakes which will invalidate the title. If mistakes are made, however, the lien is just as vulnerable as the tax sale method of enforcement.

Equity has had jurisdiction to foreclose mortgages. It is a well recognized procedure, much used in other states but not to any considerable extent in Maine because sufficient and adequate methods are otherwise provided for the handling of foreclosure of business mortgages. It seems probable, however, that the court would readily take jurisdiction of the foreclosure of a tax lien mortgage if the statute made provision for that jurisdiction. A law is, therefore, proposed by the Committee which, upon proper action by the legislative body of a city or by action at a town meeting, would permit the town treasurer after the certificate has been filed to waive the automatic foreclosure and to bring a bill in equity for the foreclosure of the tax mortgage. If this were done, and if the procedures had been correct down to that point, the judgment of the court in favor of the town would seem to get a title with which the town would have no difficulty—in other words, a marketable title. This might, in some cases, make it very well worth the town's time to waive the automatic foreclosure and to clear up the title by a bill in equity to foreclose.

Bill in Equity to Quiet Title

The third measure contemplates the handling of titles which are already ostensibly in the town by foreclosure or sale but which no one wishes to

purchase because of that doubt as to the validity. At the present time the only method that is usually possible is by the statutory writ of entry. This method is, of course, used when the town is not in possession of the property. The writ of entry, however, is not satisfactory. It is an action at law; proper service on the proper parties must be made and if, at the proper stage of the proceedings, the assessed owners come in and disclaim title, the action is discontinued and no judgment for title ensues.

There exists at the present time in the statutes a method of bringing an action to quiet title. This action, however, is not available unless and until the claimant of the title has been in possession of the property for a certain number of years. The town is rarely in possession of property which it has acquired by the tax lien or tax sale method and ordinarily this procedure is not available to it. In order to clear up specific titles which have accrued in the past to the town this act might be of use.

Foreclosure in rem in Equity

The second proposed addition to the law is a foreclosure by an in rem proceeding in equity. It is based upon the model real property collection law and is in effect in several states. The proposed law acts only upon the property and does not attempt to obtain any judgment against the person who may be defendant in the action. No action may be brought under this proposed act until the town has held the tax lien or mortgage for four years. The procedure is then to allow the town to take all tax titles of four years standing and combine them in one action in rem in equity. Notice is to be given by publication. If any assessed owner wishes to defend he may come in and have his case severed from the other cases in the bill and heard separately. This procedure might have more usefulness in cities than in the smaller communities. There are in some cities literally hundreds of vacant lots of land which have been forfeited for taxes over a period of ten years or more—the original owners may be dead, the heirs scattered or hostile to one another, or, it may be a defunct corporation which was once the owner. In any case, no one shows any interest in a great many of these properties and they lie useless. Some of them probably are not capable of development and use as private property and should be held by the municipality and wiped off the tax list instead of being assessed, committed, advertised, filed upon and sold or foreclosed year after year, to the expense of the municipality and with no profit to it. Other lots may be capable of private use if a good title can be had, and under the in rem procedure such a title might be obtained. Besides the combining of many lots of land in one action this procedure has the advantage of allowing the municipality to use its assessed description and assessed

ownership as the names and descriptions of the owner and property. Sometimes the necessity for tracing ownership makes the cost of acquiring this information more than the value of the property involved.

From all these procedures the Committee hopes that the burden of taxation may be more equitably distributed; first, by providing methods whereby the tax evader may actually lose his property if he does not pay the taxes and the property may be put back upon the assessment rolls after sale to some better citizen; and, secondly, by removing from the rolls useless properties which pay no tax and which are only a delusion when they are assessed.

PRINTING AND DISTRIBUTION OF STATUTES

In connection with the adoption of the 1944 Revision of the Statutes by the Legislature at its special session in September an act was passed as recommended by this Committee making provision for the sale and distribution of the forthcoming volumes; but nowhere in our statute law is there to be found adequate provision for the printing and sale of either succeeding revisions or of the biennial editions of session laws.

