

# MAINE STATE LEGISLATURE

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M I N U T E S

LEGISLATIVE COUNCIL MEETING  
Legislative Council Chamber

January 15, 1975

CALL TO ORDER

The meeting was called to order at 3:00 p.m. by the chairman pro-tem, Senator Sewall.

ROLL CALL

Senators: Conley, Cummings, Danton, Sewall, Speers

Representatives: Martin, McKernan, Najarian, Palmer, Rolde

Staff: Mr. William H. Garside, Legislative Finance Officer  
Miss Edith L. Hary, Law Librarian  
Mrs. Suzanne Havens, Chief of Legislative Staff  
Mr. David S. Silsby, Director of Legislative Research

Guests: Mr. Stanley Sumner, Director of the Program of Review and Evaluation Division, Audit Department

SECRETARY'S REPORT

COMMUNICATIONS

COMMITTEE REPORTS

OLD BUSINESS

NEW BUSINESS

MOTION

Sen. Martin: That Jerrold Speers be elected Chairman of the Legislative Council.

Seconded: Sen. Danton

Motion carried.

MOTION

Sen. Conley: That Mary Najarian be elected Vice Chairman of the Legislative Council.

Seconded.

Motion carried.

MOTION

Sen. Sewall: That Mr. Charles Priest be confirmed in his present position as Assistant Director of Legislative Research and that the pay increase of \$1,000. suggested for him by Director David Silsby be granted.

Seconded: Rep. Martin.

Motion carried.

MOTION

That salary increases be approved as follows: William H. Garside to \$22,500., Ronald H. Lord to \$20,500., Geraldine Dubord to \$10,000., and Bent Schlosser to \$15,000. per year effective from December 20, 1974.

Seconded.

Motion carried.

MOTION

Sen. Danton: That Helen Ginder be appointed as Legislative Staff Aide to the Natural Resources Committee.

Seconded.

Motion carried.

MOTION

That a \$15.00 per week raise as of last December 20, 1974 be approved for Bonnie Davis of the Legislative Staff.

Seconded.

Motion carried.

MOTION

Rep. Martin: That Legislative Finance be authorized to transfer, at the request of Legislative Research, a sum not to exceed \$600.00 for possible hiring of a temporary position.

Seconded.

Motion carried.

MOTION

Rep. Martin: That the Budget Office be informed that the cuts should be restored to the Legislative budget.

Seconded.

Motion carried.

MOTION

Sen. Conley: That Suzanne Havens be permitted to go to the national committee meeting of the Conference of State Legislators to be held January 31st 1975 in New Orleans.

Seconded.

Motion carried.

MOTION

That the University of Maine Law School Library be provided one copy of the weekly computer print-out of Bill status.

Seconded.

Motion carried.

MOTION

That, at their request, each Department be sent one copy each week of the computer print-out of Bill status.

Seconded.

Motion carried.

ANNOUNCEMENTS & REMARKS

Suzanne Havens was asked to make copies of Mr. Delogu's letter addressed to Rep. Rolde, copies of any Attorney General Opinions that may exist on the issue alone, and copies of any other relevant information - all to be discussed at the next Legislative Council meeting.

Rep. Martin has submitted a request, pending Legislative Council approval, for eleven (11) slots for Legislative Aides, Research Aides, salaries to be determined - somewhere around \$8,000.

ADJOURNMENT

The meeting adjourned at 5:00 p.m.

XXXXXXXXXXXXXX  
XXXXXXXXXXXXXX



STATE OF MAINE  
OFFICE OF LEGISLATIVE ASSISTANTS  
STATE HOUSE  
AUGUSTA, MAINE 04330

TO: Legislative Council  
FROM: Suzanne Havens  
RE: Legislative Staff Report  
DATE: January 13, 1975

1. The Legislative Staff now consists of eight assistants and myself, and two clerical assistants. I have attached to this report a list of the eight assistants, with a brief summary of the areas of experience of each.

2. Most of the study reports for which the staff has provided assistance to Joint Standing and Special Committees are completed or shortly will be. A list of completed reports is attached. In the past, the reports of the Legislative Research Committee have been printed and bound, and copies distributed. Since no specific provisions for continuing this practice have been made, no distribution of reports has been made. I do have copies of all the reports.

