

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LEGISLATIVE COUNCIL

APRIL 14, 1988

REVISED AGENDA

CALL TO ORDER

ROLL CALL

SECRETARY'S REPORT

- Summary of April 5, 1988, Council Meeting

DIRECTOR'S REPORT

Item #1: Approved Step Increases

Item #2: Notices of Resignation and Retirement

Audrey Delphendahl, Legislative Attorney
Mary Harding, Senior Legal Proofreader

REPORTS FROM COUNCIL COMMITTEES

OLD BUSINESS

NEW BUSINESS

Item #1: Request from Joint Select Committee on
Corrections to Extend its Study of Corrections
Issues through December 31, 1988. (Letter from
Sen. Bustin and Rep. Baker, Committee Chairs).

Item #2: Letter from Joint Standing Committee on Audit
and Program Review Regarding Review Schedule for
Coming Year.

Item #3: Requests from Joint Standing Committees to
Conduct Interim Studies

Item #4: After Deadline Requests

ADJOURNMENT

SEN. CHARLES P. PRAY
CHAIRMAN

REP. JOHN L. MARTIN
VICE-CHAIRMAN



STATE OF MAINE
LEGISLATIVE COUNCIL

STATE HOUSE

AUGUSTA, MAINE 04333

LEGISLATIVE COUNCIL

TUESDAY, APRIL 5, 1988

MEETING SUMMARY

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

CALL TO ORDER

The meeting of the Legislative Council was called to order in the Council Chambers by the Chair, Senator Pray, at 3:09 p.m.

ROLL CALL

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

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

Legislative Officers:

| | |
|----------------|--|
| Sally Diamond | Executive Director, Legislative Council |
| Peter Siegel | Law Librarian |
| Bent Schlosser | Director, Office of Fiscal and Program Review |
| Helen Ginder | Director, Office of Policy and Legal Analysis |

SECRETARY'S REPORT

The summary of the Council's March 30, 1988, meeting was approved and placed on file (Motion by Sen. Perkins; second by Rep. Murphy; unanimous).

DIRECTOR'S REPORT

None.

REPORTS FROM COUNCIL COMMITTEES

None.

OLD BUSINESS

None.

NEW BUSINESS

Item #1: Submission of Report pursuant to P.L. 1987, ch. 341, regarding Uncompensated Injured Persons (from George Storer, Motor Vehicle Division).

Motion: That the report be accepted and that the Office of Policy and Legal Analysis be directed to conduct a survey of uncompensated injured persons in accordance with law and prepare a report for submission to the Legislative Council by July 1, 1988. (Motion by Sen. Perkins; second by Rep. Paradis; unanimous).

Item #2: Request for Support from Maine Association of American Mothers, Inc. (Letter from Lillian H. Crowell, Secretary of the Association).

The letter from Ms. Crowell noted that the Maine Association of American Mothers, Inc. had received support from the state in past years. Sen. Pray confirmed that funds had been awarded from the Governor's contingency account, but the amount of the award was not available.

Motion: That the request be referred to the Joint Standing Committee on Appropriations and Financial Affairs for consideration. (Motion by Sen. Perkins; second by Rep. Gwadosky; unanimous).

Item #3: Request to Introduce Joint Resolution

SPONSOR : Rep. Mayo
COSPONSOR: Rep. Diamond

Joint Resolution Memorializing Congress To Release Federal Highway Trust Funds

ACCEPTED

ADJOURNMENT

The Legislative Council meeting was adjourned at 3:15 p.m. (Motion by Sen. Perkins; second by Sen. Dutremble; unanimous).

SARAH C. DIAMOND
EXECUTIVE DIRECTOR
OF THE LEGISLATIVE COUNCIL



MAINE STATE LEGISLATURE
OFFICE OF THE EXECUTIVE DIRECTOR
LEGISLATIVE COUNCIL

LEGISLATIVE COUNCIL

APRIL 14, 1988

EXECUTIVE DIRECTOR'S REPORT

Approved Step Increases

Gro Flatebo, Analyst (Salary Range 10), Office of Policy and
Legal Analysis, from Step C to Step D, effective April 28,
1988.

DAVID S. SILSBY, REVISOR
BRIAN K. BLAISDELL, ASSISTANT REVISOR



MARGARET E. MATHESON, LEGISLATIVE ATTORNEY
AUDREY R. DELPHENDAH, LEGISLATIVE ATTORNEY
ELIZABETH H. GOSSELIN, TECHNICAL SERVICES COORD.

MAINE STATE LEGISLATURE
OFFICE OF THE REVISOR OF STATUTES

April 11, 1988

Sarah C. Diamond
Executive Director
State House Station #115
Augusta, Maine 04333

Dear Sally:

This is to formally advise you of the following resignations in the Revisor's office:

1. Mary E. Harding plans to step down as senior legal proofreader on April 30, 1988 effective May 1, 1988 following 16 years of service.

2. Audrey R. Delphendahl is resigning her position as Legislative Attorney effective June 21, 1988 May 27th will be her last day with us.

If you need any further information please advise.

Sincerely,

A handwritten signature in cursive script, appearing to read "D. Silsby".

