

# MAINE STATE LEGISLATURE

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**Legislative Record**

OF THE

**One Hundred and Seventh Legislature**

(First Special Session)

OF THE

STATE OF MAINE

**1976**

KENNEBEC JOURNAL  
AUGUSTA, MAINE

**HOUSE**

Thursday, March 25, 1976

The House met according to adjournment and was called to order by the Speaker.  
Prayer by Father Michael Newman of Lewiston.

The journal of yesterday was read and approved.

**Papers from the Senate**

From the Senate: The following Communication:

THE SENATE OF MAINE  
AUGUSTA, MAINE

March 24, 1976

Honorable Edwin H. Pert  
Clerk of the House  
107th Legislature  
First Special Session  
Augusta, Maine 04333  
Dear Mr. Pert:

The Senate today voted to Insist and Join in a Committee of Conference on Bill, "An Act Concerning Single Motor Vehicle Registration Plates and Placement of Motor Vehicle Inspection Stickers" (H. P. 2009) (L. D. 2191).

The President appointed the following members of the Senate to the Committee of Conference:

GREELEY of Waldo  
WYMAN of Washington  
O'LEARY of Oxford

Respectfully,

Signed:

HARRY N. STARBRANCH  
Secretary of the Senate

The Communication was read and ordered placed on file.

The Speaker appointed the following Conferees on the part of the House:

BIRT of East Millinocket  
WINSHIP of Milo  
FINEMORE of Bridgewater

From the Senate: The following Communication:

THE SENATE OF MAINE  
AUGUSTA, MAINE

March 24, 1976

Honorable Edwin H. Pert  
Clerk of the House  
107th Legislature  
First Special Session  
Augusta, Maine 04333  
Dear Mr. Pert:

The Senate today voted to Adhere to its action whereby it Indefinitely Postponed Bill, "An Act to Classify the Positions of Director of Program Review and Evaluation in the Department of Audit, Director of Fraud Investigation in the Department of Audit, and of Employees of the Fraud Investigation Division in the Department of Audit" (H. P. 1992) (L. D. 2174).

Respectfully,

Signed:

HARRY N. STARBRANCH  
Secretary of the Senate

The Communication was read and ordered placed on file.

From the Senate: The following Communication:

THE SENATE OF MAINE  
AUGUSTA, MAINE

March 24, 1976

Honorable Edwin H. Pert  
Clerk of the House  
107th Legislature  
First Special Session  
Augusta, Maine 04330  
Dear Mr. Pert:

The Senate today voted to Adhere to its action whereby it accepted the Majority Ought Not to Pass report on Resolve, to Reimburse the Town

of Waldoboro for Assisting in the Capture of Escapees from the Maine State Prison in Thomaston (H. P. 1807) (L. D. 1966).

Respectfully,

Signed:

HARRY N. STARBRANCH  
Secretary of the Senate

The Communication was read and ordered placed on file.

From the Senate: The following Joint Order: (S. P. 764)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Miss Emma Irish of Lewiston Who On March 27, 1976 Will Celebrate the One Hundredth Anniversary of Her Birth

We the Members of the Senate and House of Representatives do hereby Order that our congratulations and acknowledgement be extended; and further

Order and direct, while duly assembled in session at the Capitol in Augusta, under the Constitution and Laws of the State of Maine, that this official expression of pride be sent forthwith on behalf of the Legislature and the people of the State of Maine.

Came from the Senate read and passed.

In the House, the Order was read and passed in concurrence.

**House Reports of Committees  
Divided Report**

Majority Report of the Committee on Business Legislation on Bill "An Act to Provide for the Licensure of Speech Pathologists and Audiologists" (S. P. 673) (L. D. 2144) reporting "Ought to Pass" as amended by Committee Amendment "A" (S-461)

Report was signed by the following members:

Mrs. BOUDREAU of Portland  
Mrs. BYERS of Newcastle  
Mrs. CLARK of Freeport  
Messrs. TIERNEY of Durham  
BOWIE of Gardiner  
HIGGINS of Scarborough  
PEAKES of Dexter  
RIDEOUT of Mapleton  
DeVANE of Ellsworth

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "B" (S-462) on the same Bill.