It is the judgment of the Committee that someone should be specifically authorized to contract for the printing and binding of these books and some authority should be set up for the sale of such of them as may be available therefor as well as for fixing the price at which they may be sold. Our study of existing conditions has led us to the conclusion that the State Purchasing Agent is the proper person to contract for the printing and binding and that the State Librarian should be charged with the duty of making sales to book sellers at prices to be fixed by the Librarian with the approval of the Governor and Council, and legislation calculated to accomplish this result is recommended.

PRINTING AND DISTRIBUTION OF MAINE REPORTS

In our former report we recommended the consolidation of the offices of Clerk of the Law Court and Reporter of Decisions. Our consideration of the subject of the printing and sale of the statutes naturally directed our attention to the subject of the printing and sale of Maine Reports and we are accordingly recommending the incorporation into the bill consolidating the offices of Clerk of the Law Court and Reporter of Decisions of additional sections which will require the printing and sale of the Maine Reports to follow the method recommended in the case of the legislative publications, that is to say provision is recommended whereby the State Purchasing Agent will contract for the printing and binding of the reports and the

State Librarian, subject to the approval of the Governor and Council, will fix the price at which they are to be sold to book sellers and will supervise such sales.

REVISOR OF STATUTES

In our former report we discussed the situation as it relates to the office of Revisor of Statutes and expressed the opinion that no further legislation with relation to that office is needed at the present time. Since the submission of that report the present Revisor of Statutes has had opportunity to demonstrate some of the possibilities for improvement in the service and the use he has made of it has confirmed the Committee in its sense of the value of the office as a vehicle of public service and as an economy to the State.

Ground work has already been laid for a continuous revision involving a rewriting during the interim between sessions of the Legislature of such of the chapters as have been amended, a procedure which will reduce the work attendant upon the periodic complete revision to a minimum.

If this plan is pursued we are satisfied that when it becomes necessary to publish another revision of the statutes it will be found that the major portion of such expense as the revision just completed has entailed will have been obviated. But for the maintenance of the work upon this level the position must be treated as a full time office and the salary must be determined accordingly.

The services of at least two competent attorneys familiar with statute law and with legislative custom should be provided for the assistance of the Revisor of Statutes in drafting legislation for a period commencing at least one month before the convening of the Legislature and continuing throughout the session. There is room for vast improvement in the draftsmanship of the several bills as they appear on the desks of the legislative committees. Bills which have been drawn hastily and with imperfect knowledge, both of the subject matter involved and of existing legislation bearing upon the same subject, are the occasion of the expenditure of much time on the part of legislative committees which ought not to be so occupied and the inevitable result, if the object to be attained meets with the approval of the Committee, is a new draft, the printing of which, as experience has shown, imposes a heavy burden upon the State. With a competent drafting staff in the office of the Revisor it might well be required by legislative order that all bills be submitted to the Revisor for examination, correction and redrafting before introduction thus insuring more consistent legislation and effecting a substantial economy.

Under this system the myriad of resolves calling for road construction

and for the satisfaction of supposed claims against the State could be consolidated into two blanket resolves thus promoting economy and facilitating the work of the committees to which they are referred.

We earnestly recommend legislative consideration of these phases of the office of the Revisor of Statutes.

SALARIES OF STATE OFFICIALS

Economic conditions which have prevailed during the past three or four years involving manpower shortage and inflationary increases in living costs have resulted in manifold appeals from state officials for increases in salary. As the law now exists the salaries of certain of these officials are fixed by the Legislature while others are at the discretion of the Governor and Council. Whether wisely or unwisely the present Legislature declined to authorize the great majority of increases in salaries which were sought at its hands and the Governor and Council have not improperly felt that the policy adopted by the Legislature should in general be their guide in acting upon appeals made to them.

Regrettable as it may appear it is undoubtedly true that by comparison with compensation now being paid by private employers for services involving corresponding ability, salaries paid by the State are exceedingly low. Not only does the Committee feel that the State should at least be just to its servants, we have been forced to realize that unless more ample compensation can be provided the State is bound in the near future to lose some of its officials whose services it can ill afford to do without. It is also apparent that in other instances it is being found exceedingly difficult, if not impossible, to procure much needed services in some of the departments for the compensation which it is now possible to pay.