3. Presently most staff members are spending full time drafting bills. Drafting requests are coming directly to this office, and are also being referred from the Office of Legislative Research. Dave Silsby would like for this drafting to continue. This has worked out well in the past, since the period of intense bill drafting activity coincides with the slack period of committee activity. I meet with Mr. Silsby regularly to go over work in progress in our office so that duplications do not occur.

4. Committee staff assignments have not been made since I do not know what committees need staffing from our office and I need the approval of the Council for these assignments. If all committees are to be staffed except Judiciary, Legal Affairs and Appropriations, each staff person will staff two and some three committees. In the past this has worked out well, since some committees have required little or no assistance. The State Government Committee has required full time staffing but most other Committees do not assign enough work to fully occupy one person. I would like to request some discussion with the Council

Legislative Council  
January 13, 1975  
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on staff relations with Committees, particularly now that both the Senate and House Chairmen are involved in Committee decision-making.

5. The Legislative Council of the 106th Legislature made recommendations concerning the organization of Legislative Staff Agencies to the 107th Legislature. I prepared legislation on these recommendations but am not aware of any plans for sponsoring these bills.

6. In November, I was appointed to a committee of the new National Conference of State Legislatures. This committee met in December in Minneapolis to plan for the 1975 Legislative Training Seminars. The committee will meet again in New Orleans on January 31 to select the new Director of Legislative Training (to replace Joe Mullin), and to do detailed planning for the year's programs. I would like to ask that I be permitted to attend this meeting and that my expenses be paid by the Legislature.

Staff:

1. George Viles:
2. Jim McKenna:
3. Helen Ginder:
4. Bob Clarke:
5. Ted Potter:
6. Jon Hull:
7. Tom Downing:
8. Bill Brown:

Reports Submitted by Joint Standing and Select Committees, the  
Legislative Council and the Legislative Staff

1. Appropriations Committee
  - A. Legislative Printing Practices
  - B. Estimated Deficiencies in the Current Biennium and Projected Figures for the Next Biennium
  - C. Review of the Design/Build Program
  - D. Medical Care Payments
  - E. Mental Health Care Delivery System
  - F. District State Office Buildings
  - G. Financial Impact of Educational Funding Law (Reassigned to Educational Subsidy Commission at Committee's request)
2. Business Legislation
  - A. Maine Consumer Credit Code
  - B. No-fault Insurance
  - C. Assigned Risk Motor Vehicle Insurance
3. Education
  - A. Regional Frozen Food Production Centers for School Lunch Programs
4. Judiciary
  - A. Trespass on Lands Surrounding Lakes and Other Bodies of Water
  - B. Initiative and Referendum Process
5. Labor
  - A. Study of Salaries of the Industrial Accident Commission and of the Workmen's Compensation Insurance Fund (cancelled at the request of the Committee)

6. Legal Affairs

- A. Manner and Cost of Processing Claims Against the State
- B. Village Corporations
- C. Use of the State Name by Non-profit Corporations
- D. Rural Crime Problem in Maine

7. Liquor Control

- A. Operation of the Bureau of Alcoholic Beverages and a Free Enterprise System of Liquor Sales

8. Natural Resources

- A. Spruce Budworm Control

9. State Government

- A. Funding of the Criminal Justice Academy
- B. Organization and Administration of State Telecommunications System
- C. Organization and Administration of State Data Processing
- D. Maine State Housing Authority

10. Transportation

- A. Commuter-type tickets on the Maine Turnpike

11. Joint Special Committee on Municipal Employees Collective Bargaining

- A. Study of that topic

12. Legislative Council

- A. Report of the Legislative Council, 106th Legislature

13. Legislative Staff

- A. Disaster Contingency Plans  
(Interim Report Submitted)
- B. Recommendations Concerning MM&CS Bills  
Not Enacted in the Special Session
- C. Acupuncture (following preliminary research,  
this study was cancelled by the Legislative  
Council)

## Assignments Not Completed

### Appropriations

1. Review and Evaluation of State Budget
2. Maine Publicity Bureau

### Business Legislation

1. State Purchases from Small Businesses
2. Energy Crisis Premium Reductions (Committee to monitor study by Bureau of Insurance)

