

MAINE STATE LEGISLATURE

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ACTS, RESOLVES AND CONSTITUTIONAL RESOLUTIONS

AS PASSED BY THE

One Hundred and Sixth Legislature

OF THE

STATE OF MAINE

Published by the Director of Legislative Research in accordance with the Revised Statutes of 1964, Title 3, Section 164, Subsection 6.

THE KNOWLTON AND McLEARY COMPANY
FARMINGTON, MAINE
1973

PUBLIC LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE
One Hundred and Sixth Legislature

1973

CHAPTER 589

AN ACT Exempting "Trade-in" Property from the Stock in Trade Tax.

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

R. S., T. 36, § 655, sub-§ 1, ¶ O, additional. Subsection 1 of section 655 of Title 36 of the Revised Statutes, as amended, is further amended by adding a new paragraph O, to read as follows:

O. The average amount, during the preceding taxable year or any portion of that period when the business has not been carried on for a year, of personal property constituting stock in trade obtained as a "trade-in" for property sold in the regular course of business provided a separate inventory of the traded-in items is maintained.

Effective October 3, 1973

CHAPTER 590

AN ACT Relating to Joint Standing Committees of the Legislature.

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

Whereas, there is a need for immediate governmental and legislative reform in order for the Legislature to perform its duties more effectively after the adjournment of the current session of the Legislature; and

Whereas, in the judgment of the Legislature, those 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:

Sec. 1. R. S., T. 2, § 6, sub-§§ 4 and 5, amended. Subsections 4 and 5 of section 6 of Title 2 of the Revised Statutes, as amended, are further amended to read as follows:

4. The salaries of the following state officials and employees to no more than \$19,000.

Chairman of the Employment Security Commission;

Commissioner of Inland Fisheries and Game;

Commissioner of Sea and Shore Fisheries;

~~Director of Legislative Research;~~

Commissioner of State Parks and Recreation;

~~Legislative Finance Officer;~~

Purchasing Agent ;
 Executive Director, Arts and Humanities Commission ;
 Director, Museum Commission ;
 Chairman of the Public Utilities Commission ;
 Commissioner of Agriculture.
~~State Law Librarian~~

5. The salaries of the following state officials and employees to no more than \$17,500.

Adjutant General ;
 Business Administrator of the Liquor Commission ;
 Chairman of the Industrial Accident Commission ;
 Aeronautical Director ;
 Director of Transportation of the Public Utilities Commission ;
 Employment Security Commission members, other than the Chairman ;
 Manager of Industrial Building Authority ;
~~Assistant Director of Legislative Research ;~~
~~Assistant Legislative Finance Officer ;~~
 Commissioner of Labor and Industry ;
 General Counsel of the Public Utilities Commission ;
 Deputy Chief of the State Police ;
 State Archivist ;
 Administrative Assistant, Supreme Judicial Court.

Sec. 2. R. S., T. 3, § 3, amended. The last sentence of section 3 of Title 3 of the Revised Statutes, as amended by chapter 452 of the public laws of 1965 and chapter 98 of the public laws of 1967, is further amended to read as follows :

The expenses of members of the Legislature ~~excepting members of the Legislative Research Committee on committee duties~~ traveling outside the State shall be reimbursed as provided in the preceding paragraph, provided that the expense vouchers are approved by the President of the Senate or the Speaker of the House of Representatives.

Sec. 3. R. S., T. 3, § 161, repealed and replaced. Section 161 of Title 3 of the Revised Statutes, as amended by section 2-B of chapter 425 of the public laws of 1965, is repealed and the following is enacted in place thereof :

§ 161. Legislative Council

There is established a Legislative Council to consist of 10 members, 5 of whom shall be members of the Senate and 5 of whom shall be members of the House of Representatives. They shall be the President of the Senate, the

Speaker of the House of Representatives, the Floor Leaders and Assistants of the 2 major parties. Membership on the Legislative Council shall be by virtue of holding the above offices, and shall be during the term of the Legislature in which such offices are held. The Legislative Council shall elect a chairman from within its own membership.

The Legislative Council shall exercise such powers and duties as may be delegated by law or by rule of the Legislature. Any action by the Legislative Council shall require the affirmative votes of a majority of the members.

The Legislative Council shall meet at least once monthly when the Legislature is not in session and at such other times as the membership or the chairman deem necessary.