Report was signed by the following members:

Messrs. REEVES of Kennebec  
JOHNSTON of Aroostook  
THOMAS of Kennebec

— of the Senate.

Mr. PIERCE of Waterville

— of the House.

Came from the Senate with the Minority Report read and accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "B" (S-462).

In the House: Reports were read.

The SPEAKER: The Chair recognizes the gentlewoman from Freeport, Mrs. Clark.

Mrs. CLARK: Mr. Speaker, I move that the House accept the Majority "Ought to pass" Report.

The SPEAKER: The gentlewoman from Freeport, Mrs. Clark, moves that the House accept the Majority "Ought to pass" Report in non-concurrence.

The SPEAKER: The Chair recognizes the gentlewoman from Freeport, Mrs. Clark.

Mrs. CLARK: Mr. Speaker, Men and Women of the House: You have before you a divided report from the Committee on Business Legislation regarding the licensure of speech pathologists and audiologists. This is a committee bill which was reported out after an exten-

sive study during the interim period of the regular session and this special session of the 107th Maine Legislature.

Report A differs from Report B in one aspect only, and that aspect is the inclusion of a hearing aid dealer on the Speech Pathologist and Audiologist Board.

The majority members of the Committee on Business Legislation, as reflected on Page 2 of today's advance journal and calendar, are in agreement, and I would share with you the background for the signatures on this divided report.

During the interim period when the committee was studying this issue, an agreement was reached among the parties of interest that a hearing aid dealer be included on the licensing board. That agreement resulted in the unanimous committee report and the introduction of this bill to this special session.

I would say to you clearly and distinctly that had that agreement not been reached by the audiologists of the State of Maine, the speech pathologists of the State of Maine, through their duly elected professional association representative and the hearing aid dealers, which occurred in Room 135 of this building, this bill would not even be before us in this special session, for the Committee on Business Legislation were encouraged by the agreement and the understanding and compromise that was reached in the last day of that work session to sign out our report unanimously.

This is a very controversial measure between the two chambers of this legislature, and you can see the position of the House members as opposed to the Senate members of our committee reflected on the report before us.

I would leave you at this moment and allow the other members of the Committee on Business Legislation to share with you their position on this bill. I would remind you, however, that this is an issue similar to that which has been alluded to before in this House; namely, an understanding and an agreement which was reached back in 1967 between the certified professional accountants and the public accountants of this state. The House upheld that agreement in two other issues, and I would hope that you would support the compromise agreement that was reached during the interim session of this legislature.

The SPEAKER: The Chair recognizes the gentlewoman from Auburn, Mrs. Lewis.

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I really don't understand why we need this bill at all. It seems to me — I know it is creating another branch of bureaucracy. If you look at the bill, on Page 5 it does create a Board of Examiners of Speech Pathology, and to my knowledge, we are not having any trouble with speech pathologists in this state.

I wonder if I can paraphrase Mr. DeVane — how many people here have ever had a call from anybody who says there is any trouble that they are having with speech pathologists? As you know, speech pathologists who teach in the schools have to be certified by the schools, so really, we are only talking about the people who are working outside of the school system.

To my knowledge, there is no trouble whatsoever and I don't understand why we would be setting up another board of examiners to create more bureaucracy, and I would like to know why we need this. Otherwise, I would think we would indefinitely postpone the whole bill.

The SPEAKER: The Chair recognizes the gentleman from Standish, Mr. Spencer.

Mr. SPENCER: Mr. Speaker, I would just like to pose a question to anyone on the committee that might answer. How many speech pathologists and audiologists are there in Maine at the present time.

The SPEAKER: The gentleman from Stan-

dish, Mr. Spencer, has posed a question through the Chair to anyone who may care to answer.

The Chair recognizes the gentlewoman from Freeport, Mrs. Clark.

Mrs. CLARK: Mr. Speaker, in response to the gentleman's inquiry, my notes would reflect that this bill would affect 14 audiologists and 15 speech pathologists, that it is a bill that is desired by the members of the profession and that it would, in fact, eventually allow these professional people to be available for third party payment.

