

MAINE STATE LEGISLATURE

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LEGISLATIVE COUNCIL
JUNE 28, 1989
REVISED AGENDA

CALL TO ORDER

ROLL CALL

SECRETARY'S REPORT

Summary of June 21, 1989, Council meeting.

EXECUTIVE DIRECTOR'S REPORT

Item #1: Approved Step Increases

Item #2: Step Increases Requiring Consideration by Personnel Committee

- David Silsby, Director, State Capitol Commission
- Helen Ginder, Director of Legislative Oversight
- Sally Diamond, Executive Director

REPORTS FROM COUNCIL COMMITTEES

Item #1: Request from Joint Standing Committee on Audit and Program Review to Defer A Portion of the Scheduled Statutory Reviews for the Purpose of Extending the Review of the State's Child Welfare Services Delivery System. (Letter from Sen. Bustin and Rep. Rolde, Committee Chairs, enclosed).

Item Tabled at June 21 Council meeting.

Item #2: Requests to Carry Over Legislation. (Request from Committee on Energy & Natural Resources tabled at June 21 Council meeting).

NEW BUSINESS

Item #1: Request from Peat Marwick Main & Co. for Additional Funds to Cover Work Performed at the Request of Bureau of Taxation Beyond the Scope of the Contract. (Letter from Mr. Thomas E. Vasquez, Principal, Peat Marwick Main & Co.).

Item #2: Requests to Conduct Interim Studies from:

- Committee on Banking & Insurance
- Committee on Education

Item Tabled at June 21 Council meeting.

Item #3: Allocation of Budgets for Approved Interim Studies.
(Summary of budget requests enclosed).

Item Tabled at June 21 Council meeting.

Item #4: After Deadline Requests

ANNOUNCEMENTS AND REMARKS

ADJOURNMENT

REP. JOHN L. MARTIN
CHAIR

SEN. DENNIS L. DUTREMBLE
VICE-CHAIR



STATE OF MAINE

114th LEGISLATURE

LEGISLATIVE COUNCIL

SEN. CHARLES P. PRAY
SEN. NANCY RANDALL CLARK
SEN. CHARLES M. WEBSTER
SEN. PAMELA L. CAHILL
REP. DAN A. GWADOSKY
REP. JOSEPH W. MAYO
REP. MARY CLARK WEBSTER
REP. FRANCIS C. MARSANO

SARAH C. DIAMOND
EXECUTIVE DIRECTOR

LEGISLATIVE COUNCIL

JUNE 21, 1989

MEETING SUMMARY

APPROVED JUNE 28, 1989

CALL TO ORDER

The Legislative Council meeting was called to order by the Chair, Speaker Martin, at 7:25 p.m., in the Legislative Council Chamber.

ROLL CALL

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

Representatives: Rep. Mayo, Rep. Gwadosky, Rep. Martin, Rep.
Marsano, Rep. Webster

Legislative Officers:

Sally Diamond

Martha Freeman

David Kennedy

John H. Bailey

Executive Director,
Legislative Council
Director, Office of Policy
and Legal Analysis
Revisor of Statutes
Information Systems
Director

SECRETARY'S REPORT

The summary of the Council's June 16 meeting (which was recessed and completed on June 18) was accepted and placed on file. (Motion by Sen. Pray; second by Rep. Marsano; unanimous).

EXECUTIVE DIRECTOR'S REPORT

None.

REPORTS FROM COUNCIL COMMITTEES

None.

OLD BUSINESS

Item #1: Request from Joint Standing Committee on Audit and Program Review to Defer Some Scheduled Statutory Reviews for the Purpose of Pursuing Review of Maine's Child Welfare Services Delivery System.

The item was tabled by the Chair, with no objection, until the next Council meeting.

NEW BUSINESS

Item #1: Requests to Carry Bills Over to the Second Regular Session.

A list of the requests considered by the Council with the Council's action noted is attached.

Item #2: Requests to Conduct Interim Studies

The item was tabled by the Chair, with no objection, until the next Council meeting.

Item #3: Allocation of Budgets for Approved Interim Studies

The item was tabled by the Chair, with no objection, until the next Council meeting.

ANNOUNCEMENTS AND REMARKS

None.

ADJOURNMENT

The Legislative Council was adjourned on the motion of the Chair, at 7:51 p.m.