David S. Silsby
Revisor

cc: Dick Sawyer
5019W



MAINE STATE LEGISLATURE
Augusta, Maine 04333

Charles Pray, Chair
Legislative Council
State House
Augusta, ME 04333

April 7, 1988

Dear Senator Pray,

On 22 January, 1988, the Joint Select Committee on Corrections requested permission to continue its study of corrections issues, critical for future planning, through December, 1988.

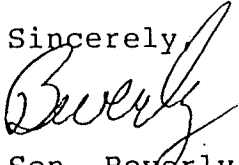
The request was approved through June 30, 1988. The Committee requests permission to continue its study through December 31, 1988, as originally requested.

The main reason for the original request was the need for time to collect data on Maine's offender population and evaluate the Department of Corrections' risk management system. Mr. Mark Corrigan, Director of the National Institute for Sentencing Alternatives, and his staff, are currently working with the Committee and the Department to develop an offender population analysis, to determine an appropriate range of corrections sanctions for Maine and to frame legislation dealing with community corrections, probation management and incarcerated offenders. Mr. Corrigan is not charging for his services.

Furthermore, the Committee's work is generating interest from outside the legislature and the State. In May, a team from Maine, comprised of legislators from the Committee, the President of the Maine Sheriff's Association, the Director of Probation and Parole, Assistant Attorneys General, a Judge, and a representative from the Maine Council of Churches, have been invited to attend and participate in an Options for Sentencing Workshop in Boston. The workshop is designed to pull key people in the corrections field together, to develop strategies appropriate for their particular jurisdictions, and to generate a working relationship for developing future legislation.

The Committee has developed a work plan through December, which includes development of three major pieces of legislation. Copies of the work plan and revised study request are enclosed. Thank you for your consideration of this request.

Sincerely,



Sen. Beverly Miner Bustin
Senate Chair



Rep. Harlan R. Baker
House Chair

April 6, 1988

To: Charles Pray, Chair
Legislative Council

From: Joint Select Committee on Corrections

Subject: Study Request

1. COMMITTEE: Joint Select Committee on Corrections

2. SUBJECT OF STUDY:

Studying corrections issues critical for future planning.
Topics include:

A. Reviewing offender population analysis compiled by the National Institute for Sentencing Alternatives. Developing strategies for risk control based on results of that analysis.

B. Determining range of corrections sanctions appropriate for Maine.

C. Reviewing treatment strategies for Maine's sex offenders and other special needs offenders (substance abuse etc.)

D. Developing Community Corrections Legislation, which addresses the State/Local relationship in corrections management.

E. Developing Probation Management Legislation

F. Developing legislation pertaining to incarcerated offenders - housing options, program needs etc.

3. COMPLETION DATE: December 31, 1988.

The Committee would like to hold 10 meetings between July and December. A final report will be submitted by December 31, 1988.

4. ANALYSIS OF THE PROBLEM:

The Committee stated in its first and interim reports to the Legislature, that the primary goal of corrections is public protection, which is best accomplished through a system of risk management. The conditions at Maine's correctional facilities remain critical, and there is a continued need for the executive, legislative and judicial branches of government to work together to develop methods and strategies for successful handling of corrections problems and resources in the future.

5. REASON FOR THE STUDY:

In the past, one of the major difficulties confronting the committee in its task has been a lack of complete data on Maine's offender population, the narrow range of corrections strategies available, and an incomplete understanding of the many factors affecting risk and classification.

During the interim, the Committee worked with Department officials to obtain information necessary to understand issues relating to risk/needs assessment and management. Assistance was provided by Mr. Mark Corrigan, Director of the National Institute for Sentencing Alternatives.

In order to develop a range of appropriate corrections sanctions in Maine and develop a long-range plan which addresses issues of risk control and management, it is important to understand the nature of the current offender population.

National Institute for Sentencing Alternatives staff, with co-operation from the Department, are in the process of analyzing Maine's offender population. This analysis will enable the committee to better determine offender-risk levels, assess needs, and determine an appropriate range of sanctions for Maine's offender community. It will also enable them to evaluate housing options proposed by the architects currently under contract with the Department. Mr. Corrigan and his staff are also in communication with the architects to ensure that no study duplication occurs.

National Institute for Sentencing Alternatives staff are also in the process of evaluating the department's current risk assessment system used to place offenders in correctional facilities.

The Committee plans to develop three major pieces of legislation involving community corrections, probation management and incarcerated offenders. The Committee will be working with members of the judiciary, community, sheriffs association and other interested parties to ensure appropriate development of methods and strategies for successful handling of corrections problems.

6. STAFF SUPPORT:

Staff support will be provided by Annika Lane, who has an employment contract until December 31, 1988.

APRIL 5, 1988

JOINT SELECT COMMITTEE ON CORRECTIONS

WORK PLAN

Report draft by December 1, 1988

- April 8 Discussion with Donna Reback, Assistant Director,
(DOC) National Institute for Sentencing Alternatives.
(NISA) Looking at a range of corrections sanctions models
 including, but not limited to: House arrest models,
 restitution centers, electronic monitoring, fine
 systems etc.
- May 20 Mark Corrigan, Director, National Institute for
(NISA) Sentencing Alternatives. Discussion on Community
(DOC) Corrections legislation - concept, models,
 legislation in other states.
- June 3 Sex Offenders. By this date, a special DOC committee
(DOC) on sex offenders will have completed a report on the
 sex offender issue as it relates to Maine. The
 findings of that report and policy issues will be
 discussed with specialists in the field.
- June 17 Review findings of offender population analysis
NISA/DOC developed by NISA staff.
- July 1 * Begin to frame strategies for risk control based on
(NISA) population analysis. Risk/needs assessment.
(DOC)
- July 15 Begin Framing Community Corrections Act
(NISA)
(DOC)
- August 5 Continue Framing Community Corrections Act
(NISA)
(DOC)

August 19 Begin to Frame Probation]Corrections Improvement
(NISA) Act
(DOC)

September 2 Continue Framing Probation]Corrections
(NISA) Improvement Act
(DOC)

October 7 Housing options/Incarcerated offenders
(DOC) - Review Ehrenkrantz Master Plan
(Ehrenkrantz) - Decision on MSP
(NISA) - Future prison construction?