The SPEAKER: The Chair recognizes the gentleman from Orland, Mr. Churchill.

Mr. CHURCHILL: Mr. Speaker, Ladies and Gentlemen of the House: This is a little out of my line, but I have had several phone calls. I didn't realize there were these people running around the state, except in a few schools where they have a problem.

My objection would be that Report B would be the motion to accept, because hearing aid dealers are manufacturers and representatives who sell electronic communication devices to individuals with hearing problems. Their presence on the board, in my opinion, would present a conflict of interest.

The concept of licensure is to provide consumer services with protection. The hearing aid dealer is not qualified to provide evaluation and judgments regarding the delivery of speech and language services. A hearing aid dealer has had no formal training or clinical experience in the area of speech and language or hearing remediation or therapy. Speech pathologists and audiologists generally have from five to seven years formal training before becoming nationally certified as clinically competent to provide speech, language or audiological services.

The fact that hearing aid dealers sell electronic equipment to facilitate communication does not qualify a dealer representative to be placed on the state licensure board for speech pathologists and audiologists who provide a broad spectrum of professional services.

Speech pathologists use a number of electronic devices — recorders, mirrors, tongue depressors, printed material, etc., as tools to facilitate delivery of services to handicapped persons. Sales persons, dealers or publishers from these equipment companies do not seek to become members on boards established to monitor the activities of professional providers of services.

Hearing aid dealers indicate, by being represented on the licensure board, that they can better communicate with speech pathologists. Hearing aid dealers do communicate very well, the same way other product vendors do, but let's not put them on this board. Let's have a member from the private sector if we are going to have the other member.

The SPEAKER: The Chair recognizes the gentleman from Gardiner, Mr. Bowie.

Mr. BOWIE: Mr. Speaker, Men and Women of the House: My friend from Orland, Mr. Churchill, has put it very kind as far as the hearing aid dealers are concerned. I have heard them referred to as peddlers and all sorts of various terms have been applied to them. They are licensed. Hearing aid dealers are licensed under the statutes of the State of Maine. However, the audiologists desired to be put on the hearing aid dealers board and were put on the board. You probably have received letters that turn-about is fair play.

I would agree with my good friend from Freeport, Mrs. Clark, that turn-about is fair play. A compromise was reached in the committee. This bill would not be before this legislature at this time if the compromise had not been reached by all parties concerned.

I do believe that the hearing aid dealer can have input into this board. I believe he deals with the same people that the audiologists deal with, and I think if we do not keep the hearing aid dealer on this board, then we certainly will have a conflict, because an audiologist can do the same type of work that a hearing aid dealer can do.

The SPEAKER: The Chair recognizes the gentleman from Waterville, Mr. Pierce.

Mr. PIERCE: Mr. Speaker, Ladies and Gentlemen of the House: I did expect to have a few words to say on this bill this morning; however, one thing I didn't have to expect to say was to answer the words of the gentlelady from Auburn, Mrs. Lewis. I think after an extensive study of this by the Business Legislation Committee, one thing each and every member of that committee agree on is that this is a good bill, and every single one of us on that committee voted unanimously for this bill.

The difference in these two reports, A and B, is what I did expect to say a few words on and there is a very slight difference. I will be very honest with you. I would support either Report A or Report B before letting this bill go down the drain, because there is really a very minor difference. Report A mandates that we have a hearing dealer on the board. Report B says you are going to have two consumers, one or both of whom may be hearing aid dealers, but it doesn't mandate it. I would submit to you that a speech pathologist and an audiologist have considerably more professionalism to be placed on a hearing aid dealer board than a hearing aid dealer has to be placed on a speech pathologist or audiologist board, both of whom are highly trained individuals.

I would like to correct the gentlelady from Freeport, Mrs. Clark, when she says there are 15 speech pathologists in the state. There are over a hundred speech pathologists in the State of Maine and 14 audiologists, so this bill does affect quite a few people. I would hope that you would turn down Report A and accept Report B for those reasons.

Mr. Speaker, when the vote is taken, I would ask that it be taken by the yeas and nays.

The SPEAKER: For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The Chair recognizes the gentlewoman from Old Orchard Beach, Mrs. Morin.