As a corollary to the proposition that state officials are underpaid it may be stated that there are gross discrepancies in the present salaries paid when the effort demanded and the ability required are taken into consideration. No reason is perceived why either the Attorney General or the State Auditor should receive less compensation than a member of the Public Utilities Commission and in the light of the practice in the latter office it may be questioned whether all the members of that Commission should receive the same salary. Stress of circumstances has recently seemed to make it imperative that a subordinate in the Department of Agriculture should receive the same pay as the Commissioner and a deputy in the Treasurer's office draws a higher salary than the Treasurer himself. Indeed, a scrutiny of the entire field would disclose no end of inequalities which ought to be adjusted.

No reason is perceived why certain salaries should be fixed by the Gover-

nor and Council and others by the Legislature. We believe that responsibility for fixing all salaries, with an exception to be noted later, should be lodged with either the Governor and Council or the Legislature. It should be observed, however, that in any event the salary of the State Auditor should be fixed by the Legislature which elects him. His duties with relation to the executive departments are such that he should be independent of them all in every particular, certainly in that of being dependent upon one of them for the fixing of his salary.

We believe that the incoming Legislature should give serious consideration to the situation herein adverted to and should make an effort first to provide for salaries as adequate as the State can well afford and second, having due consideration for the skill and capabilities required for the discharge of the duties of the several offices, to apportion the salaries upon a basis more equitable than now exists.

WORKMEN'S COMPENSATION ACT

The prospect of the early return of thousands now engaged in the military and naval service of the country, all seeking reemployment and many of them suffering from disability greater or less incurred in the service, presents a problem of great concern alike to employers and employees.

As the law stood prior to 1943 an employer might well hesitate to employ a person who had already suffered the loss or the loss of the use of an eye or a member since a future accident otherwise calculated to produce only partial disability might totally disable the employee and so impose upon the employer under the compensation act a much greater burden than contemplated as a consequence of the particular accident. To remedy this difficulty and encourage the employment of persons who had received prior injuries, Chapter 272 of the Public Laws of 1943 provided that if an employee who had previously lost or lost the use of an arm, a foot, a leg or an eye became permanently and totally incapacitated through the loss or loss of the use of another member or organ the employer should be liable only for the compensation payable for the second injury.

The act then went further and provided for the creation of a fund out of which such an employee should be paid the remainder of the compensation that would be due for permanent total incapacity. It is now argued that this act affords only a partial remedy for the existing evil and that further legislation should be enacted protecting the employee who at the time of his employment may be under other disabilities than the three or four enumerated in the act of 1943 and that whether such disabilities were or were not the result of accident.

The Committee finds itself in sympathy with this view but the field is

broad and involves many considerations of a technical nature and the time at the disposal of the Committee has been insufficient to enable it to formulate a concrete recommendation. It may well be doubted whether the enactment of legislation containing provisions which might meet the opposition of industry can be expected but it is believed that having in mind the welfare of returning veterans if not from considerations of humanity it will be found possible materially to liberalize the act with the consent, if not with the approval, of the majority of employers and we recommend a serious effort on the part of the incoming Legislature in this direction.

PUBLIC ADMINISTRATORS

As is well known, upon the decease of a person leaving property within the State but having no known living relative to petition for administration, unless a creditor should so petition, administration is committed to an official known as a public administrator. The law provides that funds remaining in the hands of a public administrator upon the completion of his administration shall be deposited with the State Treasurer where they shall remain for the period of twenty years for the benefit of any person who may appear within that time with a lawful claim upon them, and funds so remaining unclaimed at the expiration of that period become the property of the State. During the past two years for the first time it has been found possible for the State Auditor to audit the accounts of these officials, there being one for each county. His investigations have disclosed some irregularities which have been brought to the attention of the Committee. In some cases estates have been left open for a disproportionate and seemingly unnecessary period of time and in some cases there has been a failure to account for the funds coming into the hands of the administrator.