### Education

1. Post-secondary Educational Services by the University of Maine UMPG

### Health and Institutional Services

1. HMO's
2. Needs and Health Care of Mentally Retarded

### Natural Resources

1. Environmental Laws  
Site Location of Development Law

### Public Utilities

1. Cable T.V.

### State Government

1. Women's Correctional Center

### Transportation

1. Restoration of Rail Passenger Service
2. Utilization of Mass Transportation Systems by the State
3. Truck Weights

### Veterans and Retirement

1. Retirement study

Public Lands

1. Forest Practices
2. Public Lots

Taxation

1. Maine Forest District Tax
2. State Tax in Municipalities

Legislative Staff

1. Excise Tax

AN ACT to Abolish the Position of Constituent Service Officer

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

Sec. 1. 3 MRSA §162, sub-§6, as last amended by P&SL 1973, c. 220, is amended to read:

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; each to be appointed for a term of 7 years from the date of his appointment and until his successor has been appointed and qualified;

Sec. 2. 3 MRSA §163, sub-§2, as repealed and replaced by PL 1973, c. 590, §5, is amended to read:

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.

Sec. 3. 3 MRSA §169, as enacted by PL 1973, c. 590, §12, is repealed.

AN ACT To Create the Position of Assistant State Law Librarian

3 MRSA §174, as enacted by PL L971, c. 480, §1, is amended by adding 3 new sentences following the first sentence, to read:

He shall appoint, with the approval of the Legislative Council, an assistant state law librarian for a term of 7 years from the date of his appointment and until his successor is appointed and qualified. He shall be chosen without reference to party affiliations and solely on the grounds of fitness to perform the duties of his office. Appointment for a 7 year term shall take place following a six month probationary appointment, to be made by the State Law Librarian with the approval of the Legislative Council. Reappointment shall be for a term of 7 years.

AN ACT to Amend the Law Concerning Representatives of the Press

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

3 MRSA §341, first sentence, is amended to read:

Representatives of the press, who shall be actually engaged in sending daily reports of the doings of the Legislature to daily newspapers and to radio and television stations, shall have the privilege of the floor of the Senate and House of Representatives, and shall be subject to such rules as may from time to time be adopted by either branch of the Legislature.

#### STATEMENT OF FACT

The purpose of this amendment is to update the laws concerning the representatives of the press by including in their coverage representatives of radio and television.

AN ACT to Further Reorganize the Legislature

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

Sec. 1. 3 MRSA §161, as repealed and replaced by PL 1973, c. 590, §3, is amended by adding a new sentence at the end, to read:

When the Legislature is not in session, Legislative Council members shall be paid \$25 for every day's attendance on days when Council 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. 2. 3 MRSA §162, sub-§6, as repealed and replaced by PL 1973, c. 590, §4, is amended to read:

6. To appoint ~~a Legislative-Administrative-Director~~, a ~~Director-of-Legislative-Research~~ Reviser of Statutes, a Finance Officer, a Constituent Service Officer, and a State Law Librarian, and a Legislative Research Director, 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; each to be appointed for a term of 7 years from the date of his appointment and to serve until his successor has been appointed and qualified;

Sec. 3. 3 MRSA §162, sub-§7, as repealed and replaced by PL 1973, c. 590, §4, is amended to read:

7. To establish operating policies for and coordinate the activities of each Legislative agency and office;

Sec. 4. 3 MRSA §162, sub-§13, as repealed and replaced by PL 1973, c. 590, §4, is repealed and the following enacted in place thereof:

13. To appoint legislative research assistants 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;

Sec. 5. 3 MRSA §163, as repealed and replaced by PL 1973, c. 590, §5, is repealed.

Sec. 6. 3 MRSA §164, first sentence, as last amended by PL 1971, c. 480, §4, is amended to read:

§164. Functions and services of ~~director~~ reviser

~~The Director-of-Legislative-Research~~ Reviser of Statutes shall perform the following functions and duties:

Sec. 7. 3 MRSA §164, sub-§§1,2 and 3, as last amended by PL 1971, c. 480, §4, are repealed.

