

# MAINE STATE LEGISLATURE

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LEGISLATIVE COUNCIL

MAY 19, 1987

AGENDA

CALL TO ORDER

ROLL CALL

SECRETARY'S REPORT

- Minutes of May 13, 1987, Council Meeting

DIRECTOR'S REPORT

- Approved Step Increases

REPORTS FROM COUNCIL COMMITTEES

OLD BUSINESS

NEW BUSINESS

- Item #1: Committee to Study the Retirement System:  
Staffing
- Item #2: After Deadline Requests
- Item #3: Requests from Committee to Carry Bills Over to  
Second Regular Session

SEN. CHARLES P. PRAY  
CHAIRMAN

REP. JOHN L. MARTIN  
VICE-CHAIRMAN



STATE OF MAINE  
LEGISLATIVE COUNCIL  
STATE HOUSE  
AUGUSTA, MAINE 04333

SEN. NANCY RANDALL CLARK  
SEN. DENNIS L. DUTREMBLE  
SEN. THOMAS R. PERKINS  
SEN. CHARLES M. WEBSTER  
REP. JOHN N. DIAMOND  
REP. DAN A. GWADOSKY  
REP. THOMAS W. MURPHY, JR.  
REP. EUGENE J. PARADIS

## LEGISLATIVE COUNCIL

MAY 13, 1987

### MEETING SUMMARY

APPROVED MAY 19, 1987

#### CALL TO ORDER

The meeting of the Legislative Council was called to order in the Council Chambers by the Chairman, Senator Pray, at 10:45 a.m..

#### ROLL CALL

Senators: Sen. Clark, Sen. Dutremble, Sen. Perkins, Sen. Pray, Sen. Webster  
Absent: Sen. Perkins

Representatives: Rep. Diamond, Rep. Gwardosky, Rep. Martin, Rep. Paradis  
Absent: Rep. Murphy

#### Legislative Officers:

Sally Diamond	Executive Director, Legislative Council
Peter Siegel	Law Librarian
Richard Sawyer	Deputy Director, Office of Fiscal and Program Review
Helen Ginder	Director, Office of Policy and Legal Analysis
David Silsby	Revisor of Statutes
John Bailey	Director, Information Services

#### SECRETARY'S REPORT

The summary of the Council's May 5, 1987, meeting was approved and placed on file (Motion by Rep. Diamond; second by Sen. Webster; unanimous).

## DIRECTOR'S REPORT

Item #1: Approved Step Increases

Gro Flatebo, Legislative Analyst, (Salary Range 10),  
from Step B to Step C, effective April 28, 1987.

Norma Larrabee, Law Library Assistant (Salary Range 3),  
from Step C to Step D, effective May 7, 1987.

## REPORTS FROM COUNCIL COMMITTEES

Item #1: Committee on Effective Utilization of Legislative Space

Sen. Pray, Committee Chair summarized the items the Committee had discussed at its recent meeting, and pointed out the interrelatedness of several of the proposals. They include the following:

1) Handicapped accessibility to the House Gallery

The Council has already authorized this project. Emphasis now is on identifying alternative ways to provide accessibility, the implications of these alternatives for current space assignments (e.g. press occupancy of Rm. 400 and copying machines in Rm. 401), and the costs associated with each. An architect recommended by Earle Shettleworth, Director of the Historic Preservation Commission, is in the process of developing alternatives.

2) Location of all Committee Offices in the State House

Three Committees are still located in the State Office Building, and two committees are currently sharing space. Sen. Pray noted that there are several options available, including reallocation of existing space on the 4th floor and construction of additional offices on the first floor at the south end. Implementation of these would entail options relocating the computer room, and the possible relocation of the Maine-Canadian Office.

3) Press Space

The Committee is continuing to explore the feasibility of constructing a facility for use by the State House press. Pursuit of this project may involve relocation of some of the press corps for the Second Regular Session.

4) Extending the "mezzanine" level over Room 225

This would provide additional office space required by the Office of Fiscal and Program Review. In discussion Council members expressed concern that this extension be limited to Room 223, leaving Room 221, the Taxation Committee hearing room as is.

5) Removing the "inner" stairway between Room 106 and the Library Reading Room

This was approved by the 112th Council, but was deferred until the Library had use of the Liquor Warehouse which is currently being retrofitted as a Central Storage Facility.

No Council Action required.

Item #2: Personnel Committee

The Committee Chair, Rep. Martin, reported that the Committee had voted unanimously to implement a self-funded income protection plan for legislative employees under which eligible employees would receive 2/3 of their salary for up to six months. Application to receive benefits would be made through the Executive Director. All applications would then be reviewed by the Personnel Committee for a final recommendation to the Council. Rep. Martin also noted that Session employees would be eligible during the time of their employment.

Motion: That a self-funded income protection plan be implemented for legislative employees effective as soon as administrative details are in place (Motion by Rep. Martin; second by Sen. Perkins; unanimous).

Item #3: Committee on Legislative Automation

Rep. Diamond, Committee Chair, reported that the Committee would meet later in the day.

OLD BUSINESS

None.

NEW BUSINESS

Item #2: After Deadline Requests

A list of After Deadline Requests considered by the Council and a summary of the Council's action is attached.

ADJOURNMENT

The Legislative Council meeting was adjourned at 11:30 a.m.  
(Motion by Sen. Dutremble; second by Rep. Diamond; unanimous).