Provision ought to be made whereby the State Treasurer should be notified by the judge or register of probate whenever any estate is committed to a public administrator for administration.

When a creditor is named as administrator, as under the present law he may be, when he has collected enough of the assets of the estate to satisfy his claim he has little incentive for further action and the door is open for a loss to the State which usually becomes entitled to whatever of the estate remains after administration is completed, as is the case when a public administrator neglects to complete an administration or misappropriates the funds of the estate.

We recommend that in all cases, even though petition be presented by a creditor, letters of administration be committed to the public administrator. We recommend further that authority be conferred upon the judge of probate in cases where it appears that the assets of an estate are likely to im-

mediate deterioration in value, to depletion or loss to commit administration to the public administrator without notice.

As at present authorized a public administrator may not be licensed to sell the real estate of a decedent within three years after the granting of administration. Since a public administration obtains only when there are no known heirs at law of the deceased it is difficult to perceive how anyone would be injured by an early sale of the real estate of the deceased. Such real estate is more than likely to be of little value and to be subject to rapid depreciation in value with the lapse of time. The likelihood of the appearance of an heir at law who might desire to control the real estate is extremely remote and since the proceeds of such a sale must be kept for twenty years before the escheat to the State the probability that a late appearing heir at law would be prejudiced is very slight. We accordingly recommend legislation which would permit a license for sale of real estate by a public administrator after the lapse of a time no longer than one year.

DEPLETED TRUST FUNDS

The State has become the depositary from time to time of a considerable number of trust funds which it has accepted for administration in accordance with the instructions of the several depositors. Portions of a number of these funds were deposited in various banks throughout the State and in consequence of the closing of banks at the time of the bank holiday in 1933 losses have been sustained which have to a greater or less extent depleted these trust funds. In some instances the amount of the loss has been determined and in others it will not be definitely known until the completion of the administration of the affairs of closed banks.

The Department of Finance and Audit are without authority for charging off these losses and it has been represented to the Committee that either the losses sustained ought to be made good and in each case the corpus of the fund be restored to its original figure or authority ought to be given for charging off the losses.

It has been ascertained that the total amount of these losses is no more than somewhere between eighty and ninety thousand dollars and it is the recommendation of the Committee that the amounts necessary for their restoration be appropriated. Such restoration would not only discharge what many would look upon as a moral obligation of the State but would have a tendency to encourage persons philanthropically inclined to make other and further deposits for the benefit of our needy citizens and charitable institutions. Moreover, in the majority of instances it is true that the income of these trust funds is expended for some public purpose already supported by the State and for which in the absence of such interest appro-

priations would necessarily be made, so that there would seem to be no loss to the State in consequence of restoring such funds.

STATE SELF-INSURANCE AGAINST FIRE LOSS

In September a study made by the Department of Audit resulted in a report to the Governor concerning fire insurance on state buildings. The report was brought to the attention of this Committee. A careful check had been made of the premiums paid and the losses sustained by the state over a period from June 1st, 1931 to May 31st, 1944. From that report it appeared that the state had paid out in earned premiums $604,258 and had been repaid in losses $344,073, or, in other words, that the state had expended $260,185 in excess of what it had received back, or, stated in percentages, the loss ratio had been 57%. This naturally has raised the question, "Is it good business for the state to pay premiums which thirteen years experience shows are 43% in excess of losses?" If the state were the ordinary individual, with very limited resources and one or two buildings to protect, there would be no doubt that it should carry fire insurance; a single fire could bankrupt it and one or two buildings could certainly not spread the risk sufficiently so that the state could expect to have average experience. But the state does have large resources and a great many buildings scattered all over the state.

The Federal Government is a self-insurer. It is also true that many states in this country and some cities, after studying the problem, have become self-insurers. Some of the states have set aside a fund for insurance losses, others have no fund and meet by appropriation or bond issue the losses as they occur.