October 21 Frame Incarcerated Offender Act
(NISA)
(Ehrenkrantz)
(DOC)

November 4 Final Decisions, Recommendations for report
(NISA)
(DOC)

November 18 Wrap up final recommendations for report
(NISA?)
(DOC)

December 1 Review Draft Report
(NISA?)
(DOC)

AL]COR]jj]3895*

SENATE

BEVERLY MINER BUSTIN, DISTRICT 19, CHAIR
RAYNOLD THERIAULT, DISTRICT 1
MARY-ELLEN MAYBURY, DISTRICT 11

STAFF

OFFICE OF FISCAL AND PROGRAM REVIEW
CHERYL RING, PRINCIPAL ANALYST
LOCK KIERMAIER, ANALYST
BARBARA J. GAGE, ANALYST



HOUSE

NEIL ROLDE, YORK, CHAIR
RUTH JOSEPH, WATERTVILLE
PHYLLIS R. ERWIN, RUMFORD
NORMAN O. RACINE, BIDDERFORD
ADA K. BROWN, GORHAM
HARRIET A. KETOVER, PORTLAND
JOHN C. BOTT, ORONO
ELEANOR M. MURPHY, BERWICK
WESLEY FARNUM, SOUTH BERWICK
BEVERLY C. DAGGETT, AUGUSTA

STATE OF MAINE
ONE HUNDRED AND THIRTEENTH LEGISLATURE
COMMITTEE ON AUDIT AND PROGRAM REVIEW

April 11, 1988

Honorable Charles P. Pray, Chairman
Honorable John Martin, Vice Chairman
Legislative Council
113th Maine State Legislature
Augusta, ME 04333

Dear Chairman Pray and Vice Chairman Martin,

As is customary, we are writing to you and the Legislative Council to provide you with a brief list of the agencies and topics that the Joint Standing Committee on Audit & Program Review will be reviewing during the upcoming year.

As required by law (3 MRSA §507), the following departments are scheduled for evaluation and analysis:

- Maine State Retirement System;
- Department of Labor; and
- Department of Administration but limited to the Bureaus of Human Resources, Employee Relations and Public Improvements.

Similarly, the Committee will be considering the need to continue the following independent agencies:

- Board of Trustees, Group Accident and Sickness or Health Insurance;
- Maine Labor Relations Board;
- State Civil Service Appeals Board;
- Educational Leave Advisory Board;
- Worker's Compensation Commission; and
- State Board of Accountancy.

As reflected in our most recent review effort (LD 2602), the Committee has recommended that the following independent agencies be continued for one year only, to afford the Committee an additional opportunity to address issues of importance concerning these agencies:

- State Board of Social Worker Licensure;
and
- Electricians' Examining Board.

Finally, in accordance with the provisions of 3 MRSA §507-A, the Committee has administratively recommended that its review of child welfare services be continued for another year.
ie 4th

Please let us know if we can provide any further information.

Sincerely,



Beverly M. Bustin
Senate Chair



Neil Rolde
House Chair

SARAH C. DIAMOND
EXECUTIVE DIRECTOR
OF THE LEGISLATIVE COUNCIL



MAINE STATE LEGISLATURE
OFFICE OF THE EXECUTIVE DIRECTOR
LEGISLATIVE COUNCIL

April 14, 1988

TO: Members of the Legislative Council

SUBJECT: Interim Study Requests

The Study Requests that we have received through this morning
are enclosed for your review.

A handwritten signature in cursive script, appearing to read "Sally".

LEGISLATIVE COUNCIL

REQUEST FOR INTERIM STUDIES

as of April 14, 1988

| <u>Committee</u> | <u>Study Topic</u> | <u>Approved "Budget"</u> | | <u>Staff</u> | <u>Action</u> |
|----------------------|--|-----------------------------|------------------------------------|--------------|---------------|
| | | <u>Subcommittee Members</u> | <u># Mtgs</u> | | |
| Agriculture | Review of Right-To-Farm Law | 7 members | 5 subcommittee 1 full committee | | |
| Economic Development | Extent to which Maine's Labor Force Lacks Medical Insurance and Related Problems and Issues | 5 members | 5 subcommittee 1 full committee | | |
| Judiciary | Medical malpractice insurance costs, medical malpractice court procedures, access to health care | 9 members | 5 | | |
| | Whether a public defender program is financially feasible for Maine, and how the most cost-effective public defender program would be established | 5 members | 4 | | |
| State & Local Gov't | Incorporation and Deorganization of Towns | Full Committee | 7 | | |
| Transportation | 1) Highway Maintenance and Safety Implications of Heavy Trucks | | | | |
| | 2)* Allocation Formulas in the Local Road Assistance Program | | | | |
| | * Pending legislative action on LD 2463 | | | | |

| <u>Committee</u> | <u>Study Topic</u> | <u>Approved "Budget"</u> | | <u>Staff</u> | <u>Action</u> |
|------------------|---|-----------------------------|---------------|--------------|---------------|
| | | <u>Subcommittee Members</u> | <u># Mtgs</u> | | |
| Utilities | Utility Easements Over Existing Rights-Of-Way | 8 members | 3 | | |
| | Water and Sewer District Legislation | 3 members | 3 | | |