Sec. 8. 3 MRSA §164, sub-§11, is amended to read:

11. Office Hours. The office of the ~~director~~ reviser 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;

Sec. 9. 3 MRSA §164, sub-§12, as last amended by PL 1973, c. 590, §§6, 7, is amended to read:

12. Assistants. The ~~director~~ reviser shall appoint, with the approval of the Legislative Council, an assistant ~~director~~ reviser for a term of 7 years from the date of his appointment and until his successor has been appointed and qualified. He shall be chosen without reference to party affiliation and solely on the grounds of fitness to perform the duties of his office. Appointment to a 7 year term shall take place following a six month probationary appointment, to be made by the reviser with the approval of the Legislative Council. Reappointment shall be for a term of 7 years. The reviser shall also appoint, following a six month period of probationary employment, and such technical assistants, and shall appoint, subject to the personnel law such clerical assistants, as may be necessary to carry out this chapter. Following the six month probationary period, these assistants shall be dismissed only for cause.

Sec. 10. 3 MRSA §165, second sentence, as enacted by PL 1973, c. 590, §8, is amended to read:

In addition to authority assigned by rules of the Legislature,  
~~Such~~ such committees shall have the authority both when the Legislature is in session and when it is not in session:

Sec. 11. 3 MRSA §165, sub-§1, as enacted by PL 1973, c. 590, sub-§8, is amended to read:

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

Sec. 12. 3 MRSA §166, as enacted by PL 1973, c. 590, §9, is repealed and the following enacted in place thereof:

§166. Legislative Research Director; duties

The duties of the Legislative Research Director shall be:

1. To provide a comprehensive research service on legislative problems;

2. To 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 Council or by either or both branches of the Legislature;

3. To provide research assistance to any Joint Standing or Joint Select Committee created by the Legislature;

4. To assign, with the approval of the Legislative Council, the Legislative Research Assistants to assist the Joint Standing or Joint Select Committees, to work as directed by the Committee Chairmen;

5. To undertake such other duties as are assigned by the Legislative Council.

The Legislative Research Director shall recommend to the Legislative Council applicants for positions as Legislative Research Assistants. Following interviews by the Legislative Council, the Council shall appoint Legislative Research Assistants to a 6 month probationary period of employment, followed at the discretion of the Council by permanent employment. Following the 6 month probationary period, these assistants shall be dismissed only for cause. Legislative Research Assistants shall be chosen without reference to party affiliations and solely on the grounds of fitness to perform the duties assigned to them.

The Legislative Research Director, with the approval of the Legislative Council, shall appoint such clerical assistants as may be necessary to carry out this section, who shall be dismissed only for cause, following a six month probationary period.

Sec. 13. 3 MRSA §167, as enacted by PL 1973, c. 590, §10, is amended by adding new sub-§§5 and 6, to read:

5. 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 cooperation 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 of Representatives, 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.

6. To act as a vehicle through which the several agencies, departments and offices of the Legislature may report to the Legislative Council their budget requests, and to assist the Legislative Council in the orderly disposition of these requests.

Sec. 14. 3 MRSA §167, next to last ¶, is amended by adding  
at the end two new sentences to read:

Appointment to a seven year term shall take place following a  
six month probationary appointment, to be made by the Finance  
Officer with the approval of the Legislative Council. Re-  
appointment shall be for a term of 7 years. The Finance  
Officer shall also appoint, with the approval of the Legislative  
Council, such technical assistants and clerical assistants as  
may be necessary to carry out this section. Following a six  
month probationary period, these assistants shall be dismissed  
only for cause.

Sec. 15. The present incumbants in the Offices of Director  
and Assistant Director of Legislative Research, as described in  
the Revised Statutes, Title 3, section 162 and 164, shall continue  
in their offices until the expiration of the 7 year terms in  
which they currently serve, although their titles have been  
changed to Reviser of Statutes and Assistant Reviser of Statutes.

Sec. 16. All employees of the Legislature who are currently employed under the personnel laws shall continue to be a part of the personnel system, although employees to be hired will not be employed under personnel laws.

1.

CHAPTER 11  
DEPARTMENT OF AUDIT

New Sections  
242-A. Fraud Investigation Division

§ 241. State Auditor; salary

The State Auditor shall be the head of the Department of Audit, as heretofore established. He shall be a certified public accountant or shall have had satisfactory experience as an auditor of public accounts. He shall be elected by the Legislature by a joint ballot of the Senators and Representatives in convention and shall hold office for a term of 4 years or until his successor is elected and qualified. He shall exercise such powers and perform such duties as are set forth in this chapter. In case the office of State Auditor shall become vacant during a period when the Legislature is not in session, the appointment of a person to fill such vacancy shall be made immediately by the President of the Senate or if that office be vacant, by the Speaker of the House, said person to hold office until such time as the Legislature shall meet in regular or special session, and either confirm the appointment of said person or choose another person to fill the office during the unexpired term.