Mrs. MORIN: Mr. Speaker and Members of the House: It doesn't seem reasonable to me that the pathologists do not want a hearing aid dealer on their board because he hasn't had the training that they have; yet, they do approve of having a consumer who might not even know the first thing about a hearing aid. I hope you go along with Report A.

The SPEAKER: The Chair recognizes the gentlewoman from Auburn, Mrs. Lewis.

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I don't see a fiscal note on this bill, and I am wondering if these people are going to serve without any recompense at all? If that is so, do they get expenses, because there should be a fiscal note on the bill.

Also, I did check this out a little bit, and there are 125 speech therapists, but I think you have got to remember that this bill only applies to the speech pathologists who are not working in the schools. The people who are working in the schools are certified by the schools and this bill does not really apply to them. There are just

about 40 people in this state that this bill does apply to.

I just question whether we need such a bureau, inasmuch as there doesn't seem to be any trouble whatsoever between the public and the speech pathologists in this state. Why do we need this bureau set up?

The SPEAKER: The Chair recognizes the gentlewoman from Freeport, Mrs. Clark.

Mrs. CLARK: Mr. Speaker, Men and Women of the House: I would hope to respond to the concerns expressed by the gentlewoman from Auburn, Representative Lewis, by reviewing the background of this bill.

During the regular session of the 107th Maine Legislature, two gentlemen from the other body, Senator Curtis and Senator Johnston, introduced a similar measure. There was never really a public hearing on the bill during the regular session and it was decided by all concerned parties that instead of presenting testimony at that time, that a study order be introduced to provide time for adequate study and resolve the problems within the profession. The study order that passed was the result, and the Committee on Business Legislation was the committee that assumed the responsibility.

The bill before us is similar in form and structure to the statutes now in effect to regulate other professions, and perhaps the difference here is that I and other members of the Committee on Business Legislation endorsed the concept that members of an industry or profession should be influential in determining the rules and regulations that govern their industry or profession, and that probably is the issue before us.

We believe that it is in the public interest to require the regulation of professions with resulting restrictions of entry into these fields, particularly in matters which deal with hearing, speech and the ear.

The groups who are concerned with this bill are not only speech pathologists and audiologists but hearing aid dealers, otolaryngologist, physicians who specialize in the ear and nose and throat, as well as the consumers of this state. We believe there is a need and the members of the Maine Speech and Hearing Association, which comprises more than 100 members of this community profession, do support passage of this bill.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentlewoman from Freeport, Mrs. Clark, that the Majority "Ought to pass" Report be accepted in non-concurrence. All in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Boudreau, Bowie, Byers, Carroll, Chonko, Clark, Curran, P.; Curran, R.; Curtis, Drigotas, Finemore, Flanagan, Fraser, Gauthier, Greenlaw, Hunter, Kennedy, Laffin, Laverty, LeBlanc, Lynch, Maxwell, Morin, Nadeau, Najarian, Peterson, T.; Post, Powell, Rideout, Rolde, Rollins, Saunders, Silverman, Snow, Snowe, Tarr, Theriault, Tierney, Tozier, Truman, Tyndale, Usher.

NAY — Albert, Ault, Bachrach, Bagley, Berry, G. W.; Berry, P. P.; Berube, Birt, Burns, Bustin, Call, Carey, Carpenter, Carter, Churchill, Connors, Connolly, Cooney, Cote, Cox, Dam, Davies, Doak, Dow, Dudley, Durgin, Dyer, Farley, Farnham, Fenslason, Garsoe, Goodwin, H.; Goodwin, K.; Gould, Gray, Hall, Henderson, Hennessey, Hewes, Hinds, Hobbins, Hughes, Hutchings, Immonen, Ingegnieri, Jackson, Jalbert, Jensen, Joyce, Kany, Kelleher, Kelley, LaPointe, Leonard, Lewin, Lewis, Littlefield, Lizotte, Lovell, Lunt, MacEachern, Mackel, MacLeod, Mahany, Martin, A.; McBrairty, McKernan, McMahon, Mills, Miskavage, Mitchell, Morton, Mulhern, Norris, Pearson, Pelosi, Perkins, S.; Perkins,

T.; Peterson, P.; Pierce, Raymond, Shute, Spencer, Sprawl, Stubbs, Susi, Talbot, Teague, Torrey, Twitchell, Wagner, Walker, Webber, Wilfong, Winship.