Legislative Council
Action on Requests to Carry Over Bills
to the Second Regular Session
at the
June 21, 1989 Meeting

DB: TEST4
RPT: SPEC05

Committee Name	Title	Sponsors	Action
Banking and Insurance L.D. 1320	An Act to Create a State Fund to Provide Workers' Compensation Insurance Coverage to Employers	MARTIN J MCHENRY RYDELL DUTREMBLE D	CARRY OVER APPROVED
Energy & Natural Resources L.D. 1747	An Act to Protect the Public from Unsafe Industrial and Commercial Facilities	MILLS JACQUES	TABLED
State and Local Government L.D. 1748	An Act to Amend the Procedure for Approval of the Lincoln County Budget	KILKELLY HOLLOWAY BEGLEY BREWER	CARRY OVER APPROVED

— End of Report —

SARAH C. DIAMOND
EXECUTIVE DIRECTOR
OF THE LEGISLATIVE COUNCIL

JOHN H. BAILEY
INFORMATION SYSTEMS
DIRECTOR

RICHARD N. SAWYER, JR.
ADMINISTRATIVE SERVICES
DIRECTOR



MAINE STATE LEGISLATURE
OFFICE OF THE EXECUTIVE DIRECTOR
LEGISLATIVE COUNCIL

EXECUTIVE DIRECTOR'S REPORT

JUNE 28, 1989

Approved Step Increases

Timothy J. Leet, Legislative Analyst, Office of Fiscal and
Program Review, (Salary Range 10), from Step F to Step G,
effective July 4, 1989.

Anne Woodward, Legislative Technician, Revisor's Office,
(Salary Range 4), from Step C to Step D, effective July
28, 1989.

SENATE

BEVERLY MINER BUSTIN, DISTRICT 19, CHAIR
GEORGETTE B. BERUBE, DISTRICT 16
LINDA CURTIS BRAWN, DISTRICT 21

STAFF

OFFICE OF FISCAL AND PROGRAM REVIEW
CHERYL RING, PRINCIPAL ANALYST
LOCK KIERMAIER, ANALYST
KATHRYN VAN NOTE, ANALYST



HOUSE

NEIL ROLDE, YORK, CHAIR
PHYLLIS R. ERWIN, RUMFORD
HARRIET A. KETOVER, PORTLAND
BEVERLY C. DAGGETT, AUGUSTA
HAROLD M. MACOMBER, SOUTH PORTLAND
JOHN A. ALIBERTI, LEWISTON
GEORGE A. TOWNSEND, EASTPORT
ELEANOR M. MURPHY, BERWICK
CATHERINE KOCH LEBOWITZ, BANGOR
WESLEY FARNUM, SOUTH BERWICK

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

June 19, 1989

Honorable John L. Martin, Chair and
Members of the Legislative Council
114th Maine Legislature
Augusta, Maine 04333

Dear Speaker Martin and Members of the Legislative Council,

We are responding to your letter of May 8, 1989 regarding our request to recommence the Committee's review of Maine's child welfare service delivery system. In your letter you requested that we meet again with Jane Sheehan, Child Welfare Services Ombudsman, and you asked for the following information: 1) a specific definition of the Committee's proposed scope of work, including the primary tasks that will be performed, 2) the staff resources needed to conduct this work 3) a schedule for completion; and 4) the impact resumption of the child welfare review will have on our scheduled reviews.

We have met with Ms. Sheehan and have formulated our plans. First, our own inquiry and Ms. Sheehan's experience unequivocally point to two areas needing reform: 1) the manner in which investigations of allegations are conducted; and 2) the need for more substitute care placement facilities within Maine.

We propose to focus on these two areas exclusively, despite all the other problems and issues, because we believe that improvement in these two areas will fundamentally improve the entire child welfare service delivery system. We anticipate that this work will constitute a significant percentage of the Committee's time and staff resources. To accommodate this amendment to the review schedule, we propose to scale back the Committee's review efforts on the Department of Audit and Department of Finance, with a proportional reduction in staff resources. Specifically, we propose to limit our review of the Department of Finance to the Bureaus of Taxation and Budget and defer the balance of the Department to next year's review. Regarding the Department of Audit, we intend to review the Department's Justification Report, ask State Auditor Scribner to identify issues requiring Legislative attention for the Committee, and direct staff to work with agency staff to address those issues.