SARAH C. DIAMOND  
EXECUTIVE DIRECTOR  
OF THE LEGISLATIVE COUNCIL



MAINE STATE LEGISLATURE  
OFFICE OF THE EXECUTIVE DIRECTOR  
LEGISLATIVE COUNCIL

May 19, 1987

TO: Chairs, Joint Standing Committees

FROM: Sally Diamond *Sally*  
Executive Director, Legislative Council

SUBJECT: Legislative Council Action on Requests to Carry Over Bills

The Legislative Council considered the requests it has received to date to carry bills over to the Second Regular Session at its meeting this morning. The Council's action is summarized on the enclosed list.

Enclosure

cc: Members of the Legislative Council  
Joy J. O'Brien, Secretary of the Senate  
Edwin H. Pert, Clerk of the House  
Legislative Staff Directors  
Charlotte Carrie, Information Officer

## Legislative Council

Action on Requests to Carry Over Bills  
to the Second Regular Session

Date: May 19, 1987

Committee Name	Title	Sponsors	Action
Agriculture L.D. 1368	An Act to Create a Maine Dairy Stabilization Fund	MCGOWAN TARDY PARENT MATTHEWS Z	APPROVED
Banking and Insurance L.D. 208	An Act to Amend the Maine Business Corporation Act and the Maine Nonprofit Corporation Act to Enable Maine Stock and Nonstock Corporations to Adopt Limits on Director Liability and to Modernize Indemnification Provisions	MARTIN J PERKINS PARADIS E PRAY	APPROVED
L.D. 380	An Act Pertaining to the Establishment of Mandatory Risk-sharing Plans	STEVENS P RYDELL BUSTIN	APPROVED
L.D. 621	An Act to Provide Flexible Rating for Property and Casualty Insurance	BRANNIGAN MARTIN J BUSTIN	APPROVED
L.D. 810	An Act to Create the Maine Property and Casualty Joint Underwriting Association	THERIAULT ALLEN RACINE	APPROVED
L.D. 1547	An Act to Create Immunity from Liability	MACBRIDE VOSE BRANNIGAN BLACK	APPROVED
Human Resources L.D. 332	An Act to Require the Department of Human Services to Reimburse Nursing Homes for the Reasonable Costs of Recruiting, Training and Retaining Qualified Nursing Staff	BUSTIN BOUTILIER HICKEY	APPROVED
L.D. 467	An Act to Expand the Medicaid Dental Program to Include Adults	BUSTIN GAUVREAU MARTIN J DIAMOND	APPROVED



## Legislative Council

Action on Requests to Carry Over Bills  
to the Second Regular Session

Date: May 19, 1987

Committee Name	Title	Sponsors	Action
Human Resources L.D. 467	An Act to Expand the Medicaid Dental Program to Include Adults	BUSTIN GAUVREAU MARTIN J DIAMOND	APPROVED
Judiciary L.D. 2	An Act Establishing an Immunity from Civil Liability for Certain Shelters for the Homeless	KANY JACQUES JOSEPH LACROIX	APPROVED
L.D. 250	An Act Affecting Joint and Several Liability	HILLOCK ARMSTRONG	APPROVED
L.D. 256	An Act to Amend the Maine Tort Claims Act Regarding Punitive Damages	HILLOCK ARMSTRONG	APPROVED
L.D. 268	An Act to Create the Litigation Accountability Act	HILLOCK COLLINS	APPROVED
L.D. 269	An Act to Create a Noneconomic Damages Award Act	HILLOCK COLLINS	APPROVED
L.D. 294	An Act to Broaden Peer Review Immunity	KIMBALL HANLEY THISTLE CLARK M	APPROVED
L.D. 338	An Act to Exempt Directors of Credit Unions from Liability on Certain Matters	WARREN	APPROVED
L.D. 358	An Act to Amend the Maine Tort Claims Act to Remove Joint and Several Liability for Government Entities	MANNING CURRAN	APPROVED

## Legislative Council

Action on Requests to Carry Over Bills  
to the Second Regular Session

Date: May 19, 1987

Committee Name	Title	Sponsors	Action
Judiciary			
L.D. 526	An Act to Abolish Joint and Several Liability	RUHLIN DAVIS PARADIS P COLLINS	APPROVED
L.D. 535	An Act Regarding Liability for Foster Parents for Children and Adults	CLARK M COTE	APPROVED
L.D. 539	An Act to Reform Provisions of the Civil Justice System	TWITCHELL PERKINS VOSE	APPROVED
L.D. 584	An Act Establishing Peer Review Immunity for Licensed Psychologists	GAUVREAU ROLDE GILL CONLEY	APPROVED
L.D. 634	An Act Limiting the Liability of Directors and Officers of Charitable Organizations	SEAVEY STANLEY ZIRNKILTON ANTHONY	APPROVED
L.D. 657	An Act Amending the Workers' Compensation Laws Exempting Design Professionals from General Civil Liability for Injuries on Construction Projects	CLARK N WEBSTER M COLLINS BOUTILIER	APPROVED
L.D. 797	An Act to Establish Policies Governing Medical Malpractice Claims	ROLDE	APPROVED
L.D. 820	An Act to Eliminate Ad Damnum Clause in Cases Involving Unliquidated Damages	MARTIN J PARADIS P MARSANO PRIEST	APPROVED