ABSENT — Bennett, Blodgett, DeVane, Faucher, Higgins, Jacques, Kauffman, Martin, R., Palmer, Peakes, Quinn, Smith, Strout.

Yes, 42; No, 95; Absent, 13.

Tye SPEAKER: Forty-two having voted on the affirmative and ninety-five in the negative, with thirteen being absent, the motion does not prevail.

Thereupon, the Minority "Ought to pass" Report was accepted in concurrence and the Bill read once. Committee Amendment "B" (S-462) was read by the Clerk and adopted in concurrence and the Bill assigned for second reading tomorrow.

#### Non-Concurrent Matter

Joint Order Relative to Committee on State Government reporting out a Bill to Facilitate the Setting of Financial and Tax Policy by the Legislature (H. P. 2227) which was Read and Passed in the House on March 23, 1976.

Came from the Senate indefinitely postponed in non-concurrence.

In the House: Thereupon, the House voted to insist.

#### Non-Concurrent Matter

Bill "An Act Relating to Charitable Solicitations" (H. P. 1983) (L. D. 2165) which was Passed to be Engrossed as Amended by Committee Amendment "A" (H-996) and House Amendment "A" (H-1045) in the House on March 23, 1976.

Came from the Senate. Passed to be Engrossed as Amended by Committee Amendment "A" and House Amendment "A" and Senate Amendment "B" (S-470) in non-concurrence.

In the House: On motion of Mr. Tierney of Durham, the House voted to recede and concur.

#### Messages and Documents

The following Communication:

STATE OF MAINE  
DEPARTMENT OF STATE  
AUGUSTA, MAINE

March 23, 1976

Mr. Edwin H. Pert, Clerk  
House of Representatives  
State House  
Augusta, Maine 04333  
Dear Mr. Pert:

Pursuant to Rule 111, Section 641 of the Rules of the House of Representatives, U.S.A., I have been directed by Mr. Edmund L. Henshaw, Jr., Clerk, House of Representatives, U.S.A., to deliver a printed copy of the Journal of the House to your office.

With kind regards, I am

Sincerely,

Signed:

MARKHAM L. GARTLEY  
Secretary of State

The Communication was read and with accompanying papers ordered placed on file.

#### Orders

Mr. Doak of Rangeley presented the following Joint Order and moved its passage: (H. P. 2244)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Mrs. Arbeth Hodgkins Who Has Completed 30 Years of Faithful Service as the Town Clerk of Rangeley

We the Members of the House of Representatives and Senate do hereby Order that our congratulations and acknowledgement be extended; and further

Order and direct, while duly assembled in session at the Capitol in Augusta, under the Constitution and Laws of the State of Maine, that this official expression of pride be sent

forthwith on behalf of the Legislature and the people of the State of Maine.

The Order was read and passed and sent up for concurrence.

Mr. DOW of West Gardiner presented the following Joint Order and moved its passage: (H. P. 2245)

WHEREAS, the Department of Inland Fisheries and Wildlife administers the regulation of snowmobiles and watercraft; and

WHEREAS, these programs comprise a significant responsibility for that Department; and

WHEREAS, no assessment has been made of the level and method of levying fees, their subsequent distribution and use and the organizational placement of the two programs; and

WHEREAS, some activities of State Government are regulated, implemented and enforced by separate independent entities such as commissions; and

WHEREAS, this form of governing is not necessarily the most efficient and economical; and

WHEREAS, general revenues are expended for these programs; now, therefore, be it

ORDERED, the Senate concurring, that the Joint Standing Committee on Performance Audit shall review current Snowmobile and Watercraft registration programs to find the most efficient method of carrying out that function of the Department, and to determine whether a different procedure or Department is better equipped to carry out those responsibilities; and shall review programs that might be more efficiently and economically carried on within the Department of Inland Fisheries and Wildlife, such as the Salmon Commission, the level of funding necessary to carry out those programs and the most equitable source of funding them; and be it further

ORDERED, that the committee shall complete this study no later than 90 days prior to the next regular session of the Legislature, and submit to the Legislative Council within the same time period its findings and recommendations, including copies of any recommended legislation in final draft form; and be it further

ORDERED, that upon passage of this Order in concurrence, the Clerk of the House shall forward a suitable copy of this Order to the Senate and House chairmen of the committee.