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
CAROL M. ALLEN, WASHINGTON
P. KELLEY SIMPSON, CASCO
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

April 11, 1988

Charles P. Pray, Chair
Legislative Council
State House
Augusta, Maine 04333

Dear Chairman Pray:

The Joint Standing Committee on Banking and Insurance does not have any interim study requests. However, we wanted you to be aware that we do have 2 insurance-related studies which will be considered by the Legislature soon. These are LD 2411 "AN ACT to Clarify the Laws Regulating the Insurance Industry to Ensure its Regulation by State Antitrust Laws" and LD 2358 "AN ACT to Insure Adequate Rate Filing Information from Health Insurers". Both bills are being amended as studies with new titles.

Sincerely,

A handwritten signature in cursive script, appearing to read "Raynold".

Raynold Theriault,
Senate Chair

A handwritten signature in cursive script, appearing to read "Charlene".

Charlene Rydell,
House Chair

JG/4944*

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

April 13, 1988

Sen. Charles P. Pray, Chairman
Legislative Council
State House Station 115
Augusta, ME 04333

Dear Sen. Pray:

This letter will submit a request of the Joint Standing Committee on Agriculture for a Study Commission structured as recommended in this letter.

I. Subject of Study: Review of Right-To-Farm Law

II. Reason for Study

A bill came before the past legislative session which sought to limit the right of municipalities to restrict agriculture practices. While such a law is fairly common in other states, it has more significance for Maine with this state's orientation to local control. Additionally, in the discussions concerning this issue considerable interest was evidenced in how the current Maine law is working from the standpoint of the farmer and the non-farm landowner. Finally, a review of the discussions that went into the original law would indicate that there were areas of legal question which might well be reviewed in light of challenges to similar laws in other states.

III. Description of the Study

The study will review the current Maine Right-To-Farm law from the standpoint of its constitutionality, its impact on the farmer and its impact on the abutting non-farmer. Among the specific issues to be investigated are the following:

1. Legal issues

- A. Is the Maine tax so broad that it overreaches its intent of preserving agricultural land by also prohibiting nuisance suits between farmers?
- B. Is it a problem that Maine law does not require the farming operation to have preceded the investing of the infringed property right?
- C. Is a conflict with due process caused by the fact that a portion of the Maine law does not place any limitation on farm practice.
- D. Is there a problem that the Maine law makes no provision for changes in the type of agricultural operation?
- E. Should the Maine law include the issue of trespass?
- F. Are current Maine rules defining acceptable agricultural practices adequate?
- G. Should Maine's law contain specific provisions relating this law to other state laws and rules, particularly those dealing with environmental protection?
- F. Would the Maine law be improved by exempting from protection any of the following practices:
 - 1) Improper management
 - 2) Those that could lead to flooding or water pollution.
 - 3) Those that affect health or safety.
 - 4) Negligent or unreasonable activities.
- G. Are there issues peculiar to the Maine law which could result in unconstitutional infringement on the property rights of others? or represent a taking?

2. Policy Issues

- A. How is this law working from the farmer's viewpoint? Are many farmers being forced to go to court to defend themselves in nuisance suits which are subsequently successfully defended under the Right-To-Farm Law? How should court

costs and attorney's fees be dealt with in this situation? Are farmers being required to make costly changes in the method by which a legitimate practice is conducted?

- B. Is there a danger that local ordinances can be used to circumvent the Right-To-Farm Law?
- C. Should farmers be allowed to contribute to their own problems by creating a nuisance for abutters to whom they themselves have sold the property that is being infringed?
- D. What is the degree of awareness of the current law and what is the attitude toward it?
- E. Are there problems with suits other than nuisance suits that need to be addressed.

3. Possible Revisions

The following possible revisions to the law will be among those investigated:

- A. Having the law apply only to 'agricultural districts' or areas zoned as agricultural.
- B. Making all Maine Right-To-Farm laws be contingent on prior agricultural operation.
- C. Requiring notice of surrounding agricultural activity on any contract for sale or building permit. This would probably have to be in conjunction with Section 'A' procedures.
- D. Requiring that all local ordinances which regulate agricultural operations be subject to a public hearing.
- E. Authorizing local governments to set up agricultural grievance committees to resolve controversies arising from agricultural operations.
- F. Instituting a publicity and public relations campaign by the Agricultural Department and the municipalities to make people aware of the current law, to suggest procedures to follow in the event of disputes and to attempt to create, and indicate ways to create, a greater understanding and communication between farmers and nonfarm abutters.