The timetable for the child welfare review and primary tasks to be performed are tentatively proposed as follows:

July and August 1989

Committee will consider proposals to revise the investigation procedure for child abuse allegations. One new procedure that the Committee may consider will be to have child abuse investigations conducted by a small team of trained professionals. Currently, investigations are done by individual caseworkers who also carry a social work caseload and who, in most cases, are also responsible for delivering social services to the family after the close of the investigation.

This proposal would establish a professional investigation team that would be expert in child abuse, investigation procedures and techniques, and child welfare law. In practice, the goal of the team would be to conduct a thorough, unbiased, legal, and comprehensive investigation; interview all principals, including the alleged perpetrator, prior to reaching a conclusion on the allegation; and ensure that due process rights of all principals are recognized and protected.

A related innovation which may be considered as part of the Committee's reform of child abuse investigation would be the recording of all interviews.

August and September 1989

Committee will consider proposals to increase the number of in-state placement resources for children in substitute care. The current array of substitute care placements in Maine are not sufficient to serve the needs of children whose emotional dysfunction includes fire-setting, damage of self and property, severe behavioral disorders, and routine and aggressive sexual acting-out.

This need was the subject of a finding in the Committee's 1985 report and a statutory recommendation in 1986. The 1986 recommendation directed an interdepartmental Task Force to identify and implement a course of action to minimize the number of children placed in facilities out-of-state.

November and December 1989

Committee hears comments and testimony from invited individuals regarding its proposals.

January and February 1990

Committee makes any final changes and introduces the bill to the Second Session of the 114th.

In summary, with the inclusion of the proposed child welfare review, our upcoming review schedule would be as follows:

- 1) Investigations and sub-care placements - child welfare;
- 2) Two bureaus within the Department of Finance - Budget and Taxation;
- 3) Department of Audit (working with agency staff);
- 4) Treasurer of State;
- 5) 4 bureaus within the Department of Administration (i.e. the second half of current review);
- 6) Bureau of Capitol Security within the Department of Public Safety;
- 7) Board of Emergency Municipal Finance;
- 8) Finance Authority of Maine;
- 9) Maine Municipal Bond Bank;
- 10) Capital Planning Commission; and
- 11) Educational Leave Advisory Board.

We respectfully submit this proposal for your review and approval.

Sincerely,



Beverly M. Bustin
Senate Chair



Neil Rolde
House Chair

cc. Members of the Audit Committee

Jane Sheehan, Esq.
Child Welfare Ombudsman

Sally Diamond, Executive Director of the Legislative Council

SENATE

JUDY C. KANY, DISTRICT 17, CHAIR
EDGAR E. ERWIN, DISTRICT 8
MARGARET G. LUDWIG, DISTRICT 3

TIM GLIDDEN, LEGISLATIVE ANALYST
GRO FLATEBO, LEGISLATIVE ANALYST
JO-ELLEN STAPLES, COMMITTEE CLERK



HOUSE

MICHAEL H. MICHAUD, EAST MILLINOCKET, CHAIR
PAUL F. JACQUES, WATERVILLE
JAMES MITCHELL, FREEPORT
JAMES REED COLES, HARPSWELL
ANNETTE M. HOGLUND, PORTLAND
RICHARD A. GOULD, GREENVILLE
P. KELLEY SIMPSON, CASCO
EDWARD L. DEXTER, KINGFIELD
WILLIS A. LORD, WATERBORO
MALACHI ANDERSON, WOODLAND

STATE OF MAINE
ONE HUNDRED AND FOURTEENTH LEGISLATURE
COMMITTEE ON ENERGY AND NATURAL RESOURCES

June 19, 1989

Honorable John L. Martin, Chair
Legislative Council
114th Maine Legislature
Augusta, Maine 04333

Dear Representative Martin:

We are writing to request authorization to carry over the following bill to the Second Regular Session of the 114th Legislature:

(L.D. 1747) Bill "An Act to Protect the Public
from Unsafe Industrial and Commercial
Facilities"

The issues surrounding this bill are complex but very important. The committee cannot give it due attention in the time left this session.

Thank you for your consideration of our request.

Sincerely,

Handwritten signature of Judy C. Kany in cursive.

SEN. JUDY C. KANY
Senate Chair

Handwritten signature of Michael H. Michaud in cursive.