The Order was read.

The SPEAKER: The Chair recognizes the gentleman from West Gardiner, Mr. Dow.

Mr. DOW: Mr. Speaker and Members of the House: The Performance Audit Committee did a study on Fish and Game and we made some recommendations. This is one that we didn't have time to finish and we would like to have a chance to look at these two items, so I move the passage of this order.

Thereupon, the Order received passage and was sent up for concurrence.

Mr. Spencer of Standish presented the following Joint Resolution and moved its adoption: (H. P. 2246) (Cosponsors: Mrs. Goodwin of Bath, Mr. Peterson of Windham, Mr. Jalbert of Lewiston)

Joint Resolution Concerning Federal Requirements for Use of Minibus Service for the Elderly Funded Under the Social Security Act

WHEREAS, many elderly citizens in the rural areas of the State of Maine currently depend on minibus transportation services which are partially funded under Title XX of the Social Security Act; and

WHEREAS, the income verification procedures established by the regulations adopted pursuant to Title XX of the Social Security Act are discouraging many of these

elderly citizens from continuing to use these minibus transportation services; and

WHEREAS, there is now pending before the Congress of the United States legislation which would suspend the income verification requirements for elderly citizens utilizing said minibus transportation services while the Congress reviews these requirements; now, therefore, be it

RESOLVED: That we, the Members of the 107th Legislature assembled in Special Session, do hereby respectfully urge and request that the Members of the Maine Delegation of the United States Congress seek to have the requirements referred to above suspended in order to permit Maine's elderly citizens to use minibus services without being required to disclose their annual income; and be it further

RESOLVED: That duly attested copies of this Resolution be immediately transmitted to those congressional delegates with our thanks for their prompt attention to this important matter.

The Resolution was read and adopted and sent up for concurrence.

#### Later Today Assigned

Mr. Palmer of Nobleboro presented the following Joint Order and moved its passage: (H. P. 2247) (Cosponsor: Mr. Rolde of York)

WHEREAS, the subject of state taxation policy has been of great concern to both the regular and first special session of the 107th Legislature; and

WHEREAS, the Governor of this State has indicated his concern over state tax policy and has received recommendations concerning state tax policy from a committee which he appointed and directed to study the subject; and

WHEREAS, it is apparent to the Members of this Legislature that state tax policy must be looked at as a whole, and not merely in part, as it concerns one or another aspect of state or local government; now, therefore, be it

ORDERED, the Senate concurring, that there is created a Joint Select Committee on State Tax Policy, to consist of 5 Representatives to be appointed by the Speaker of the House, 3 Senators to be appointed by the President of the Senate, and 6 public members to be appointed jointly by the Speaker of the House and the President of the Senate, one public member to be representative of the interests of consumers, one public member to be representative of the interests of agriculture, one public member to be representative of the interests of industry, one public member to be representative of the interests of local government, one public member to be representative of coastal interests and one public member to have served on the Governor's Tax Policy Committee; the chairman of the committee to be elected by a majority of the members of the committee; and be it further

ORDERED, that this committee shall study the past and present tax policy of this State and of other states and shall attempt to recommend a clear and comprehensive tax policy which is equitable for each of Maine's citizens and which yields the maximum benefits for all of Maine's people; and be it further

ORDERED, that the committee shall submit its report, together with complete and final drafts of any proposed legislation, to the Legislative Council by November 15, 1976; and be it further

ORDERED, that members of this committee shall be reimbursed from the legislative account in the same manner as if they were members of a joint standing committee of the Legislature; and be it further

ORDERED, that the Legislative Administrative Director shall furnish the committee reasonable staff assistance as the chairman