Sec. 4. R. S., T. 3, § 162, repealed and replaced. Section 162 of Title 3 of the Revised Statutes is repealed and the following enacted in place thereof:

§ 162. Authority

The Legislative Council shall have the authority:

1. To prepare and approve all legislative budgets;
2. To establish salary schedules for all employees of legislative service agencies, departments and agencies and to develop relatively uniform salary schedules for House and Senate employees and officers;
3. When the Legislature is not in session, to assign bills, resolves, and studies for consideration by the joint standing committees and joint select committees of the Legislature, to request reports, studies and legislation from said joint standing committees and to convene meetings of said joint standing committees and joint select committees and to exercise supervision over them;
4. 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, whether 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 a 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, on application of a member of a 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, 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 council;
5. To assess ways and means to improve the legislative operation and to make improvements in the legislative organization, procedures, facilities and working conditions, and to make periodic reports to the Legislature concerning its findings;

6. To appoint a Legislative Administrative Director, a Director of Legislative Research, a Finance Officer, a Constituent Service Officer, and a State Law Librarian, each of whom shall be chosen without reference to party affiliations and solely on the grounds of fitness to perform the duties of his office;

7. To establish operating policies for each legislative agency and office;

8. To oversee the appropriations and other financial accounts of the Legislature and of all legislative agencies, departments and offices. Appropriations for carrying out the purposes of this chapter shall be made annually by the Legislature. All appropriations or allocations by the Legislature for specific studies to be carried out by the joint standing committees or joint select committees shall not lapse but shall be carried forward and expended for the purpose for which the appropriation or allocation was made. The balance of any appropriation or allocation for such studies that is not fully expended shall be refunded to the Legislature;

9. To see that an independent annual post-audit of all appropriations to the Legislature is prepared and distributed to each member of the Legislature, such document to become a matter of public record;

10. To coordinate and oversee intergovernmental relations programs on behalf of the Legislature, and to recommend to the Legislature participation by the Legislature and its members in interstate and inter-legislative organizations; and to apply for, receive and administer all grants and appropriations for these purposes;

11. To provide necessary furniture, stationery and other supplies and equipment for the use of the members, committees, agencies and offices of the Legislature;

12. To insure that adequate physical facilities are provided for the efficient operation of the Legislature and to provide for and determine the utilization of legislatively controlled facilities both within and without the state house;

13. To approve all transfers between divisions of the legislative appropriation and within the appropriations for all joint appropriations or legislative agency appropriations;

14. To establish published rules of procedure for the conduct of the business of the council;

15. To perform such other duties and responsibilities as may be assigned to the council from time to time by the 2 houses.

Sec. 5. R. S., T. 3, § 163, repealed and replaced. Section 163 of Title 3 of the Revised Statutes, as amended, is repealed and the following enacted in place thereof:

§ 163. Legislative Administrative Director; duties

The duties of the Legislative Administrative Director shall be:

1. To act as executive officer of the Legislature when it is not in session and unless the Legislature shall otherwise order, he shall, with the coopera-

tion of the Secretary of the Senate and the Clerk of the House of Representatives have custody of all legislative property and material, arrange for necessary supplies and equipment through the State Bureau of Purchases, arrange for necessary services, make all arrangements for incoming sessions of the Legislature, have general oversight of chambers and rooms occupied by the Legislature and permit State departments to use legislative property. He shall, with the approval of the President of the Senate and the Speaker of the House, dispose of surplus or obsolete material through the continuing property records section of the Bureau of Public Improvements. He shall approve accounts and vouchers for payment. A perpetual inventory of all legislative property shall be maintained under the supervision of the Legislative Council and an accounting thereof shall be made to the Legislature upon its request.

2. To coordinate, subject to the control of the council, the activities of the offices of the Director of Legislative Research, the Legislative Finance Officer, the Constituent Service Officer, the State Law Librarian, the Senate Clerk, the House Clerk and such other legislative agencies and offices as may be created by the Legislature.

3. To act as a vehicle through which the several agencies, departments and offices of the Legislature may report to the council their budget requests, personnel and supply requirements and to assist the council in the orderly disposition of these requests.

4. To be responsible for implementing policy resulting from decisions of the council.

5. To prepare such reports as are required of the council and maintain minutes of the regular meetings of the council.

6. To appoint staff assistants to the Legislature, with the consent of the council who shall be chosen without reference to party affiliations and solely on the basis of fitness to perform the duties to be assigned to them.

7. To undertake such other duties as are assigned by the council.

Sec. 6. R. S., T. 3, § 164, amended. The first sentence of section 164 of Title 3 of the Revised Statutes is amended to read as follows:

~~The director~~ Director of Legislative Research shall perform the following functions and duties:

Sec. 7. R. S., T. 3, § 164, sub-§ 12, amended. Subsection 12 of section 164 of Title 3 of the Revised Statutes, as amended by section 1 of chapter 8 of the public laws of 1969, is further amended to read as follows:

12. **Assistants.** The Director shall appoint, with the approval of the Legislative Research Committee Council, an assistant director ~~for a term of 6 years from the date of his appointment~~ and such technical assistants, and shall appoint, subject to the Personnel Law, such clerical assistants, as may be necessary to carry out this chapter.