REP. MICHAEL H. MICHAUD
House Chair

/s

SENATE

STEPHEN C. ESTES, DISTRICT 35, CHAIR
STEPHEN M. BOST, DISTRICT 11
BARBARA A. GILL, DISTRICT 32

DAVID ELLIOTT, LEGISLATIVE ANALYST
DEBORAH FRIEDMAN, LEGISLATIVE ANALYST
JULIE FORTIN, COMMITTEE CLERK



HOUSE

NATHANIEL J. CROWLEY, SR., STOCKTON SPRINGS,
CHAIR
JAMES R. HANDY, LEWISTON
WILLIAM O'GARA, WESTBROOK
MARGE L. KILKELLY, WISCASSET
JUDY PARADIS, FRENCHVILLE
JAMES V. OLIVER, PORTLAND
JOHN O'DEA, ORONO
MARY E. SMALL, BATH
OMAR P. NORTON, WINTHROP
WENDY L. AULT, WAYNE

STATE OF MAINE
ONE HUNDRED AND FOURTEENTH LEGISLATURE
COMMITTEE ON EDUCATION

June 28, 1989

Honorable John L. Martin, Chair
Legislative Council
114th Maine Legislature
Augusta, Maine 04333

Dear Speaker Martin,

We are writing to express our intention to move for recommitment to the Education Committee of the following education finance bills, and, contingent on recommitment, to request authorization to carry over the bills to the Second Regular Session of the 114th Legislature:

LD83: An Act to Move Certain Minor Capital Costs from the Operating Allocation to the Debt Service Allocation under the School Finance Act of 1985.

LD326: An Act to Increase the State Share of Education Funding and to Increase the Minimum State Allocation.

LD1168: An Act to Provide Adjustments in the Educational Funding Formula.

LD1439: An Act to Provide A Minimum Level of State Educational Funding for Schools.

These bills received unanimous support from the committee, but given the current budgetary constraints under which the legislature is working, we understand that funds may not be available to pass these proposals this year. We would like to have the opportunity to work with these bills again next session. At that time, we hope to have results from a study of the property tax assessment procedures, and the manner in which those property tax procedures affect the education funding law. We therefore intend to move to recommit the following bills to the Education Committee and we ask the Legislative

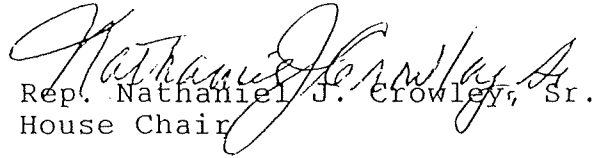
Council to authorize the committee to carry these bills over to the Second Regular Session of the 114th Legislature.

Thank you for your consideration of this request.

Sincerely,



Sen. Stephen C. Estes
Senate Chair



Rep. Nathaniel J. Crowley, Sr.
House Chair

3794m/DF



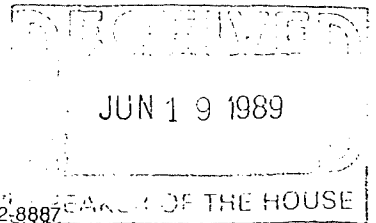
Peat Marwick

Policy Economics Group

Peat Marwick Main & Co.
2001 M Street, N.W.
Washington, DC 20036

Telephone 202 467-3800

Telecopier 202 822-8887



June 15, 1989

The Honorable John Martin
Speaker of the House
Maine State Legislature
State House Station
Augusta, Maine 04333

Dear Mr. Speaker:

As you know, we have completed work on the individual income tax portion of our contract with the State with the exception of an analysis of tax withholding which will be completed shortly.

As a follow-up to our analysis, John LaFaver of the Bureau of Taxation has asked us to prepare additional estimates based on an alternative economic forecast. Mr. LaFaver requested these estimates as part of the State's on-going consideration of possible changes in the income tax structure.

After consultation with Chairman Cashman and the staff of the Office of Fiscal and Program Review, we prepared these estimates and have provided them to both Mr. LaFaver and the Office of Fiscal and Program Review.

The cost of this work is not covered by our existing contract, which has essentially been exhausted. The cost of the additional estimates is \$3,500.00. This covers computer time and the cost of having our analysts make the revisions that were requested. I request your help in securing additional funds to cover this work.

