

MAINE STATE LEGISLATURE

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N I N E T Y - T H I R D L E G I S L A T U R E

Legislative Document

No. 318

H. P. 496

House of Representatives, January 30, 1947.

Referred to Committee on Judiciary. Sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Rankin of Bridgton.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-SEVEN

AN ACT to Create a Legislative Research Committee.

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

Sec. 1. R. S., c. 9, §§ 23-33, repealed and replaced. Sections 23 to 33, inclusive, of chapter 9 of the revised statutes are hereby repealed and the following enacted in place thereof:

Sec. 23. Legislative research committee; membership. There is hereby created a legislative research committee which shall be constituted as follows: The president of the senate, the speaker of the house of representatives, the attorney-general, 3 senators to be appointed by the president of the senate, and 7 representatives to be appointed by the speaker of the house of representatives.

Sec. 24. Term of office; vacancies. Members of the committee shall hold office from the date of their appointment until the convening of the next succeeding regular session of the legislature following their appointment. Any vacancy arising in the membership from the senate shall be filled by the president of the senate and any vacancy arising in the membership from the house of representatives shall be filled by the speaker of the house of representatives.

Sec. 25. Authority; studies; purposes. The committee shall have authority:

I. To collect information concerning the government and general welfare of the state;

II. To examine the effects of constitutional provisions and previously enacted statutes and recommend amendments thereto;

III. To study the possibilities for consolidation in state government, for elimination of all unnecessary activities and of all duplication in office personnel and equipment, and for the coordination of departmental activities, and for methods of increasing efficiency and economy;

IV. To assist the legislature in the proper performance of its constitutional functions by providing its members with impartial and accurate information and reports concerning the legislative problems which come before it, and by providing digests showing the practices of other states in dealing with similar problems;

V. To secure information for the legislators of this state by cooperating with similar agencies in other states, and with the Interstate Reference Bureau maintained by the American Legislators' Association and with the Council of State Governments;

VI. To furnish to the members of the legislature the assistance of expert draftsmen qualified to aid the legislature in the preparation of bills for introduction into the legislature;

VII. To prepare for the legislature measures which will improve the form and wording of the statutes and, when possible, reduce their size and modify their provisions;

VIII. To provide for the legislature staff facilities which shall be comparable with those which are provided for the departments and other agencies of the government of the state, and to provide adequate expert assistance;

IX. The committee shall meet as often as may be necessary to perform its duties and, in any event, shall meet at least once in each quarter. Seven members shall constitute a quorum and a majority thereof shall have authority to act in any matter falling within the jurisdiction of the committee;

X. In the discharge of any duty herein imposed the committee shall have the authority to administer oaths, issue subpoenas, compel the at-

tendance of witnesses and the production of any papers, books, accounts, documents and testimony, and to cause the deposition of witnesses, either residing within or without the state, to be taken in the manner prescribed by law for taking depositions in civil actions in the superior court. In case of disobedience on the part of any person to comply with any subpoena issued in behalf of the committee, or on the refusal of any witness to testify to any matters regarding which he may be lawfully interrogated, it shall be the duty of the superior court of any county, or of the judge thereof, on application of a member of the committee, to compel obedience by proceedings for contempt, as in the case of disobedience of the requirements of a subpoena issued from such court or a refusal to testify therein. Each witness who appears before the committee by its order, other than a state officer or employee, shall receive for his attendance the fees and mileage provided for witnesses in civil cases in courts of record, which shall be audited and paid upon the presentation of proper vouchers sworn to by such witness and approved by the secretary and chairman of the committee;

XI. The legislative research committee shall appoint a director of legislative research, subject to confirmation by the governor and council. He shall be chosen without reference to party affiliations, and solely on the ground of fitness to perform the duties of his office. He shall be well versed in economics, in political science and law, and in methods of research. He shall hold office for a term of 6 years from the date of his appointment and until his successor has been appointed and qualified. He may succeed himself. He shall receive a salary which shall be fixed by the governor and council and any necessary traveling expenses, and shall be paid when the salaries and expenses of other state officers are paid;

XII. The director shall appoint, subject to the provisions of the personnel law, such technical, clerical and stenographic assistants as may be necessary to carry out the provisions of sections 23 to 26, inclusive;

XIII. Appropriations for carrying out the purposes of sections 23 to 26, inclusive, shall be made biennially by the legislature;

XIV. The offices of the committee shall be kept open during the time provided for other state offices, and when the legislature is in session at such hours, day and night, as are most convenient for legislators;

XV. Each state department shall, to a reasonable extent, furnish to the legislative research committee such documents, material or informa-

tion as may be requested by members of the legislature or by the director of the legislative research committee;

XVI. Each officer, board, commission or department of state government shall make such studies for the committee as it may require and as can be made within the limits of its appropriation;

XVII. The governor may from time to time send the committee messages containing his recommendations for legislation and explaining the policy of the administration;

XVIII. The committee shall keep complete minutes of its meetings and shall make periodic reports to all members of the legislature, and keep said members fully informed of all matters which may come before the committee, the actions taken thereon, and the progress made in relation thereto. Any member of the legislature shall have the right to attend any of the sessions of the committee, and may present his views on any subject which the committee may at any time be considering;

XIX. The reports of the committee shall be made public at least 30 days prior to any regular session of the legislature at which they are to be submitted and copies of said reports shall be mailed to the post-office address of each member of the incoming legislature, to the governor and to the state library;

XX. The members of the committee shall be compensated for the time spent in attendance at meetings of the committee at the rate of \$5 per day and actual expenses incurred while attending said meeting. Provided, however, that no compensation shall be paid hereunder for attendance at any meeting of the committee held while the legislature is in session.

Sec. 26. Certain specific functions and services of the director. The director shall perform the following functions and duties:

I. Provide a comprehensive research and reference service on legislative problems;

II. Prepare reports setting forth the political, social and economic effects of legislation enacted, or proposed to be enacted, in this state or elsewhere, when so directed by the legislative research committee or by either or both branches of the legislature;

III. Keep and file copies of all bills, resolves, amendments, reports of committees, journals and other documents printed by order of either

branch of the legislature unless readily available elsewhere, and collect, catalog and index them as soon as practicable after they have been printed;

IV. Assist and cooperate with any interim legislative committee or other agency created by the legislature or appointed by the governor;

V. Cooperate with and maintain an exchange service with comparable agencies of other states;

VI. Upon request, advise members of the legislature and the governor as to the constitutionality, or as to the probable political, economic or social effects of any proposed legislation;

VII. Conduct a systematic, continuous study of the statutes in effect in this state, in order to determine feasible ways for reducing their number and bulk, and for rendering them more consistent and intelligible;

VIII. Upon request, assist any agency appointed to revise the statutes of the state or any portion thereof, and at the direction of such agency, to consolidate, revise and clarify the statutes of the state;

IX. Prepare and index for printing as promptly as possible after the adjournment of each session the session laws thereof, which compilation shall include all acts and resolves which the legislature has adopted during the session and which have received the approval of the governor, when such approval is necessary;

X. Neither the director nor other employee of the committee shall reveal to others than members of the committee staff the contents or nature of any request for services, except with the consent of the person making such request;

XI. Neither the director nor other employee of the committee shall urge or oppose any legislation;

XII. Neither the director nor other employee of the committee shall give any legal advice on any subject to any private individual or corporation.'

Sec. 2. R. S., c. 10, repealed. Chapter 10 of the revised statutes is hereby repealed.