

MAINE STATE LEGISLATURE

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

Legislative Document

No. 1420

H. P. 991

House of Representatives, March 27, 1957.

Referred to Committee on Appropriations and Financial Affairs. Sent up for concurrence and 1000 copies ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Brown of Ellsworth.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-SEVEN

RESOLVE, Authorizing Study of the Problems of the Uninsured Motorist.

General survey of problems attributable to the uninsured motorist; authorized. Resolved: That in the interests of determining and effectuating such measures as shall be necessary and lawful for the protection of drivers, passengers, pedestrians and property owners in this State from the grievous and irreparable consequences of acts perpetrated by financially irresponsible car owners and operators, a general survey be made of existing state law relating to the safe use of the highways of this State and the financial responsibility of the users of such highways; that the survey shall evaluate the policies of the Insurance Department in relation to their effectiveness in meeting the liability needs of the State, and determine the extent to which owners of motor vehicles registered in the State carry liability insurance; that the survey shall examine and evaluate the financial requirements of the motor vehicle laws of the State and such policies, rules and regulations that implement their administration; that in making such survey all available materials relating to the use of state highways by financially irresponsible motorists in the several states shall be gathered, examined, compiled and evaluated, including such federal requirements as may be pertinent; that the survey shall include, but not be limited to, study and consideration of legal, administrative and cost matters relating to motor vehicle safety responsibility, impoundment, unsatisfied judgment funds, compulsory insurance, equal financial responsibility, statutory assigned risks, innocent victim endorsements, uncollectible claims funds, highway safety needs and requirements and other such matters as may be necessary; and be it further

Resolved: That a report, or reports, of the survey be prepared including the recommendations made and the reasons therefor, and that said report or re-

ports be delivered to the Legislative Research Committee; and that said committee shall reproduce the same in suitable form and distribute copies thereof to the members of the Legislature next convening; and be it further

Resolved: That all state officers and employees be directed to cooperate fully with the committee and its representatives making the general survey of the uninsured motorist and to afford to them prompt access to all necessary records and reports; and be it further

Resolved: That within 30 days from the effective date of this resolve, the Governor with the advice and consent of the Council, shall appoint 5 persons, who are citizens and residents of the State of Maine, to constitute and serve as the Committee on Uninsured Motorists; and that of the 5 persons so appointed, one shall be professionally engaged in the practice of law, one shall be professionally engaged in the practice of medicine, one shall be professionally engaged in engineering, one shall be actively engaged in business and one shall be actively engaged in business as an insurance agent; that any vacancy in the membership of said Committee shall be filled by appointment by the Governor, with the advice and consent of the Council; that the members of said Committee shall be allowed actual traveling and other necessary expenses incurred in connection with said study to be determined by the Committee; that the Superintendent of Buildings shall furnish said Committee with suitable office space in the State Capitol; that said Committee shall be furnished with all necessary equipment and supplies therefor; that the members of said Committee shall elect a chairman and may employ such clerks and assistants as may be deemed necessary in accomplishing the purposes of said study; and that legal services and the services of experts in other lines shall be performed as far as possible by the existing State departments; and be it further

Resolved: That the Committee shall meet as often as may be necessary to accomplish the purposes of this resolve; that 3 members shall constitute a quorum thereof with authority to act in any matter falling within the jurisdiction of the Committee; that the Committee may hold either public or private hearings at its discretion and may hold executive sessions, excluding all except members of the Committee; that witnesses who testify at any public hearing, whether summoned or not, shall be subject to cross-examination at the will of any interested party or his attorney; that in such public hearings, at the request of any interested party or his attorney, common law or statutory rules of evidence shall apply and the Attorney General or any attorney in his Department designated by him shall, at the request of the Committee or such interested party of his attorney, be present at such public hearings and rule on the admissibility of any evidence; and be it further

Resolved: That in discharging the purposes of said study, the Committee shall have the authority to administer oaths, issue subpoenas, compel the attendance 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 action in the Superior Court; that 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; and that 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 chairman of the Committee; and be it further

Resolved: That there be, and hereby is, appropriated from the unappropriated surplus of the general fund of the State the sum of \$10,000 to carry out the purposes of this resolve. Such appropriation shall not lapse but shall remain a continuing carrying account until the purposes of this resolve have been accomplished.

STATEMENT OF FACTS

A study of the problems created in this State through the use of its highways by financially irresponsible motorists is an essential prerequisite in laying a foundation for determining and evolving such legislation as may be necessary in protecting drivers, passengers, pedestrians and property owners of the State from the unjustifiable inequities attributable to the use of such highways by persons lacking financial responsibility.