Your assistance in this matter is appreciated. If you have questions or need further information, please do not hesitate to contact me at 202/467-3827.

Sincerely,

Thomas E. Vasquez
Principal

cc: Mr. John LaFaver



Member Firm of
Klynveld Peat Marwick Goerdeler

LEGISLATIVE COUNCIL
ADDITIONAL STUDY REQUESTS

June 20, 1989

Committee	Study Topic	# Members	# Mtgs
Banking & Insurance	Feasibility of a State Fund to Provide Workers' Compensation Insurance Coverage to Employers	8	12
Education	Develop a Framework for Analysis of Education Reform in Maine	5	3
	School Organization (Study of Issues in LD 1469)	5	5

SENATE

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

DEBORAH FRIEDMAN, LEGISLATIVE ANALYST
HAVEN WHITESIDE, LEGISLATIVE ANALYST
TORREY GRAY, COMMITTEE CLERK



HOUSE

CHARLENE B. RYDELL, BRUNSWICK, CHAIR
PHYLLIS R. ERWIN, RUMFORD
RICHARD H. C. TRACY, ROME
CAROL M. ALLEN, WASHINGTON
HARRIET A. KETOVER, PORTLAND
RUTH JOSEPH, WATERTOWN
ANNE M. RAND, PORTLAND
PHILIP E. CURRAN, WESTBROOK
JOSEPH A. GARLAND, BANGOR
HARVEY C. DONALD, BANGOR

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

June 20, 1989

Hon. John L. Martin, Chairman
Legislative Council
State House
Augusta, ME 04333

Dear Chairman Martin:

The Joint Standing Committee on Banking and Insurance requests authorization to study the issues raised by LD 1320, "An Act to Study the Creation of a State Fund to Provide Workers' Compensation Insurance Coverage to Employers." The Committee further requests that the bill be carried over to the Second Regular Session of the 114th Legislature. If these requests are approved, it would be our intention to move that LD 1320 be recommitted to the Joint Standing Committee on Banking and Insurance for this purpose.

The study is needed for the following reasons:

-the availability and cost of workers' compensation insurance in the private market in the State has, in the past, necessitated emergency action by the Legislature; and

-to prevent resolving these problems as emergencies in the future the Legislature wishes to study the feasibility of providing an alternative to the private market for workers compensation insurance; and

-a recent survey of small businesses in Maine indicates significant interest in a quasi-governmental fund; and

-the Special Study Commission on Workers Compensation Insurance, known as the Menario report, recommended in 1984 that the state pursue the creation of a competitive state fund for workers' compensation, but did not determine the appropriate form for such a fund; and

-the Joint Committee on Banking & Insurance desires to reexamine the issues addressed in the Menario report, and to further study the feasibility and suggested form of a quasi-governmental, non-profit entity to provide workers compensation insurance to Maine employers.

The subject of the study will be: the feasibility of a quasi-governmental, nonprofit entity which would offer insurance to employers for their liability under the Workers' Compensation Act.

We would request that an eight-member subcommittee be appointed. It would be our intention to divide that group into two working groups of 4, to enable us to distribute the workload among ourselves.

The study shall include, but not be limited to, the following issues:

1. Examining various models of quasi-governmental funds in other states;
2. Examining the efficacy and appropriateness of a quasi-governmental fund for the State of Maine; and
3. If the subcommittee determines that a quasi-governmental fund is appropriate for Maine, determining what model is best suited for Maine and drafting legislation to implement the model.

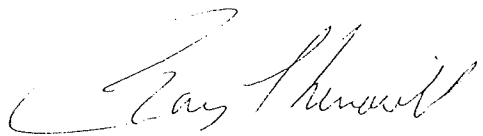
The subcommittee requests the opportunity to hold up to 12 meetings, as necessary to complete its tasks, and requests one meeting of the full committee to review and act upon the recommendations of the subcommittee.


The study will require staffing assistance from the Legislative Council. In addition, it is requested that the Legislative Council provide funds in the amount of \$15,000 for consultants fees and expenses to make specialized professional services available to the subcommittee.

The study report will be presented, together with any necessary implementing legislation, to the Second Regular Session of the 114th Legislature by December 1, 1989.

Thank you for consideration of our request.