1966, c. 510, § 2, retroactive to Jan. 1, 1964; 1967, c. 476, § 10, eff. July 1, 1968; 1969, c. 504, § 7, eff. 90 days after adjournment of the Legislature.

Amendments:

—1969. Deleted reference to salary.  
—1967. Last sentence amended by substituting \$12,600 for \$12,000.  
—1966. In last sentence increased salary from \$11,000 to \$12,000.  
—Retroactive effect. 1966, c. 510, § 3, provided that this Amendment be retroactive to Jan. 1, 1966.

§ 241. State Auditor; salary

Text of section effective Jan. 1, 1977

The State Auditor shall be the head of the Department of Audit, as heretofore established. He shall be a certified public accountant or a college graduate with not less than 6 years of experience as a professional accountant or auditor, including not less than 5 years of auditing experience, of which not less than 4 years shall have been in a supervisory capacity. He shall be elected by the Legislature by a joint ballot of the Senators and Representatives in convention and shall hold office for a term of 4 years or until his successor is elected and qualified. He shall exercise such powers and perform such duties as are set forth in this chapter. In case the office of State Auditor shall become vacant during a period when the Legislature is not in session, the appointment of a person to fill such vacancy shall be made immediately by the President of the Senate or if that office be vacant, by the Speaker of the House, said person to hold office until such time as the Legislature shall meet in regular or special session, and either confirm the appointment of said person or choose another person to fill the office during the unexpired term.

1973, c. 792, § 1, eff. Jan. 1, 1977.

*For text of section effective until Jan. 1, 1977, see 1973 Supplementary Pamphlet.*

Amendments:

—1973. Repealed and replaced second sentence. Effective date. Section 2 of c. 792 provided: "Section 1 of this Act shall become effective January 1, 1977."

§ 242. Organization; deputy

The Department of Audit shall be organized in the manner the State Auditor may deem best suited to the accomplishment of its functions. It shall have such auditors, assistants and employees as the State Auditor may require, but they shall be subject to the Personnel law.

In the event of a vacancy in the office of State Auditor because of death, resignation, removal or other cause, the deputy auditor shall perform the duties of the office until a State Auditor has been appointed in conformity with section 241, and has been duly qualified. In the event of absence or disability of the State Auditor, the deputy auditor shall likewise perform the duties of the office during his absence.

R.S.1954, c. 19, § 2.

Library references: States ⇐45, 73; C.J.S. States §§ 52, 60 et seq., 66.

Cross References

Personnel Law, see § 551 et seq. of this Title.

§ 242-A. Fraud Investigation Division

2.

1. **Establishment; composition.** The State Auditor is authorized to create a Fraud Investigation Division within the Department of Audit. He shall appoint a director of that division to serve at his pleasure. The director shall be chosen without reference to party affiliations and solely on the ground of fitness to perform the duties of his office and he shall be a member of the bar of the State of Maine. The State Auditor is also authorized to employ and assign to the Fraud Investigation Division such investigators and employees as he deems appropriate.

2. **Purpose.** The purpose of the Fraud Investigation Division shall be to investigate reported incidents or acts of fraud, attempted fraud, commingling or misapplication in connection with, but not limited to, the requesting, obtaining, receiving, withholding, recording, reporting, expending or handling of funds of the State.

3. **Cooperation; information.** All agencies of the state and municipal governments shall cooperate fully with the Fraud Investigation Division, rendering any assistance requested by that division. Every head of a department, bureau, division, commission or any other unit of State Government shall report in writing to the Director of the Fraud Investigation Division all information concerning any suspected incident of fraud or attempted fraud or violation of any law in connection with funds of the State. All information in the files of any department, commission or agency of State Government, regardless of any statute relating to confidentiality, shall be available to the Fraud Investigation Division for use in connection with its official purposes.