A public hearing was held on October 24th, 1944, in the Senate Chamber in Augusta, at which hearing the information which had been placed in the hands of the Committee was summarized. No one appeared in support of the proposition; many representatives of insurance companies appeared in opposition. The arguments of the opposition, in the order of their presentation, though not necessarily in the order of their importance, seem to be, (1) that for the state to become a self-insurer is socialism, (2) that the state's properties are not sufficient to give it that fair average experience upon which insurance rates are based, (3) that it is difficult or impossible to protect a state fund once set up if succeeding legislatures under the press of circumstances feel that the money can be more advantageously spent for something else.

The theory of fire insurance is simply a spreading of the risk whereby many owners of property submit to a small annual loss, by way of premium payments, in order to avoid a severe individual loss when a fire occurs.

It is impressive in connection with this discussion to note that insurance companies themselves carry out this proposition of spreading the risk among companies just as the individuals insured in one company share and spread each other's risk. For example, the largest and wealthiest fire insurance company in this country while it might write the whole amount of fire insurance on a single building such as our State House in the amount of $2,000,000 would immediately spread that risk by taking reinsurance with other companies so that the company writing the original policy would have finally a responsibility for only $50,000 of the $2,000,000.

Or, to use another illustration, a small fire insurance company, having about $25,000,000 at risk, an amount slightly in excess of the state's property and contents, would probably not accept for its own risk more than $5,000 of insurance on one building.

This practice of insurance companies, which must be dictated by experience and sound business judgment, is material for thought when one considers that, as a complete self-insurer, the state might be undertaking several individual risks, each of nearly a million dollars.

This Committee is aware of the difficulty of maintaining a state fund even after it has been appropriated and set aside for certain purposes. The experience of the past show that funds which can be created by one legislature can also be spent by another. There is no certain way known to the Committee at this time, except by a constitutional amendment for that purpose, whereby such a fund could be kept intact.

Experienced insurance men simply state categorically that risks in one state alone are not sufficient spreading of the risk to be dependable. The experience might be very favorable or it might be calamitously bad but they unanimously agree that there is no guarantee that it would be average.

The argument as to self-insurance being socialism the Committee did not consider.

It is true that during the war years the loss ratio in fire insurance has increased to a serious extent and this is easily understandable. Replacement of equipment is difficult to obtain. Necessary repairs cannot always be had. There is a serious shortage of manpower in the operation of all state buildings and institutions. All of these tend to make the hazard of self-insurance at the moment less attractive. On the other hand, it is frankly admitted that the insurance companies which insure the risks necessarily spend about forty-eight cents out of every premium dollar for overhead and profit and this immediately raises the question, If fifty-two cents of the premium dollar is all that is necessary to pay insurance companies for the losses which the state will sustain why must the state spend forty-eight cents to pay agents' commissions, overhead expense at the home office, and profits to the stockholders of insurance companies?

Politically, and this argument was also used before the Committee, it would be disastrous for the legislators who recommended that the state become a self-insurer if after the system were adopted a serious loss such as the burning of the State House should occur within a year or two. It seems to the Committee that the political considerations should not be given too much weight but that the determination should be made upon the basis of whether in the long run the state would save or lose money by becoming a self-insurer. Some states have guarded against the catastrophe type of loss, such as two million dollars by the destruction of the State House, by becoming self-insurers on different types of and on buildings in differing amounts. For example, in North Dakota on a fireproof building with fire protection the state is a self-insurer up to $400,000 and carries private insurance for the excess. For a fireproof building in an unprotected area, $200,000, and so on through the different classes of buildings.

The Committee believes that it has not had sufficient time since the matter was brought to its attention to make a thoroughgoing study not only of the basic problem of whether self-insurance for the state might be advantageous but also, if it were deemed advantageous, just which one of the various methods of handling the situation should be used. Or if the North Dakota setup were to be recommended, then studies of the physical properties involved and categories for those properties must be arrived at in some usable manner. We do feel, however, that there is sufficient merit in the proposition that further and exhaustive study should be made.

INSANE HOSPITAL

During the past autumn considerable publicity was given to a claim that mistreatment of a patient at the Augusta State Hospital had resulted in his death and the Committee gave serious consideration to its duty in regard to the matter. It was felt that if conditions existed in our hospitals for the insane which made possible the physical mistreatment of patients either in rare or frequent instances they ought to be ascertained and steps taken for their correction.