## Legislative Council

Action on Requests to Carry Over Bills  
to the Second Regular Session

Date: May 19, 1987

Committee Name	Title	Sponsors	Action
Judiciary			
L.D. 832	An Act Pertaining to Civil Liability for Volunteers	SMITH SOUCY MICHAUD STROUT D	APPROVED
L.D. 1204	An Act to Amend the Civil Commitment Procedures to Protect the Health and Safety of Certain Mentally Ill Individuals	GILL GAUVREAU PARADIS P TAYLOR	APPROVED
L.D. 1221	An Act to Apportion Fault under the Comparative Negligence Law	WARREN COTE THISTLE	APPROVED
L.D. 1453	An Act to Provide Immunity from Civil Liability for Certain Emergency Medical Service System Participants	GREENLAW DILLENBACK DEXTER CARROLL	APPROVED
Labor			
L.D. 1029	An Act to Provide Due Process in Unemployment Insurance Appeals	MARTIN J DUTREMBLE D MCHENRY	APPROVED
Legal Affairs			
L.D. 790	An Act to Amend the Law Regarding Training for Law Enforcement Officers	KANY TUPPER KETOVER PAUL	APPROVED
L.D. 1269	An Act Concerning the Sale of Dessert Wine	REEVES ROLDE PERRY DILLENBACK	APPROVED

## Legislative Council

Action on Requests to Carry Over Bills  
to the Second Regular Session

Date: May 19, 1987

<u>Committee Name</u>	<u>Title</u>	<u>Sponsors</u>	<u>Action</u>
State and Local Government L.D. 498	An Act to Require Reimbursement to the Counties when County Funds are Expended	ROTONDI HOGLUND RAND BUSTIN	APPROVED
L.D. 1078	An Act Requiring Funding of State-mandated Programs	SMITH DEXTER THISTLE	APPROVED
✓ L.D. 1149	An Act Requiring Fiscal Impact Statements Describing the Costs and Benefits Associated with Each Legislative Document and Agency Rule that Affect Political Subdivisions of the State	WEBSTER M OGARA PARENT GOULD R R	APPROVED

--- End of Report ---

SARAH C. DIAMOND  
EXECUTIVE DIRECTOR  
OF THE LEGISLATIVE COUNCIL



MAINE STATE LEGISLATURE  
OFFICE OF THE EXECUTIVE DIRECTOR  
LEGISLATIVE COUNCIL

DIRECTOR'S REPORT  
MAY 19, 1987

Approved Step Increases

Laura Goss, Law Library Associate (Salary Range 5), from Step G to Step Q, effective May 15.

## Legislative Council

Action on Requests to Carry Over Bills  
to the Second Regular Session

Committee Name	Title	Sponsors
Agriculture		
L.D. 1368	An Act to Create a Maine Dairy Stabilization Fund	MCGOWAN TARDY PARENT MATTHEWS Z
Banking and Insurance		
L.D. 208	An Act to Amend the Maine Business Corporation Act and the Maine Nonprofit Corporation Act to Enable Maine Stock and Nonstock Corporations to Adopt Limits on Director Liability and to Modernize Indemnification Provisions	MARTIN J PERKINS PARADIS E PRAY
L.D. 380	An Act Pertaining to the Establishment of Mandatory Risk-sharing Plans	STEVENS P RYDELL BUSTIN
L.D. 621	An Act to Provide Flexible Rating for Property and Casualty Insurance	BRANNIGAN MARTIN J BUSTIN
L.D. 810	An Act to Create the Maine Property and Casualty Joint Underwriting Association	THERIAULT ALLEN RACINE
L.D. 1547	An Act to Create Immunity from Liability	MACBRIDE VOSE BRANNIGAN BLACK
Judiciary		
L.D. 2	An Act Establishing an Immunity from Civil Liability for Certain Shelters for the Homeless	KANY JACQUES JOSEPH LACROIX

113TH MAINE STATE LEGISLATURE FIRST REGULAR SESSION

Legislative Council

Action on Requests to Carry Over Bills  
to the Second Regular Session

<u>Committee Name</u>	<u>Title</u>	<u>Sponsors</u>
L.D. 250	An Act Affecting Joint and Several Liability	HILLOCK ARMSTRONG
L.D. 256	An Act to Amend the Maine Tort Claims Act Regarding Punitive Damages	HILLOCK ARMSTRONG
L.D. 268	An Act to Create the Litigation Accountability Act	HILLOCK COLLINS
L.D. 269	An Act to Create a Noneconomic Damages Award Act	HILLOCK COLLINS
L.D. 294	An Act to Broaden Peer Review Immunity	KIMBALL HANLEY THISTLE CLARK M
L.D. 338	An Act to Exempt Directors of Credit Unions from Liability on Certain Matters	WARREN
L.D. 358	An Act to Amend the Maine Tort Claims Act to Remove Joint and Several Liability for Government Entities	MANNING CURRAN
L.D. 526	An Act to Abolish Joint and Several Liability	RUHLIN DAVIS PARADIS P COLLINS
L.D. 535	An Act Regarding Liability for Foster Parents for Children and Adults	CLARK M COTE
L.D. 539	An Act to Reform Provisions of the Civil Justice System	TWITCHELL PERKINS VOSE