Sincerely,


Sen. Raynold Theriault
Senate Chair


Rep. Charlene B. Rydell
House Chair

SENATE

STEPHEN C. ESTES, DISTRICT 35, CHAIR
STEPHEN M. BOST, DISTRICT 11
BARBARA A. GILL, DISTRICT 32

DAVID ELLIOTT, LEGISLATIVE ANALYST
DEBORAH FRIEDMAN, LEGISLATIVE ANALYST
JULIE FORTIN, COMMITTEE CLERK



HOUSE

NATHANIEL J. CROWLEY, SR., STOCKTON SPRINGS,
CHAIR
JAMES R. HANDY, LEWISTON
WILLIAM O'GARA, WESTBROOK
MARGE L. KILKELLY, WISCASSET
JUDY PARADIS, FRENCHVILLE
JAMES V. OLIVER, PORTLAND
JOHN O'DEA, ORONO
MARY E. SMALL, BATH
OMAR P. NORTON, WINTHROP
WENDY L. AULT, WAYNE

STATE OF MAINE
ONE HUNDRED AND FOURTEENTH LEGISLATURE
COMMITTEE ON EDUCATION

June 19, 1989

Rep. John L. Martin, Chair
Legislative Council
State House
Augusta, ME 04333

Dear Rep. Martin:

The Education Committee is requesting authorization to treat LD 1469, Resolve, Establishing a School Organization Study Committee, as a council approved study rather than a legislative study. The original bill would have established a 12 member study committee to examine school administrative unit organization issues such as unit formation and dissolution, budget submission and approval and unit cost sharing agreements.

We recognize that time, staff and budget constraints preclude approval and full funding of all the proposed interim studies. However, school administrative unit organization issues continue to result in introduction of numerous pieces of legislation each session. Furthermore, the school organization statutes have never, to our knowledge, received a comprehensive review.

We propose, and hope the council approves, that the Education Committee be authorized to form a subcommittee to study the issues outlined in the study bill and report to the full committee in December. The full committee would then be authorized to submit corrective legislation to the Second Regular Session. A 5 member subcommittee meeting 5 times during the summer and fall would be sufficient to carry out the study.

Please contact either of us if you have any questions.

Sincerely,

A handwritten signature in cursive script, reading "Steve Estes".

Sen. Stephen C. Estes
Senate Chair

A handwritten signature in cursive script, reading "Nathaniel Crowley, Sr.".

Rep. Nathaniel J. Crowley, Sr.
House Chair

3740m

SENATE

STEPHEN C. ESTES, DISTRICT 35, CHAIR
STEPHEN M. BOST, DISTRICT 11
BARBARA A. GILL, DISTRICT 32

DAVID ELLIOTT, LEGISLATIVE ANALYST
DEBORAH FRIEDMAN, LEGISLATIVE ANALYST
JULIE FORTIN, COMMITTEE CLERK



HOUSE

NATHANIEL J. CROWLEY, SR., STOCKTON SPRINGS,
CHAIR
JAMES R. HANDY, LEWISTON
WILLIAM O'GARA, WESTBROOK
MARGE L. KILKELLY, WISCASSET
JUDY PARADIS, FRENCHVILLE
JAMES V. OLIVER, PORTLAND
JOHN O'DEA, ORONO
MARY E. SMALL, BATH
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WENDY L. AULT, WAYNE

STATE OF MAINE
ONE HUNDRED AND FOURTEENTH LEGISLATURE
COMMITTEE ON EDUCATION

June 19, 1989

Rep. John L. Martin, Chair
Legislative Council
State House
Augusta, ME 04333

Dear Rep Martin:

On behalf of the Education Committee we are requesting authorization to change LD 1564, Resolve, Establishing A Special Commission to Study and Evaluate the Status of Education Reform in Maine, from a legislative study to a council approved committee study.

Starting with the so-called "Education Reform Act of 1984", the State has invested very substantial amounts of time and resources in various educational reform measures over the past 5 years. Among the significant legislative enactments during that time are increased teacher and administrator certification standards, establishment of a minimum starting teacher salary to attract and retain good teachers, higher graduation requirements for students, stronger curriculum and approval standards for schools, innovative grant programs to enhance the development of special innovative classroom projects, increased early childhood assistance and a subsidized post-secondary loan program to encourage Maine students to go into teaching.