Sec. 8. R. S., T. 3, § 165, additional. Title 3 of the Revised Statutes is amended by adding a new section 165, to read as follows:

§ 165. Joint committees, authority

The Legislature may by rule establish such joint standing committees and joint select committees as it deems necessary. Such committees shall have the authority, both when the Legislature is in session and when it is not in session:

1. To collect information concerning the government and general welfare of the State as related to assignments received from the council;

2. 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 are assigned by the Legislative Council which information may be obtained by independent studies or by cooperation with and information from similar agencies in other states as to the practice of other states in dealing with similar problems;

3. A majority of the members of a committee shall constitute a quorum, and a majority thereof shall have the authority to act in any matter falling within the jurisdiction of the committee. A committee may hold either public or private hearings and may hold executive sessions, excluding all except members of the committee;

4. Each state department shall furnish to a committee such documents, material or information as may be requested by a committee;

5. A committee shall keep minutes of matters considered and votes taken at its meetings and shall make reports to the Legislature on all matters which come before the committee, the actions taken thereon, and the progress made in relation thereto;

6. Reports of a committee may be made from time to time to members of the Legislature and to the public;

7. When the duties assigned to a committee so require, the Legislature may grant to it the power to administer oaths, issue subpoenas, books, accounts, documents and testimony, and to cause the deposition of witnesses, whether 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 a 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, on application of a member of a 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, other than a state officer or employee, who appears before a committee by its order or subpoena 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.

8. Members of a committee that meet when the Legislature is not in session shall be paid \$25 for every day's attendance on days when committee meetings are held and shall be reimbursed for their actual expenses with the

exception of mileage which shall be paid at the same rate received by state employees.

Sec. 9. R. S., T. 3, § 166, additional. Title 3 of the Revised Statutes is amended by adding a new section 166 to read as follows:

§ 166. Staff assistants to the Legislature

The Legislative Administrative Director shall, under the control of the Legislative Council, assign the staff assistants to assist the joint standing or select committees, to work as directed by the committee chairmen, and to such other legislative tasks as the Legislative Council and the Administrative Director may deem appropriate.

The Legislative Administrative Director shall appoint, subject to Personnel Law, such clerical assistants as may be necessary and shall provide appropriate facilities for the staff.

Sec. 10. R. S., T. 3, § 167, additional. Title 3 of the Revised Statutes is amended by adding a new section 167 to read as follows:

§ 167. Legislative Finance Officer; duties

The duties of the Legislative Finance Officer shall be:

1. To collect and assemble factual information concerning the fiscal affairs of the State for the use of the Joint Appropriations and Financial Affairs Committee of the Legislature in formulating its proposals for appropriations;
2. To examine all requests for appropriations made by the various executive agencies of State Government and attend any hearings necessary to obtain complete information;
3. To examine other requests for payment of which appropriations are to be requested;
4. To report in such manner as shall be directed by the Legislative Council as to any matters which may be of assistance to the committee or the Legislature in forming an independent judgment in the determination of any fiscal matters.

The Finance Officer shall appoint, with the approval of the Legislative Council, an assistant finance officer to assist the Finance Officer in carrying out his duties. He shall be chosen without reference to party affiliation and solely on the grounds of fitness to perform the duties of his office.

The Office of Legislative Finance Officer shall serve as the secretariat of the Joint Legislative Committee on Appropriations and Financial Affairs.

Sec. 11. R. S., T. 3, § 168, additional. Title 3 of the Revised Statutes is amended by adding a new section 168 to read as follows:

§ 168. Staff assistants to legislative leadership

The President of the Senate, the Majority and Minority Floor Leaders of the Senate, the Speaker of the House of Representatives, and the Majority and Minority Floor Leaders of the House of Representatives shall each have the authority to appoint, at his discretion, a personal staff assistant when the Legislature is in session. The Legislative Council shall determine the salaries of said staff assistants.

Sec. 12. R. S., T. 3, § 169, additional. Title 3 of the Revised Statutes is amended by adding a new section 169 to read as follows:

§ 169. Constituent Service Officer; functions and duties

The constituent service officer shall perform the following functions and duties.

1. Factual information. Collect such factual information as may be directed by the Legislative Council or by any member of the Legislature to the extent possible.

2. Constituent service. Receive, from any member of the Legislature or from any legislative committee, any inquiry or complaint concerning services which may or may not be provided by any governmental unit within the State of Maine. Such inquiry or complaint shall be investigated, processed and answered in accordance with procedures which may be established by the Legislative Council.

3. Continuation. Serve as the continuing presence of the Legislature in Augusta during the time when the Legislature is not in session.

4. Additional duties may be assigned to the constituent service officer by the Legislative Council. The constituent service officer may employ research associates and secretarial assistance, subject to the Personnel Law and the Legislative Council, if necessary to carry out this chapter.

Sec. 13. R. S., T. 3, § 172, amended. The first sentence of Section 172 of Title 3 of the Revised Statutes, as enacted by section 1 of chapter 480 of the public laws of 1971, is amended to read as follows:

The Legislative ~~Research Committee~~ Council shall appoint a qualified State Law Librarian who shall be the Director of the Law and Legislative Reference Library.

Sec. 14. Intent of the Legislature. The present incumbents in the offices of Director and Assistant Director of Legislative Research and the Finance Officer and Assistant Finance Officer as described in the Revised Statutes, Title 3, section 163 and the office of State Law Librarian as described in the Revised Statutes, Title 3, Section 172, shall continue in their offices until the expiration of the 6-year term in which they currently serve. Vacancies in these positions created by expiration of said terms or otherwise shall be filled by the Legislative Council.

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

Effective July 3, 1973