4. **Violation of law; action.** Whenever the Director of the Fraud Investigation Division determines there is a probability that a fraud, an attempted fraud or a violation of a law may have occurred, he shall report in writing all information concerning it to the Attorney General for such action as he may deem appropriate, including civil action for recovery of funds and criminal prosecution by the Department of the Attorney General. The Fraud Investigation Division shall, upon request of the Attorney General and in such manner as he deems appropriate, assist in the recovery of funds.

1973, c. 788, § 14, eff. April 1, 1974.

**Amendments:**

—1973. Subsection 4: Added second sentence.

§ 242-B. Program Review and Evaluation Division

1. **Establishment.** The State Auditor is authorized to create a Program Review and Evaluation Division within the Department of Audit. He shall appoint a director of that division to serve at his pleasure. The director shall be chosen without reference to party affiliation and solely on the ground of fitness to perform the duties of his office and shall have had not less than 2 years of experience as a professional accountant or auditor.

The director may employ, with the approval of the State Auditor and subject to the Personnel Law, such employees as may be necessary to carry out the duties of the division. The director shall have available in the division employees who are expert in analyzing and conducting cost benefit studies of government programs.

2. **Purpose.** It shall be the purpose of the Program Review and Evaluation Division to examine State Government Programs and their administration to ascertain whether such programs are effective, continue to serve their intended purpose, are conducted in an effective and efficient manner, or require modification or elimination, and generally to assist the Legislature in providing greater control over receipt, disbursement and application of public funds.

3. **Assistance to the Legislature.** The State Auditor, through the Program Review and Evaluation Division, shall review and analyze the results of government programs and activities carried on under existing law, including the making of cost benefit studies, when ordered by either House of the Legislature, or upon his own initiative, or when requested by the Legislative Council or by any committee of the House of Representatives or the Senate, or any joint committee of the 2 Houses, having jurisdiction over such programs and activities.

Upon request of any committee of either House or any joint committee of the 2 Houses, or the Legislative Council, the State Auditor through the Program Review and Evaluation Division, shall assist such committee or joint committee, or the staff of such committee or joint committee or the Legislative Council in:

A. Analyzing cost benefit studies furnished by any state agency to such committee or joint committee or the Legislative Council; or

B. Conducting cost benefit studies of programs under the jurisdiction of such committee or joint committee or the Legislative Council.

1973, c. 792, § 3.

**Amendments:**

—1973. Enacted this section.

§ 243. Powers and duties

The Department of Audit shall have authority:

1. **Postaudit.** To perform a postaudit of all accounts and other financial records of the State Government or any department or agency thereof, including the judiciary and the Executive Department of the Governor, except the Governor's Expense Account, and to report annually on this audit, and at such other times as the Legislature may require;

1967, c. 427, § 2, eff. for fiscal year ending June 30, 1965.

2. **Accounting systems for counties.** To install uniform accounting systems and perform annual post-audits of all accounts and other financial records of the several counties or any departments or agencies thereof, the expenses of such audits to be paid by the counties and reports of such audits shall accompany the county estimates submitted to the Legislature as provided by Title 30, section 253, and shall be published in the county reports next following the completion of such audits;

3. **Accounting systems for municipalities.** To install uniform accounting systems and perform audits for cities, towns and villages as required by Title 30, sections 5251 to 5253;

1957, c. 405, § 6.

4. **Accounting systems for court clerks and probation officers.** To install uniform accounting systems and perform post-audits for the clerks of Superior Courts and probation officers, the expenses of such audits to be paid as follows: 50% by the county where the audit is performed, 30% by the State Highway Department and 20% by the Department of Inland Fisheries and Game;

1963, c. 402, § 16.

4-A. **Audit for District Court.** To install a uniform accounting system and perform a postaudit for the District Court, the expenses of such audit to be paid as follows: 65% by the General Fund, 20% by the State Highway Department and 15% by the Department of Inland Fisheries and Game.

1966, c. 486; 1968, c. 544, § 9, eff. July 1, 1969.

5. **Postaudit.** To perform a postaudit of all accounts and other financial records of the Maine Forestry District;

1967, c. 494, § 4; 1969, c. 504, § 8, eff. 90 days after adjournment of the Legislature; 1973, c. 537, § 2.

5-A. **Budget and program review.** To review and study departmental budgets and capital programs for better and efficient management of State Government.

1971, c. 145, § 1.