## Legislative Council

Action on Requests to Carry Over Bills  
to the Second Regular Session

Committee Name	Title	Sponsors
L.D. 584	An Act Establishing Peer Review Immunity for Licensed Psychologists	GAUVREAU ROLDE GILL CONLEY
L.D. 634	An Act Limiting the Liability of Directors and Officers of Charitable Organizations	SEAVEY STANLEY ZIRNKILTON ANTHONY
L.D. 657	An Act Amending the Workers' Compensation Laws Exempting Design Professionals from General Civil Liability for Injuries on Construction Projects	CLARK N WEBSTER M COLLINS BOUTILIER
L.D. 797	An Act to Establish Policies Governing Medical Malpractice Claims	ROLDE
L.D. 820	An Act to Eliminate Ad Damnum Clause in Cases Involving Unliquidated Damages	MARTIN J PARADIS P MARSANO PRIEST
L.D. 832	An Act Pertaining to Civil Liability for Volunteers	SMITH SOUCY MICHAUD STROUT D
L.D. 1204	An Act to Amend the Civil Commitment Procedures to Protect the Health and Safety of Certain Mentally Ill Individuals	GILL GAUVREAU PARADIS P TAYLOR
L.D. 1221	An Act to Apportion Fault under the Comparative Negligence Law	WARREN COTE THISTLE



14TH MAINE STATE LEGISLATURE FIRST REGULAR SESSION

Legislative Council

Action on Requests to Carry Over Bills  
to the Second Regular Session

Committee Name	Title	Sponsors
L.D. 1453	An Act to Provide Immunity from Civil Liability for Certain Emergency Medical Service System Participants	GREENLAW DILLENBACK DEXTER CARROLL
Labor L.D. 1029	An Act to Provide Due Process in Unemployment Insurance Appeals	MARTIN J DUTREMBLE D MCHENRY
Legal Affairs L.D. 790	An Act to Amend the Law Regarding Training for Law Enforcement Officers	KANY TUPPER KETOVER PAUL
L.D. 1269	An Act Concerning the Sale of Dessert Wine	REEVES ROLDE PERRY DILLENBACK

--- End of Report ---

## Legislative Council

Action on Requests to Carry Over Bills  
to the Second Regular Session

Date: May 19, 1987

Committee Name	Title	Sponsors	Action
Agriculture L.D. 1368	An Act to Create a Maine Dairy Stabilization Fund	MCGOWAN TARDY PARENT MATTHEWS Z	APPROVED
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L.D. 810	An Act to Create the Maine Property and Casualty Joint Underwriting Association	THERIAULT ALLEN RACINE	APPROVED
L.D. 1547	An Act to Create Immunity from Liability	MACBRIDE VOSE BRANNIGAN BLACK	APPROVED
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L.D. 467	An Act to Expand the Medicaid Dental Program to Include Adults	BUSTIN GAUVREAU MARTIN J DIAMOND	APPROVED

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L.D. 1269	An Act Concerning the Sale of Dessert Wine	REEVES ROLDE PERRY DILLENBACK	APPROVED

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Action on Requests to Carry Over Bills  
to the Second Regular Session

Date: May 19, 1987

<u>Committee Name</u>	<u>Title</u>	<u>Sponsors</u>	<u>Action</u>
State and Local Government L.D. 498	An Act to Require Reimbursement to the Counties when County Funds are Expended	ROTONDI HOGLUND RAND BUSTIN	APPROVED
L.D. 1078	An Act Requiring Funding of State-mandated Programs	SMITH DEXTER THISTLE	APPROVED
L.D. 1149	An Act Requiring Fiscal Impact Statements Describing the Costs and Benefits Associated with Each Legislative Document and Agency Rule that Affect Political Subdivisions of the State	WEBSTER M OGARA PARENT GOULD R R	APPROVED

--- End of Report ---

REQUESTS TO CARRY OVER BILLS: SUPPLEMENT

MAY 19, 1987

Committee

Title

Sponsors

Human Resources

L.D. 332

An Act to Require the Department of Human Services to Reimburse Nursing Homes for the Reasonable Costs of Recruiting, Training, and Retaining Qualified Nursing Staff.

L.D. 467

An Act to Expand the Medicaid Dental Program to Include Adults.

State and Local Government

L.D. 498

An Act to Require Reimbursement to the Counties when County Funds are Expended.

L.D. 1078

An Act Requiring Funding of State-mandated Programs.

L.D. 1149

An Act Requiring Fiscal Impact Statements Describing THE Costs and Benefits Associated with Each Legislative Document and Agency Rule that Affect Political Subdivisions of the State.

SENATE

ZACHARY MATTHEWS, DISTRICT 13, CHAIR  
R. DONALD TWITCHELL, DISTRICT 15  
HENRY W. BLACK, DISTRICT 25

CHRISTOS GIANOPOULOS, LEGISLATIVE ANALYST  
HAVEN WHITESIDE, LEGISLATIVE ANALYST  
MARSHA GENDREAU, COMMITTEE CLERK



HOUSE

ROBERT J. TARDY, PALMYRA, CHAIR  
JOHN A. ALIBERTI, LEWISTON  
B. CAROLYNE T. MAHANY, EASTON  
JOHN N. NUTTING, LEEDS  
ROBERT E. HUSSEY, JR., MILO  
WESTON R. SHERBURNE, DEXTER  
PAUL PARENT, BENTON  
HARLAND W. BRAGG, SIDNEY  
WALTER E. WHITCOMB, WALDO  
SUSAN J. PINES, LIMESTONE

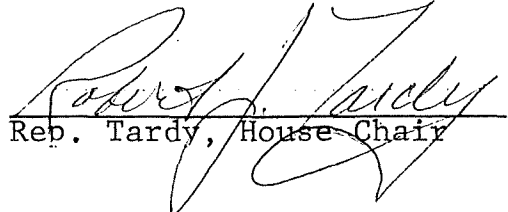
STATE OF MAINE  
ONE HUNDRED AND THIRTEENTH LEGISLATURE  
COMMITTEE ON AGRICULTURE

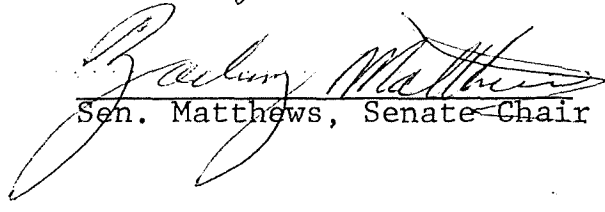
May 14, 1987

To: Charles P. Pray, Chair  
Legislative Council

The Committee on Agriculture requests permission to carry over to the Second Regular Session L.D. 1368, An Act to Create a Maine Dairy Stabilization Fund.