We accordingly inquired into the situation to an extent which left us far from satisfied that the complaint which had occasioned the inquiry was without foundation and which led us to a strong suspicion that things are not altogether as they should be in relation to the treatment accorded the patients in the hospital.

It is doubtless true that physical accommodations are inadequate for the best of care of the number of patients which the institution is obliged to receive and it is equally true for the time being that it is impossible to procure a sufficient number of attendants to insure all the care which should be

furnished, but our investigation did not proceed far enough to satisfy us that the degree of care reasonably possible under existing conditions is being had.

We were on the point of taking steps to procure an independent and impartial survey of the hospital by outside talent qualified by experience and professional attainment, to the end that it might be definitely ascertained whether abuses exist and if so that it might be known at whose door the blame should be laid, whether at that of the Commissioner of Institutional Service, the superintendent of the hospital, the medical staff or the attendants, when we were advised that at the request of the Governor the Commissioner of Institutional Service was arranging for such a survey.

We felt that any investigation of this sort ought to be conducted by persons employed by independent authority rather than by one whose conduct and management would necessarily be involved in the inquiry, but the Governor thought otherwise, and feeling that it would only further complicate the situation and perhaps defeat the purpose in view to have two investigations in progress at the same time, we decided to suspend further action until a report should be made of the finding of Mr. Greenleaf's investigator. At the time of this writing such a report is being awaited and when it is made, unless it shall serve to clarify the situation to the satisfaction of all concerned we urge that the matter be pursued by the incoming Legislature either through its Research Committee or otherwise to the end that those of our citizens, members of whose families are inmates of this institution, be made and kept free from any apprehension that their relatives are not receiving the best of care and humane treatment.

In view of the situation as it now stands, it is our purpose to defer further action until December 15 at which time, if reports of official investigations which we understand are being made shall not have been made public, we will reconvene and give further consideration to our duty in regard to the matter.

CONCLUSION

Not by way of apology but merely as a statement of fact this Committee wishes to recite some of the handicaps under which it has operated during its term since the adjournment of the last regular session of the Legislature.

Each member of the Committee, like every other business and professional man in these war days, is burdened with the task of doing greatly increased work in carrying on his own business without being able to hire competent help. This extra load has necessarily cut down the time which could be given to the Committee's function.

At the beginning of our term we had as our attorney, Donald Webber,

Esq., of Auburn. Mr. Webber had had experience as attorney for the Tompkins' Legislative Investigating Committee and also as attorney for the first Legislative Research Committee. He was in himself an outstandingly capable man, and, through his experience, was thoroughly conversant with the state's business and this Committee's functions. The latter part of 1943 Mr. Webber received a commission in the Navy, and entered the service. So far as this Committee is concerned it desired to consider Mr. Webber in the same situation as any other state official or employee is entitled to be considered, as on leave of absence from his duties with us. We had this understanding with Mr. Webber and it was understood with other counsel whom we engaged that if Mr. Webber should return we should desire his services again. The two attorneys whom we employed agreed heartily with our decision in this matter.

The Committee immediately engaged the services of Robert Williamson, Esq., of Augusta. Mr. Williamson already had a considerable knowledge of state matters which is a prime essential in any attorney for this Committee.

Because there were so many attempts in the last Legislature to simplify real estate tax procedures we directed his attention to this field with instructions to make his studies not only along the lines of this simplification but to go on to a thorough investigation of perfecting tax titles by court action.

This type of work is purely that of a research attorney and necessarily requires a considerable amount of time in which the Committee itself could be of no assistance. We, therefore, engaged Franz U. Burkett, Esq., of Portland, to carry on the other work which the Committee proposed along other lines. Because of the increased work which every attorney has received during these war days neither Mr. Williamson nor Mr. Burkett could give us all the time which they desired or which we wished.

We have nothing but the highest praise and gratitude for the three attorneys and for the services they have rendered. This explanation is made in fairness to them and to ourselves.

Dated at Augusta, Maine
December 1, 1944

Respectfully submitted,

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