5-B. **Dedicated funds.** To review and study expenditures of the dedicated funds of independent boards and commissions.

1971, c. 145, § 1.

6. **Staff agency.** To serve as a staff agency to the Legislature, or any of its committees, or to the Governor in making investigations of any phase of the state's finances.

7. **Reports.** To report its findings, with recommendations, on any review or study to the Legislature.

1971, c. 145, § 2.

**§ 244. Records and reports**

The State Auditor shall keep no accounts in the Department of Audit, but he shall conduct a continuous post-audit of the accounts, books, records and other evidences of financial transactions kept in the Department of Finance and Administration or in the other departments and agencies of the State Government. He shall prepare and publish a report for each fiscal year, setting forth the essential facts of such audit in summary form, within the following fiscal year after the books of the State Controller have been officially closed. If he shall find in the course of his audit evidences of improper transactions, or of incompetence in keeping accounts or handling funds or of any other improper practice of financial administration, he shall report the same to the Governor and the Legislature immediately. If he shall find evidences of illegal transactions, he shall forthwith report such transactions both to the Governor and to the Attorney General. All such evidences shall be included in the annual reports of the State Auditor and he may, at his discretion, make them public at any time during the fiscal year.

1971, c. 145, § 3.

**Amendments:**

—1971. Changed time for preparing and publishing yearly report, added the

Legislature as a party to be notified of improper practices of financial administration.

**§ 245. No ex officio duties**

The State Auditor shall not serve in an ex officio capacity on any administrative board or commission or have any financial interest in the transactions of any department, institution or agency of the State Government. He shall not be responsible for the collection of any money belonging to the State or for the handling or custody of any state funds.

R.S.1954, c. 19, § 5.

Library references: States  $\Leftrightarrow$  68; C.J.S. States § 60 et seq.

AN ACT To Create the Position of Assistant State Law Librarian

3 MRSA §174, as enacted by PL L971, c. 480, §1, is amended by adding 3 new sentences following the first sentence, to read:

He shall appoint, with the approval of the Legislative Council, an assistant state law librarian for a term of 7 years from the date of his appointment and until his successor is appointed and qualified. He shall be chosen without reference to party affiliations and solely on the grounds of fitness to perform the duties of his office. Appointment for a 7 year term shall take place following a six month probationary appointment, to be made by the State Law Librarian with the approval of the Legislative Council. Reappointment shall be for a term of 7 years.

AN ACT to Amend the Law Concerning Representatives of the Press

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

3 MRSA §341, first sentence, is amended to read:

Representatives of the press, who shall be actually engaged in sending daily reports of the doings of the Legislature to daily newspapers and to radio and television stations, shall have the privilege of the floor of the Senate and House of Representatives, and shall be subject to such rules as may from time to time be adopted by either branch of the Legislature.

#### STATEMENT OF FACT

The purpose of this amendment is to update the laws concerning the representatives of the press by including in their coverage representatives of radio and television.

AN ACT to Further Reorganize the Legislature

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

Sec. 1. 3 MRSA §161, as repealed and replaced by PL 1973, c. 590, §3, is amended by adding a new sentence at the end, to read:

When the Legislature is not in session, Legislative Council members shall be paid \$25 for every day's attendance on days when Council 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. 2. 3 MRSA §162, sub-§6, as repealed and replaced by PL 1973, c. 590, §4, is amended to read:

6. To appoint ~~a Legislative-Administrative-Director, a Director-of-Legislative-Research~~ Reviser of Statutes, a Finance Officer, a Constituent Service Officer, and a State Law Librarian, and a Legislative Research Director, 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; each to be appointed for a term of 7 years from the date of his appointment and to serve until his successor has been appointed and qualified;

Sec. 3. 3 MRSA §162, sub-§7, as repealed and replaced by PL 1973, c. 590, §4, is amended to read:

7. To establish operating policies for and coordinate the activities of each Legislative agency and office;

Sec. 4. 3 MRSA §162, sub-§13, as repealed and replaced by PL 1973, c. 590, §4, is repealed and the following enacted in place thereof:

13. To appoint legislative research assistants 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;

Sec. 5. 3 MRSA §163, as repealed and replaced by PL 1973, c. 590, §5, is repealed.