This is pending the results of a Milk Commission study of producer (farmer) costs.

  
Rep. Tardy, House Chair

  
Sen. Matthews, Senate Chair



SENATE

RAYNOLD THERIAULT, DISTRICT 1, CHAIR  
BEVERLY MINER BUSTIN, DISTRICT 19  
DONALD F. COLLINS, DISTRICT 2

JERI GAUTSCHI, LEGISLATIVE ANALYST  
SANDRA CHESLEY, COMMITTEE CLERK



HOUSE

CHARLENE B. RYDELL, BRUNSWICK, CHAIR  
PHYLLIS R. ERWIN, RUMFORD  
HERBERT E. CLARK, MILLINOCKET  
P. KELLEY SIMPSON, CASCO  
ROBERT J. TARDY, PALMYRA  
RICHARD H.C. TRACY, ROME  
JOHN C. BOTT, ORONO  
MARY C. WEBSTER, CAPE ELIZABETH  
PHILIP E. CURRAN, WESTBROOK  
JOSEPH A. GARLAND, BANGOR

STATE OF MAINE  
ONE HUNDRED AND THIRTEENTH LEGISLATURE  
COMMITTEE ON BANKING AND INSURANCE

May 13, 1987

Senator Charles Pray, Chairman  
Legislative Council  
Maine State Legislature

Dear President Pray:

The Joint Standing Committee on Banking and Insurance requests that the following bills be held over to the Second Regular Session of the 113th Legislature.

LD 621 AN ACT to Provide Flexible Rating for Property and Casualty Insurance

LD 380 AN ACT Pertaining to the Establishment of Mandatory Risk-Sharing Plans

LD 810 AN ACT to Create the Maine Property and Casualty Joint Underwriting Association

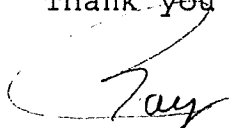
LD 208 AN ACT to Amend the Maine Business Corporation Act and the Maine Nonprofit Corporation Act to Enable Maine Stock and Nonstock Corporations to Adopt Limits on Director Liability and to Modernize Indemnification Provisions


LD 1547 AN ACT to Create Immunity from Liability

The Committee has held hearings and work sessions on the first four bills. The last bill, LD 1547, was recently assigned to the committee. We will be sending these bills along with information received and recommendations to the Commission to Examine Problems of Tort Litigation and Liability Insurance in Maine.

Thank you for your consideration of this matter.

Sincerely,

  
Raynold Theriault  
Senate Chair

  
Charlene Rydell  
House Chair

JG/B&I/jj/0163\*

STATE HOUSE STATION 115, AUGUSTA, MAINE 04333 TELEPHONE: 207-289-1314

**SENATE**

**JOSEPH C. BRANNIGAN**, DISTRICT 29, CHAIR  
**N. PAUL GAUVREAU**, DISTRICT 23  
**HENRY W. BLACK**, DISTRICT 25

**MARTHA FREEMAN**, LEGISLATIVE ANALYST  
**GILBERT BREWER**, LEGISLATIVE ANALYST  
**CONNIE PENA**, COMMITTEE CLERK



**HOUSE**

**PATRICK E. PARADIS**, AUGUSTA, CHAIR  
**DANIEL E. WARREN**, SCARBOROUGH  
**HARRY L. VOSE**, EASTPORT  
**CONSTANCE D. COTE**, AUBURN  
**GERARD P. CONLEY, JR.**, PORTLAND  
**DALE F. THISTLE**, DOVER-FOXCROFT  
**MARY H. MACBRIDE**, PRESQUE ISLE  
**JEANNE F. BEGLEY**, WALDOBORO  
**DANA C. HANLEY**, PARIS  
**FRANCIS C. MARSANO**, BELFAST

STATE OF MAINE  
ONE HUNDRED AND THIRTEENTH LEGISLATURE  
**COMMITTEE ON JUDICIARY**

May 14, 1987

The Honorable Charles P. Pray  
Chairman, Legislative Council  
State House Station 3  
Augusta, ME 04333

Dear President Pray:

On behalf of the Judiciary Committee, we request approval of the Legislative Council to carry over the following bills to next session.