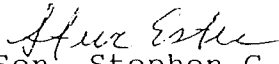
While this combination of mandates and incentives has been phased in over the past 5 years, numerous other "reform" measures continue to be proposed for legislative consideration, e.g., longer school day/year, advanced degrees for teachers, further enhanced early childhood education programs, school restructuring and more emphasis on the truant/dropout problem. In order to determine whether the reform efforts to date have resulted in money well spent and to assess the need for and correct direction of any new reform efforts, we believe a thorough review of the reform movement so far is in order.

The original study bill, LD 1564, established the framework for a comprehensive analysis of the education reform movement from 1984 to the present. It would have required funding at a level in excess of \$65,000 for the biennium. We recognize the constraints: financial, time and staffing, which make it impossible to conduct the legislative study as originally proposed. However, we strongly feel that an analysis of the education reform movement is timely, fully warranted given the investment to date and will be beneficial to the Legislature and the people of Maine.

Our proposal which we hope the council will support is to form a subcommittee of the Education Committee to flesh out the scope and approach of the study during the upcoming interim. The subcommittee would then present a comprehensive proposal for a study to be conducted during 1990 to the Second Regular Session. A 5 member subcommittee meeting no more than 3 times would be sufficient. We would also expect the subcommittee to pursue the possibility of alternative sources of funding for the study from, e.g., NCSL, Education Commission of the States, Danforth Foundation and the University of Maine System.

We hope you look favorably on this approach. Please contact either of us if you have any questions.

Sincerely,


Sen. Stephen C. Estes
Senate Chair


Rep. Nathaniel J. Crowley, Sr.
House Chair

LEGISLATIVE COUNCIL
PROPOSED BUDGETS FOR
APPROVED INTERIM STUDIES

June 22, 1989

Committee	Study Topic	# Members	# Mtgs	
Agriculture	Agriculture Marketing & Bargaining Act	5	5	
Banking & Insurance	Current Operation of State Guarantee Funds (Chapter 67, P.L. 1989)	5	5 subcommittee 1 full committee	
	Study of Uninsured Motorists (29 MRSA @ 790)			
Business Legislation	Third-Party Prescription Programs	5	4	
Energy & Natural Resources	Redesign the Structure of BEP (LD 722)	7	6 subcommittee 1 public hearing	Also requesting \$5,000 for invited speakers from out-of-state
Housing & Economic Development	Affordable Housing (LD 1765)	8	5 subcommittee 1 full committee	
Human Resources	Review of State Mental Health Services	Not yet known	Not yet known	
Judiciary	Termination of Medical Treatment, Hydration, & Nutrition (LD 1010 : CARRYOVER)	Full Committee	4 public hearings;	
State & Local Government	Structure of Substance Abuse Assistance and Services in the State (LD 1566)	7	5 subcommittee 1 full committee	
	Redistribution of County Functions (LD 817)	6	5 subcommittee 1 full committee	

Committee

Study Topic

Members

Mtgs

Taxation

Commission to Study Problems
with Municipal Assessment,
Valuation & Collection of
Property Taxes
(LD 1088)

Taxpayers' Bill of Rights Study
LD 1644

Transportation

Access to Camps
(L.D. 1219: CARRYOVER)

5

2 Subcommittee
1 Full Committee

APPROVED
NOTE: STUDY REQUEST
WILL BE WITHDRAWN
SINCE LEGISLATION
WAS PASSED

SENATE

R. DONALD TWITCHELL, DISTRICT 15, CHAIR
JUDY C. KANY, DISTRICT 17
JEROME A. EMERSON, DISTRICT 9

LARS RYDELL, LEGISLATIVE ANALYST
RUSSELL W. MARTELL, COMMITTEE CLERK



HOUSE 0 8 1989

ROBERT J. TARDY, PALMYRA, CHAIR
JOHN A. ALIBERTI, LEWISTON
B. CAROLYNNE T. SPANGLER, PORTLAND
JOHN N. NUTTING, LEEDS
ROBERT E. HUSSEY, JR., MILLO
WILFRED J. BELL, CARIBOU
WESTON R. SHERBURNE, DEXTER
SUSAN J. PINES, LIMESTONE
PAUL PARENT, BENTON
WALTER E. WHITCOMB, WALDO