IV. Organization of the Study

1. Membership

Because of the particular importance of the study to municipalities and farmers it is recommended that the study be conducted by a commission in which the Maine Municipal Association and the Farm Bureau are given voting membership. Because of the importance of legal and conservation issues, it is recommended that members be included from the legislative committees with jurisdiction over these subjects. The Commission would, then, consist of the following members:

- 3 members of the Agriculture Committee, selected so as to give representation to different geographic areas, different political parties and different types of farming operations.
- 1 member of the Judiciary Committee selected for his strong legal background and knowledge of, or interest in, the issues raised by this study.
- 1 member of the Energy and Natural Resources Committee selected for his strong support of conservation issues and knowledge of, or interest in, the issues raised by this study.
- 1 member of the board of the Maine Municipal Association chosen by that board.
- 1 member of the board of the Farm Bureau chosen by that board.

Members from legislative committees would be chosen by their chairmen. In the case of Judiciary and Energy and Natural Resources, this would be in conjunction with the chairmen of the Agriculture Committee.

Selections are to be completed by May 15th and reported to the chairmen of the Agriculture Committee who will transmit them to the Legislative Council.

The chairmen of the Agriculture Committee will call the first meeting, at which time the commission will elect a chairman.

2. Meetings

It is proposed to have 5 meetings of the Commission and 1 meeting of the whole Agriculture Committee. These would be scheduled roughly as follows:

| | |
|-------------|---|
| June 1 | Invited Expert Witnesses |
| July - Sept | Public hearing in Presque Isle, Waterville and Gorham to obtain testimony on draft legislation. |
| Oct. 1 | Subcommittee meeting to review draft report. Full Committee meeting to review draft report. |
| Nov. 1 | Submit report and legislation to the Legislative Council. |


V. Expert Witnesses

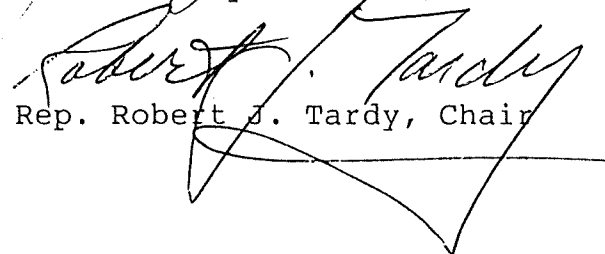
Although it is not in current plans, it may be necessary to invite witnesses from outside the state to compensate for the fact that the Maine law has been subjected to little testing in the courts.

VI. Staff Assistance

It is estimated that this study will require one third of the time of 1 staff person for 6 months.

Sincerely,


Sen. Zachary Matthews, Chair


Rep. Robert J. Tardy, Chair

4942*

PROPOSED EXPERT WITNESSES

1. Attorney General's Office
2. Judicial Branch
3. Maine Bar Association
4. USM Law School
5. Department of Agriculture
6. Department of Environmental Protection
7. Agricultural Advisory Committee
8. Extension Service or Extension Association
9. Maine Municipal Association
10. Maine Farm Bureau
11. Maine Association of Realtors
12. Maine Audubon Society
13. MOFGA
14. Natural Resources Council
15. Small Farm Association

SENATE

THOMAS H. ANDREWS, DISTRICT 30, CHAIR
JUDY C. KANY, DISTRICT 17
ROBERT C. DILLENBACK, DISTRICT 27

TED POTTER, LEGISLATIVE ANALYST
JANET BRIGGS, COMMITTEE CLERK



HOUSE

NATHANIEL J. CROWLEY, SR., STOCKTON SPRINGS, CHAIR
DONNELL P. CARROLL, GRAY
RITA B. MELENDY, ROCKLAND
PATRICIA M. STEVENS, BANGOR
CHARLES R. PRIEST, BRUNSWICK
B. CAROLYNE T. MAHANY, EASTON
RICHARD W. ARMSTRONG, WILTON
CLYDE A. HICHBORN, LAGRANG
RONALD C. BAILEY, FARMINGTON
DAVID G. STANLEY, CUMBERLAND

STATE OF MAINE
ONE HUNDRED AND THIRTEENTH LEGISLATURE
COMMITTEE ON ECONOMIC DEVELOPMENT

April 12, 1988

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

Dear Chairman Pray:

The Joint Standing Committee on Economic Development requests Legislative Council approval of a study to determine the extent to which the state's labor force and employee dependents are covered by medical insurance. In addition, this study will explore alternatives by which employers can be encouraged to provide health insurance to their employees, including various financing methods to pay for employee health insurance.

This proposed study was generated by the 1987 study conducted by the Economic Development Committee on regional economies of Maine. Analyses of wages and salaries and employment in Maine along with testimony presented to the committee during its study of regional economies, indicate that despite the low unemployment rate, a large class of working poor is developing in the State. Many of the people composing the class of working poor lack medical insurance. The cost to the State resulting from medically uninsured employees may be enormous.

This is an extremely opportune time to conduct this study because it will compliment the study to be conducted by the Committee on Banking and Insurance. The intent of the study of the Committee on Economic Development is to develop a program or plan in a very timely manner that will address the problem of medically uninsured employees.

This study is extremely important to the citizens and the economy of the State. Many of the working poor, it is pointed out, lack medical insurance coverage which passes the burden of

health costs among all the citizens of the state. This situation also may seriously affect worker productivity and industrial competitiveness.