- LD 2 AN ACT Establishing an Immunity from Civil Liability for Certain Shelters for the Homeless
- LD 250 AN ACT Affecting Joint and Several Liability
- LD 256 AN ACT to Amend the Maine Tort Claims Act Regarding Punitive Damages
- LD 268 AN ACT to Create the Litigation Accountability Act
- LD 269 AN ACT to Create a Noneconomic Damages Award Act
- LD 294 AN ACT to Broaden Peer Review Immunity
- LD 338 AN ACT to Exempt Directors of Credit Unions from Liability on Certain Matters
- LD 358 AN ACT to Amend the Maine Tort Claims Act to Remove Joint and Several Liability for Government Entities
- LD 526 AN ACT to Abolish Joint and Several Liability

LD 535 AN ACT Regarding Liability for Foster Parents for Children and Adults

LD 539 AN ACT to Reform Provisions of the Civil Justice System

LD 584 AN ACT Establishing Peer Review Immunity for Licensed Psychologists

LD 634 AN ACT Limiting the Liability of Directors and Officers of Charitable Organizations

LD 657

~~LD 637 AN ACT to Protect the Ownership of Land held by Legal Title~~

LD 797 AN ACT to Establish Policies Governing Medical Malpractice Claims

LD 820 AN ACT to Eliminate Ad Damnum Clause in Cases Involving Unliquidated Damages

LD 832 AN ACT Pertaining to Civil Liability for Volunteers

LD 1204 AN ACT to Amend the Civil Commitment Procedures to Protect the Health and Safety of Certain Mentally Ill Individuals

LD 1221 AN ACT to Apportion Fault under the Comparative Negligence Law

LD 1453 AN ACT to Provide Immunity from Civil Liability for Certain Emergency Medical Service System Participants

We are requesting that LD 1204 be carried over because we received that request from the bill's sponsors and the Maine Psychiatric Association. Apparently, further research by and discussion among the Association, the Department of Mental Health and Mental Retardation, and the Attorney General's Office must occur before the bill can go forward.

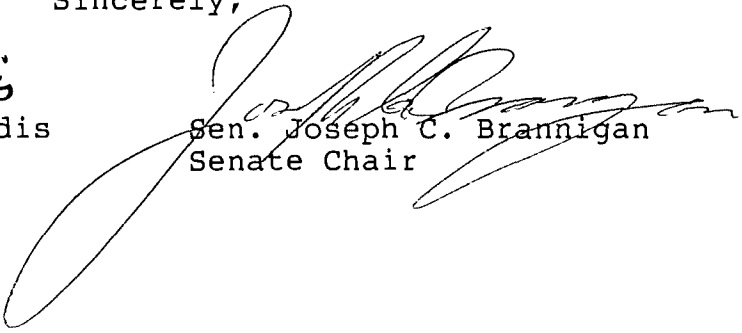
The remaining bills listed in this carry-over request pertain to the subject of tort reform. We have identified these bills as being with the scope of the study by the Commission to Examine Problems of Tort Litigation and Liability Insurance in Maine. We seek to have these bills carried over so that the Judiciary Committee and Legislature may receive the benefit of the Commission's report, due in January of 1988, before taking action on these bills.

Thank you and the other members of the Legislative Council  
for considering our carry-over request.

Sincerely,



Rep. Patrick E. Paradis  
House Chair



Sen. Joseph C. Brannigan  
Senate Chair

0195\*

**SENATE**

**DENNIS L. DUTREMBLE**, DISTRICT 34, CHAIR  
**THOMAS H. ANDREWS**, DISTRICT 30  
**DONALD F. COLLINS**, DISTRICT 2



**HOUSE**

**EDWARD A. MCHENRY**, MADAWASKA, CHAIR  
**ANTONIO J. TAMMARO**, BAILEYVILLE  
**RUTH JOSEPH**, WATERVILLE  
**MONA WALKER HALE**, SANFORD  
**RICHARD P. RUHLIN**, BREWER  
**ANNE M. RAND**, PORTLAND  
**RALPH M. WILLEY**, HAMPDEN  
**JEANNE F. BEGLEY**, WALDOBORO  
**MICHAEL F. HEPBURN**, SKOWHEGAN  
**STEPHEN M. ZIRNKILTON**, MOUNT DESERT

**GILBERT BREWER**, LEGISLATIVE ANALYST  
**KIMBERLY S. WHITEHOUSE**, COMMITTEE CLERK

STATE OF MAINE  
ONE HUNDRED AND THIRTEENTH LEGISLATURE  
**COMMITTEE ON LABOR**

**TO:** Sen. Charles P. Pray  
Legislative Council, Chairman

**FROM:** Joint Standing Committee on Labor

**DATE:** May 15, 1987

**SUBJECT:** L.D. 1029

The Committee wishes to have L.D. 1029 carried over to the 2nd session of the 113th Legislature.

SENATE

JUDY C. KANY, DISTRICT 17, CHAIR  
STEPHEN C. ESTES, DISTRICT 35  
ROBERT G. DILLENBACK, DISTRICT 27

MARGARET REINSCH, LEGISLATIVE ANALYST  
DEBBIE MCKAY, COMMITTEE CLERK



HOUSE

CHARLES R. PRIEST, BRUNSWICK, CHAIR  
FRANCIS D. PERRY, MEXICO  
NORMAN R. PAUL, SANFORD  
HILDA C. MARTIN, VAN BUREN  
JOHN JALBERT, LISBON  
ELEANOR M. MURPHY, BERWICK  
DANA P. STEVENSON, UNITY  
BETTY J. HARPER, LINCOLN  
ALBERT G. STEVENS, SABATTUS  
HELEN M. TUPPER, ORRINGTON

STATE OF MAINE  
ONE HUNDRED AND THIRTEENTH LEGISLATURE  
COMMITTEE ON LEGAL AFFAIRS

May 11, 1987

President Charles P. Pray  
Chairman, Legislative Council  
State House Station 2

Re: LD 1269 AN ACT Concerning the Sale of Dessert Wine

Dear President Pray:

The Joint Standing Committee on Legal Affairs requests permission to hold until the Second Regular Session LD 1269: AN ACT Concerning the Sale of Dessert Wine. The Committee is in general agreement that the concept of the bill is worthwhile. The Bureau of Alcoholic Beverages and liquor licensees are also in favor of the idea.