Sec. 6. 3 MRSA §164, first sentence, as last amended by PL 1971, c. 480, §4, is amended to read:

§164. Functions and services of ~~director~~ reviser

The ~~Director-of-Legislative-Research~~ Reviser of Statutes shall perform the following functions and duties:

Sec. 7. 3 MRSA §164, sub-§§1,2 and 3, as last amended by PL 1971, c. 480, §4, are repealed.

Sec. 8. 3 MRSA §164, sub-§11, is amended to read:

11. Office Hours. The office of the ~~direector~~ reviser 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;

Sec. 9. 3 MRSA §164, sub-§12, as last amended by PL 1973, c. 590, §§6, 7, is amended to read:

12. Assistants. The ~~direector~~ reviser shall appoint, with the approval of the Legislative Council, an assistant ~~direector~~ reviser for a term of 7 years from the date of his appointment and until his successor has been appointed and qualified. He shall be chosen without reference to party affiliation and solely on the grounds of fitness to perform the duties of his office. Appointment to a 7 year term shall take place following a six month probationary appointment, to be made by the reviser with the approval of the Legislative Council. Reappointment shall be for a term of 7 years. The reviser shall also appoint, following a six month period of probationary employment, and such technical assistants, and shall appoint, subject to the personnel law such clerical assistants, as may be necessary to carry out this chapter. Following the six month probationary period, these assistants shall be dismissed only for cause.

Sec. 10. 3 MRSA §165, second sentence, as enacted by PL 1973, c. 590, §8, is amended to read:

In addition to authority assigned by rules of the Legislature, such such committees shall have the authority both when the Legislature is in session and when it is not in session:

Sec. 11. 3 MRSA §165, sub-§1, as enacted by PL 1973, c. 590, sub-§8, is amended to read:

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

Sec. 12. 3 MRSA §166, as enacted by PL 1973, c. 590, §9, is repealed and the following enacted in place thereof:

§166. Legislative Research Director; duties

The duties of the Legislative Research Director shall be:

1. To provide a comprehensive research service on legislative problems;

2. To 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 Council or by either or both branches of the Legislature;

3. To provide research assistance to any Joint Standing or Joint Select Committee created by the Legislature;

4. To assign, with the approval of the Legislative Council, the Legislative Research Assistants to assist the Joint Standing or Joint Select Committees, to work as directed by the Committee Chairmen;

5. To undertake such other duties as are assigned by the Legislative Council.

The Legislative Research Director shall recommend to the Legislative Council applicants for positions as Legislative Research Assistants. Following interviews by the Legislative Council, the Council shall appoint Legislative Research Assistants to a 6 month probationary period of employment, followed at the discretion of the Council by permanent employment. Following the 6 month probationary period, these assistants shall be dismissed only for cause. Legislative Research Assistants shall be chosen without reference to party affiliations and solely on the grounds of fitness to perform the duties assigned to them.

The Legislative Research Director, with the approval of the Legislative Council, shall appoint such clerical assistants as may be necessary to carry out this section, who shall be dismissed only for cause, following a six month probationary period.

Sec. 13. 3 MRS §167, as enacted by PL 1973, c. 590, §10, is amended by adding new sub-§§5 and 6, to read:

5. 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 cooperation 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 of Representatives, 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.

6. To act as a vehicle through which the several agencies, departments and offices of the Legislature may report to the Legislative Council their budget requests, and to assist the Legislative Council in the orderly disposition of these requests.

Sec. 14. 3 MRSA §167, next to last ¶, is amended by adding at the end two new sentences to read:

Appointment to a seven year term shall take place following a six month probationary appointment, to be made by the Finance Officer with the approval of the Legislative Council. Re-appointment shall be for a term of 7 years. The Finance Officer shall also appoint, with the approval of the Legislative Council, such technical assistants and clerical assistants as may be necessary to carry out this section. Following a six month probationary period, these assistants shall be dismissed only for cause.

Sec. 15. The present incumbants in the Offices of Director and Assistant Director of Legislative Research, as described in the Revised Statutes, Title 3, section 162 and 164, shall continue in their offices until the expiration of the 7 year terms in which they currently serve, although their titles have been changed to Reviser of Statutes and Assistant Reviser of Statutes.

Sec. 16. All employees of the Legislature who are currently employed under the personnel laws shall continue to be a part of the personnel system, although employees to be hired will not be employed under personnel laws.