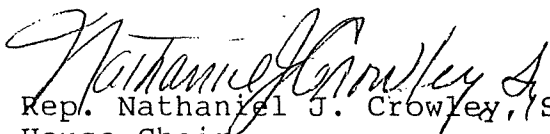
The committee will endeavor to determine the following:

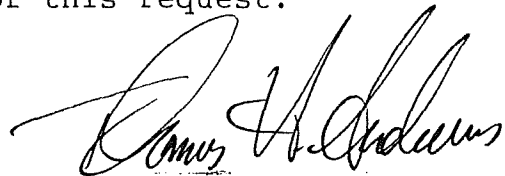
1. the impact of uninsured (medical) employees upon the State;
2. the number of uninsured employees and dependents in Maine;
3. the means by which employers can be encouraged to provide health insurance;
4. the approaches taken in other states to address this problem; and
5. formulation of a plan that best addresses the problem.

The study will be conducted by a 5 person subcommittee which will need at least 5 meetings and an additional meeting of the entire Economic Development Committee to approve the product of the study.

We appreciate your consideration of this request.

Sincerely,


Rep. Nathaniel J. Crowley, Sr.
House Chair


Sen. Thomas H. Andrews
Senate Chair

4954*

SENATE

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

GILBERT BREWER, LEGISLATIVE ANALYST
MARTHA FREEMAN, LEGISLATIVE ANALYST
PAULA ASHTON, 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

April 13, 1988

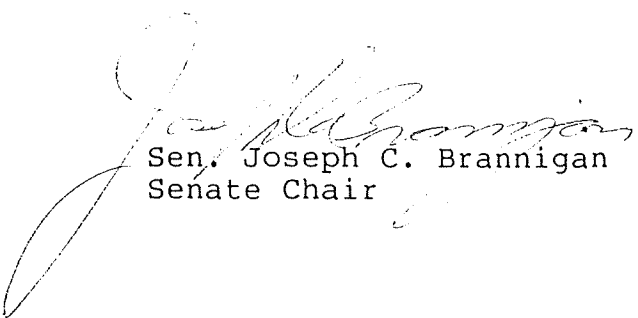
Senator Charles P. Pray
Chair, Legislative Council
State House
Augusta, ME 04333


Dear Senator Pray:

On behalf of the Judiciary Committee, we submit the attached interim study proposals for the consideration of the Legislative Council. These proposals concern significant issues that will be before the Legislature next session in one form or another. We hope our interest in studying these issues receives Legislative Council approval.

Thank you and the other Council members for your attention to our study requests.

Sincerely,


Sen. Joseph C. Brannigan
Senate Chair


Rep. Patrick E. Paradis
House Chair

4991*

STUDY REQUEST

1. Subject:

Medical malpractice insurance costs, medical malpractice court procedures, access to health care.

2. Reasons for study now:

Maine physicians -- especially those practicing as OB/GYNs or in rural areas or with low income patients -- continue to experience prohibitive medical malpractice insurance costs. Physicians and hospitals have tried, during the last three legislative sessions, to address insurance problems through tort reform proposals, some of which have not been acceptable to the Legislature. The physicians have stated that they will bring similar proposals to the 114th Legislature. Many legislators would like to avoid another divisive tort reform debate. With the knowledge achieved over the last three years of legislative discussion of medical malpractice, a study this interim that combines issues may produce acceptable proposals for insurance relief for physicians, while addressing the needs of some Maine people for better access to health care.

3. Scope and issues:

The study will focus narrowly on those physicians in need of medical malpractice insurance cost assistance. It will try to develop proposals for insurance relief that also serve the interests of patients.

Issues to be addressed include:

Can we further restructure the way medical malpractice lawsuits are pursued in a way that will reduce the insurance premiums for individual doctors without limiting the rights of persons injured by medical malpractice? (e.g., the creation of "health teams" when a person is treated by a doctor and in a hospital so that the "health team" is the defendant and the doctor is covered by the hospital's insurance; the absorption by the Maine medical community of the expense of future medical costs awarded in a medical malpractice case)

Can the State contribute to the payment of medical malpractice insurance in ways that will provide benefits to certain Maine people needing health care? (e.g., creation of a "circuit breaker" so that when certain physicians' insurance costs rise to a certain level compared with their income the State will intervene; creation of a State fund to be used to pay insurance premiums for physicians willing to locate in certain areas, work in certain specialties, or take certain types of patients)

Can we restructure medical malpractice insurance so that, for certain types of claims, payments are not expensively contested? (e.g., through the use of mediation of insurance claims; through the creation of certain types of no-fault insurance)

4. Membership:

9 members: 3 from Judiciary, 3 from Human Resources, 3 from Banking and Insurance. The chairs of the respective Committees will appoint the study committee members from their Committees.

5. Number of meetings:

5

6. Completion date:

Study work completed by October 1, 1988. Legislation, if any, submitted and report completed by November 1, 1988.

7. Priority number of this study:

1

STUDY REQUEST

1. Subject:

Whether a public defender program is financially feasible for Maine, and how the most cost-effective public defender program would be established.

2. Reasons for study now:

The costs of providing attorneys for indigent criminal defendants are on the rise in Maine. The existing system of State reimbursement of appointed counsel is meeting with criticism for two reasons: because the amount of reimbursement does not compensate attorneys sufficiently to cover even their overhead; and, because, since only certain attorneys accept court appointments, some attorneys feel overburdened and some persons wonder if criminal defendants are receiving the skilled counsel they deserve. The State is contemplating addressing these problems by providing greater compensation to court appointed attorneys. Before this solution is adopted as the permanent solution for the foreseeable future, the possible financial and defense benefits of a public defender program should be explored. While the proposal has appeared in two bills during the 113th Legislature, the fiscal information has not been available to accurately assess the proposal.