There exist, however, several administrative problems in putting that concept into law. If the Committee is permitted to hold the bill until next session, the Bureau of Alcoholic Beverages will have enough time to work out the taxing, licensing, definitional and premium problems and will present a proposal to the Committee in January. This will also give interested parties an opportunity to work with the Bureau to help draft the proposal.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Judy C. Kany".

Sen. Judy C. Kany  
Senate Chair

A handwritten signature in cursive script that reads "Charles R. Priest".

Rep. Charles R. Priest  
House Chair

SENATE

JUDY C. KANY, DISTRICT 17, CHAIR  
STEPHEN C. ESTES, DISTRICT 35  
ROBERT G. DILLENBACK, DISTRICT 27

MARGARET REINSCH, LEGISLATIVE ANALYST  
DEBBIE MCKAY, COMMITTEE CLERK



HOUSE

CHARLES R. PRIEST, BRUNSWICK, CHAIR  
FRANCIS D. PERRY, MEXICO  
NORMAN R. PAUL, SANFORD  
HILDA C. MARTIN, VAN BUREN  
JOHN JALBERT, LISBON  
ELEANOR M. MURPHY, BERWICK  
DANA P. STEVENSON, UNITY  
BETTY J. HARPER, LINCOLN  
ALBERT G. STEVENS, SABATTUS  
HELEN M. TUPPER, ORRINGTON

STATE OF MAINE  
ONE HUNDRED AND THIRTEENTH LEGISLATURE  
COMMITTEE ON LEGAL AFFAIRS

May 11, 1987

President Charles P. Pray  
Chairman, Legislative Council  
State House Station 2

Re: LD 790: AN ACT to Amend the Law Regarding Training for Law  
Enforcement Officers

Dear President Pray:

The Joint Standing Committee on Legal Affairs requests permission to hold LD 790: AN ACT to Amend the Law Regarding Training for Law Enforcement Officers until the Second Regular Session. The Maine Criminal Justice Academy is completing a report which is necessary to the proper deliberations on this issue.

The Committee would like to postpone action on this subject until all the information is before us. Once the report is completed, we will be able to analyze the depth of the problem, and work with the municipalities and the police departments to find satisfactory solutions.

The problem of untrained police officers is a serious situation and is recognized by the voters. We should not be forced to act in haste when so much is at stake.

Thank you for your consideration.

Sincerely,

*Judy C. Kany*  
Sen. Judy C. Kany  
Senate Chair

*Charles R. Priest*  
Rep. Charles R. Priest  
House Chair

0111\*

SENATE

N. PAUL GAUVREAU, DISTRICT 23, CHAIR  
JOHN M. KERRY, DISTRICT 31  
BARBARA A. GILL, DISTRICT 32

JOHN SELSER, LEGISLATIVE ANALYST  
LARRY ALBEE, COMMITTEE CLERK



HOUSE

PETER J. MANNING, PORTLAND, CHAIR  
NEIL ROLDE, YORK  
P. KELLEY SIMPSON, CASCO  
BRADFORD E. BOUTILIER, LEWISTON  
MARGARET PRUITT CLARK, BRUNSWICK  
JO ANNE D. LAPOINTE, AUBURN  
SUSAN J. PINES, LIMESTONE  
PRISCILLA G. TAYLOR, CAMDEN  
JEAN T. DELLERT, GARDINER  
WESLEY FARNUM, SOUTH BERWICK

STATE OF MAINE  
ONE HUNDRED AND THIRTEENTH LEGISLATURE  
COMMITTEE ON HUMAN RESOURCES

May 18, 1987

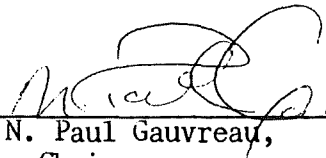
To: Charles P. Pray, Chair  
Legislative Council

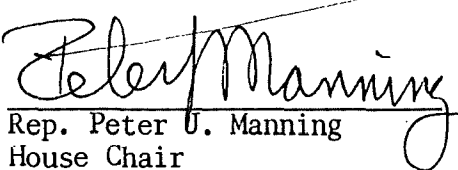
The Committee on Human Resources requests permission to carry over the following L.D.'s to the Second Regular Session of the 113th Legislature:

L.D. 332, An Act to Require the Department of Human Services to Reimburse Nursing Homes for the Reasonable Costs of Recruiting, Training, and Retaining Qualified Nursing Staff.

L.D. 467, An Act to Expand the Medicaid Dental Program to Include Adults.

Your consideration is appreciated.

  
Sen. N. Paul Gauvreau,  
Senate Chair

  
Rep. Peter J. Manning  
House Chair



SENATE

JOHN L. TUTTLE, JR., DISTRICT 33, CHAIR  
JOHN E. BALDACCI, DISTRICT 10  
ROBERT R. GOULD, DISTRICT 14

TED POTTER, LEGISLATIVE ANALYST  
JOHN KNOX, LEGISLATIVE ANALYST  
MICHAEL T. FLOOD, COMMITTEE CLERK



HOUSE

DONNELL P. CARROLL, GRAY, CHAIR  
DOROTHY A. ROTONDI, ATHENS  
BRADFORD E. BOUTILIER, LEWISTON  
ELAINE LACROIX, OAKLAND  
ROBERT E. HUSSEY, JR., MILO  
CUSHMAN D. ANTHONY, SOUTH PORTLAND  
ALBERTA M. WENTWORTH, WELLS  
GARY BICKFORD, JAY  
THEONE F. LOOK, JONESBORO  
BARBARA E. STROUT, WINDHAM

STATE OF MAINE  
ONE HUNDRED AND THIRTEENTH LEGISLATURE  
COMMITTEE ON STATE AND LOCAL GOVERNMENT

May 19, 1987

Senator Charles P. Pray  
Chairman, Legislative Council  
State House  
Augusta, ME 04333

Dear Chairman Pray:

The Joint Standing Committee on State and Local Government, at a work session held on May 18, 1987, voted unanimously to hold the following 3 bills over to the Second Regular Session of the 113th Legislature.