3. Scope and issues:

The scope of this study is limited to the financial feasibility of a public defender program for Maine. New Hampshire has such a program, and cost figures from that program have been discussed and disputed when public defender proposals have been before the Judiciary Committee. Yet no one has done the financial analysis of New Hampshire's experience to compare with Maine's current funding of court-appointed attorneys and how a public defender system could most cost-effectively serve Maine.

The issues are: What does New Hampshire's public defender system cost? What type of service does it provide? How do these cost figures translate to the type of public defender system that would be useful in Maine? Would a public defender system be viable for Maine?

4. Membership:

A subcommittee of 5.

5. Number of meetings:

4

6. Completion date:

Study work completed by October 1, 1988. Legislation, if any, and report completed by November 1, 1988.

7. Priority number of this study:

2

4963*

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

. March 28, 1988

Senator Charles P. Pray, Chairman
Legislative Council
State House Station 115
Augusta, ME 04333

Dear Chairman Pray:

This letter will submit a request of the Joint Standing Committee on State and Local Government to conduct a Committee Study.

Subject: Incorporation and deorganization of towns.

Reason for Study: The Committee had before it in the 2nd Session four bills which deal with this subject. All of them presented complex problems with strong arguments on both sides. Two of them were given leave to withdraw because the immediate problem had been settled by the sponsors. The third was the subject of long floor debates. The fourth one is the one that specifically resulted in this request.

Description of the Study: The study will seek to develop a state policy regarding incorporation of unorganized territories, deorganization of towns, annexation of unorganized territories and a procedure for accomplishing these changes. Among the issues to be addressed are:

1. What size in people, valuation, services required, etc. should an entity be to be eligible to change its status?
2. What reasons justify such a change? Is escaping the property tax a justifiable reason?
3. How should membership in a school administration district be handled, including bonded indebtedness, property assets; and which should come first, deorganization or withdrawal from the district?

4. What should be done about land use regulations of towns that deorganize?
5. What should be considered an adequate source of taxes for an unorganized territory that plans to organize; eg. the danger of depending on 1 business for tax support.
6. Is a plantation a suitable alternative in some instances to complete incorporation or deorganization?
7. If an unorganized territory has only a handful residents should a separate referendum concerning annexation be conducted among them?

Organization of the Study: Because of the extent of the significance of this study and an expected variation in recommendations by areas of the State, this study will be conducted by the entire State and Local Government Committee.

The Committee will hold 7 meetings as follows:

- 2 hearing to obtain testimony for invited witnesses
- 1 meeting to develop a draft report
- 1 meeting to review and discuss the draft report
- 2 public hearings, 1 in Millinocket and 1 in Skowhegan, to take testimony on the draft materials
- 1 meeting to revise the draft materials

Staff Assistance: It is estimated that this study will require one third of the time of 1 staff person for 6 months.

Sincerely,



Sen. John L. Tuttle
Senate Chair



Rep. Donnell P. Carroll
House Chair

SENATE

CHARLES G. DOW, DISTRICT 18, CHAIR
RAYNOLD THERIAULT, DISTRICT 1
PAMELA L. CAHILL, DISTRICT 24

CHRISTOS GIANOPOULOS, LEGISLATIVE ANALYST
LARS RYDELL, LEGISLATIVE ANALYST
JOAN COLFORD, COMMITTEE CLERK



HOUSE

FRED W. MOHOLLAND, PRINCETON, CHAIR
HAROLD M. MACOMBER, SOUTH PORTLAND
ROGER M. POULIOT, LEWISTON
FREDERICK F. SOUCY, KITTERY
JEFFERY N. MILLS, BETHEL
POLLY REEVES, PITTSFORD
DONALD A. STROUT, CORINTH
ORLAND G. MCPHERSON, ELIOT
DANIEL J. CALLAHAN, MECHANIC FALLS
ROLAND S. SALSBERY, JR., BAR HARBOR

STATE OF MAINE
ONE HUNDRED AND THIRTEENTH LEGISLATURE
COMMITTEE ON TRANSPORTATION

April 13, 1988

Senator Charles P. Pray
Chair, Legislative Council
State House
Augusta, Maine 04333

Dear President Pray:

In response to your April 7, 1988 memorandum regarding proposed studies, the Joint Standing Committee on Transportation requests authorization for a study of the Highway Maintenance and Safety Implications of Heavy Trucks. A number of issues have been raised in debate on the effect of heavy trucks on our highways and the Committee believes it is important to review these carefully and systematically for the Legislature. The Committee is reviewing the details of the study plan and will forward them to you shortly.

In addition, we would call your attention to the inclusion in the Committee Amendment (H-588) to LD2463 AN ACT to Fund a Supplemental Highway Program and to Establish a Program to Fund the Construction of Extraordinary Bridges of a study of the allocation formulas in the Local Road Assistance Program. The fate of that legislation is unclear at this time, but this Committee believes that if there is to be added state funding for local roads, there should be such a study. On the other hand, if there is no added funding such a study would not be timely.