1. LD 498 AN ACT to Require Reimbursement to the Counties when County Funds are Expended;
2. LD 1078 AN ACT Requiring Funding of State-mandated Programs; and
3. LD 1149 AN ACT Requiring Fiscal Impact Statements Describing the Costs and Benefits Associated with Each Legislative Document and Agency Rule that Affect Political Subdivisions of the State.

These bills attempt to address a very controversial and complex issue that involves significant constitutional questions and many technical questions concerning reimbursement of political subdivisions of the State for State mandated programs.

The Committee on State and Local Government, therefore, requests the Legislative Council to authorize the committee to hold the three bills over to the Second Regular Session and to

conduct a study of the issue during the interim period. The committee would like to report to the Second Regular Session implementing legislation that satisfactorily resolves the objections and the problems of the 3 bills.

Thank you for your cooperation. We look forward to your response.

Sincerely yours,

Rep. Donnell P. Carroll  
House Chair

0314\*

Sen. John L. Tuttle, Jr.  
Senate Chair



Rainy Day Fund Program  
Unallocated

\$(1,200,000)

ADMINISTRATION, DEPARTMENT OF

Bureau of Public Improve-  
ments - Planning and Con-  
struction - Administration  
All Other

\$1,200,000

Transfers \$1,200,000  
from the Rainy Day Fund  
Program to the Bureau  
of Public Improvements  
- Planning and Con-  
struction Administra-  
tion to provide suffi-  
cient funds for the de-  
sign and reconstruction  
of the entrance to the  
Maine State Cultural  
Building and for relat-  
ed improvements. It is  
intended that these  
funds shall not lapse  
but shall remain avail-  
able for the same pur-  
pose.

Sec. 8. Black fly control; funds to carry over. Funds appropriated pursuant to Resolve 1985, chapter 41, for the study of black fly control shall carry over and be available for expenditure in the fiscal year ending on June 30, 1988.

→ Sec. 9. Committee to Study the Retirement System. There is established a committee to study the retirement system which shall consist of 6 members to be appointed as follows: Three members to be appointed jointly by the President of the Senate and the Speaker of the House; and 3 members appointed by the Governor, one of whom shall be designated by the Governor to serve as the committee chairman.

All appointments shall be made no later than 30 days following the effective date of this Act. The

Executive Director of the Legislative Council shall be notified by all appointing authorities once their selections have been finalized.

The first meeting of the committee shall be convened by the chairman of the Legislative Council.

1. Compensation. The legislative members of the committee shall receive the legislative per diem rate, as defined in the Maine Revised Statutes, Title 3, section 2. Legislators shall not be paid a per diem when they attend meetings of the committee while the Legislature is in session or in conjunction with serving on another board for which they receive compensation. All members of the committee shall be reimbursed for expenses upon application to the Executive Director of the Legislative Council.

2. Duties and responsibilities. The committee shall review all aspects of the Maine State Retirement System, to insure its present and future fiscal soundness, including, but not limited to:

A. The present and alternate systems or methods of funding and contributions;

B. The present and future investment methods and incomes, including investment management, reporting and policies;

C. The present and future expenses and costs of the system, including operating expenses, commissions, salaries and indirect costs;

D. The present and future benefit plans and payment methods;

E. The anticipated unfunded liability of the system, or other financial obligations that have not been presently met; and

F. All other aspects of the laws, operations and procedures of the system that relate to its financial stability and fiscal soundness.

3. Staff. The committee may contract for those professionals it requires to assist it. In addition,

the Legislative Council shall provide staff for the committee.

4. First meeting. The chairman of the committee to study the retirement system shall call the first meeting of the committee as soon as possible following the effective date of this Act.

5. Report. The committee shall report its findings and recommendations, including any implementing legislation, to the joint standing committee of the Legislature having jurisdiction over retirement at the Second Regular Session of the 113th Legislature.

Sec. 10. Lease-purchase of computer equipment. The Legislature is hereby authorized to enter into purchase or lease with option to purchase or lease purchasing financing agreements for data and word processing equipment with an outright purchase price of not more than \$250,000. The Legislature shall finance the cost of this project with "All Other" funds within their regular budget.

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

Provides funds to allow the task force to contract with outside consultants, specialists or other individuals as required. This appropriation shall carry forward to June 30, 1988.

Committee to Study Retirement System

All Other

75,000

Provides funds for a study of the Maine State Retirement System. This appropriation shall carry forward until June 30, 1988.

LEGISLATURE  
TOTAL

\$1,048,000

MARINE RESOURCES, DEPARTMENT OF

Marine Sciences - Bureau of  
Positions  
Personal Services

(1.0)  
\$ 8,950

Provides funds to establish a scientist position in lieu of consulting through a contract with the University of Maine System for expertise in the field of population dynamics.

MAINE MARITIME ACADEMY

Maritime Academy - Operations  
All Other

\$105,400

Provides funds for state contribution toward 4% salary increase, comparable to fiscal year 1987 settlement for state employees.