A handwritten signature in cursive script that reads "Fred W. Moholland".

Rep. Fred W. Moholland
House Chair

Sincerely,

A handwritten signature in cursive script that reads "Charles G. Dow".

Sen. Charles G. Dow
Senate Chair

4975*

SENATE

JOHN M. KERRY, DISTRICT 31, CHAIR
EDGAR E. ERWIN, DISTRICT 8
CHARLES W. WEBSTER, DISTRICT 4

HAVEN WHITESIDE, LEGISLATIVE ANALYST
JULIE JONES, LEGISLATIVE ANALYST
JANE LEONARD, COMMITTEE CLERK



HOUSE

HARRY L. VOSE, EASTPORT, CHAIR
HARLAN BAKER, PORTLAND
ALEXANDER RICHARD, MADISON
CAROL ALLEN, WASHINGTON
WILLIAM O'GARA, WESTBROOK
MARIA GLEN HOLT, BATH
NORMAN E. WEYMOUTH, WEST GARDINER
RALPH M. WILLEY, HAMPDEN
EARL G. NICHOLSON, SOUTH PORTLAND
MARY C. WEBSTER, CAPE ELIZABETH

STATE OF MAINE
ONE HUNDRED AND THIRTEENTH LEGISLATURE
COMMITTEE ON UTILITIES

April 13, 1988

TO: Legislative Council
FROM: Sen. John Kerry
Rep. Harry Vose
RE: Committee studies

Attached are two forms submitted by the Joint Standing Committee on Utilities requesting approval for interim studies. We believe these studies are necessary and will provide useful information to the Legislature in its future consideration of these issues.

Thank you for your consideration.

RECOMMENDED COMMITTEE STUDY

1. COMMITTEE:

Joint Standing Committee on Utilities

2. SUBJECT OF STUDY:

Utility easements over existing rights-of-way

3. COMPLETION DATE:

November 1, 1988

4. ANALYSIS OF THE PROBLEM:

Some persons who currently have rights-of-way over private property for purposes of ingress and egress are finding it difficult to build on their property because the owner of the land subject to the right-of-way refuses to permit the location of utility poles or other means of delivering utility services. LD 2228, AN ACT Establishing Right-of-Way for Utilities in Existing Rights-of-Way for Egress and Ingress, was introduced this session to address this problem. It was withdrawn because of the complexity of the problem and the difficulty of devising an adequate constitutional solution.

5. REASON FOR THE STUDY:

This study is needed to clarify the rights of landowners who need utility services over rights-of-way and to determine the best way to satisfy their needs without enacting legislation which results in a taking of private land without just compensation in violation of the Maine and United States Constitutions. This study should be completed before the 114th Legislature convenes because of the severity of the problem for persons who are in need of utility services.

6. APPOINTMENT OF SUBCOMMITTEE:

It is recommended that the study be conducted by a study committee containing four members of the Joint Standing Committee on Judiciary and four members of the Joint Standing Committee on Utilities (one senator and three representatives from each committee).

7. MEETINGS:

Three meetings are requested.

RECOMMENDED COMMITTEE STUDY

1. COMMITTEE:

Joint Standing Committee on Utilities

2. SUBJECT OF STUDY:

Water and sewer district legislation

3. COMPLETION DATE:

November 1, 1988

4. ANALYSIS OF THE PROBLEM:

Every session of the Legislature, many bills are introduced to change the provisions of charters of water and sewer districts which have been previously enacted by Private and Special law. Consideration of these bills requires considerable time and expense on the part of the Legislature.

Several provisions of general law contain guidance on preferred methods of organizing and operating such districts. These include Title 35-A, chapter 63, relating to water districts, Title 38, chapters 11 and 12, relating to sewer and sanitary districts and a bill currently working its way through the Legislature which establishes a system of local review before quasi-municipal district charter changes are submitted to the Legislature.

A consistent policy needs to be considered and developed in order to facilitate the consideration of these bills, to determine the extent to which the Legislature can or should permit Legislatively chartered districts to determine their own affairs and to develop standard policies and statutory language for commonly recurring charter provisions.

5. REASON FOR THE STUDY:

The press of Legislative business during a legislative session when these issues ordinarily arise does not permit the careful and deliberate consideration which these issues require. An interim study provides the best opportunity to

develop the policies and standards which will best meet the needs of both the Legislature and water and sewer districts which need charter changes.

6. APPOINTMENT OF SUBCOMMITTEE:

It is not anticipated that this study will be contentious. A subcommittee of three members of the Utilities Committee should be sufficient to oversee the work of staff and provide direction and policy guidance.

7. MEETINGS:

It is anticipated that 3 meetings would be sufficient to complete the work of this study.

LEGISLATIVE COUNCIL

AFTER DEADLINE REQUESTS

APRIL 14, 1988

SPONSOR: Sen. Baldacci

AN ACT Concerning Railroads

SPONSOR: Sen. Matthews

AN ACT to Require Application And Approval
for Railroads to Receive Financial Assistance
From the State And to Require Notice of
Major Modifications In Rail Service

REQUEST TO INTRODUCE JOINT RESOLUTION

SPONSOR: Sen. Kerry

Joint Resolution Memorializing the
Congress of the United States to
Regulate the Portrayal of Violence and
Marketing of War Toys and Toy Firearms