STATE OF MAINE
ONE HUNDRED AND FOURTEENTH LEGISLATURE
COMMITTEE ON AGRICULTURE

June 7, 1989

Speaker John L. Martin, Chairman
Legislative Council
Maine Legislature
Augusta, Maine 04333

Dear Speaker Martin:

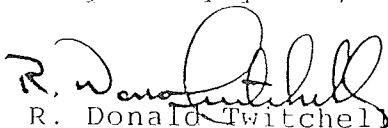
Recent events in the potato industry and the committee's work prior to amending of the agricultural marketing and bargaining act in L.D. 1624 have raised a number of questions about the fairness and efficacy of the existing bargaining act. Time constraints prevented the committee from fully addressing these questions in our recent amendment. For this reason, the Joint Standing Committee on Agriculture requests that a 5 person committee be appointed to perform a comprehensive examination of the agricultural marketing and bargaining act.

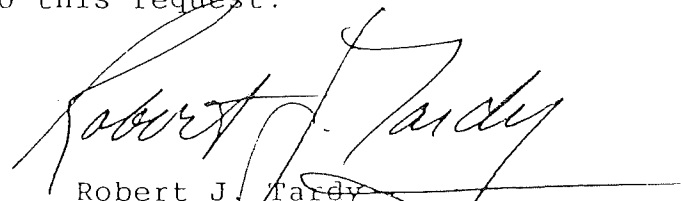
We suggest the study committee be comprised of 3 representatives appointed by the Speaker of the House and 2 Senators appointed by the President of the Senate. We also suggest the appointed members not be limited to members of the Joint Standing Committee on Agriculture. In addition, we request staff support be assigned and we foresee a need for at least 5 meetings at an estimated expense of \$4,825. At least one meeting should be in Aroostook County.

As stated, the committee would undertake a comprehensive look at the bargaining act, but would focus on the required mediation or "final binding offer arbitration" process. Issues related to required mediation and other study issues are outlined on the attached page.

We hope the Council agrees that review of the agricultural marketing and bargaining act is important at this time and stand ready to answer any questions you may have with regard to this request.

Very truly yours,


R. Donald Twitchell
Senate Chair


Robert J. Tardy
House Chair

STUDY ISSUES

Subcommittee to Study the Agricultural Marketing & Bargaining Act

Issues related to the required mediation process:

Should the arbitrator decide all issues which have been under negotiation or only those issues which remain unresolved?

Should a negotiated agreement between the parties be allowed to supercede the arbitrator's decision once that decision has been reached, but before a contract is signed? After a contract has been signed?

Other issues brought to the committee's attention:

The make-up of the Agricultural Marketing and Bargaining Board;

Should conditions under which growers obtain seed potatoes from processors be limited;

Should a condition of "rebuttable presumption" be imposed on a party accused of unfair practices;

Contract reporting requirements for processors; and

The adoption of a fixed contract date to trigger the various preseason negotiation activities.

STUDY COSTS

Personal Services

5 Legislators X \$55 Per Diem X 5 Meetings = \$ 1,375

All Other

5 Legislators X \$50 Meals & Travel X 5 Meetings = \$1,250

Printing 1,900

Advertising 300

\$3,450

TOTAL

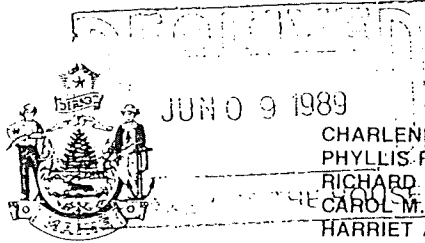
\$4,825

3217m

SENATE

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

DEBORAH FRIEDMAN, LEGISLATIVE ANALYST
HAVEN WHITESIDE, LEGISLATIVE ANALYST
TORREY GRAY, COMMITTEE CLERK



HOUSE

CHARLENE B. RYDELL, BRUNSWICK, CHAIR
PHYLLIS R. ERWIN, RUMFORD
RICHARD H. C. TRACY, ROME
CAROL M. ALLEN, WASHINGTON
HARRIET A. KETOVER, PORTLAND
RUTH JOSEPH, WATERTOWN
ANNE M. RAND, PORTLAND
PHILIP E. CURRAN, WESTBROOK
JOSEPH A. GARLAND, BANGOR
HARVEY C. DONALD, BUNTON

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

June 6, 1989

Speaker John L. Martin
Chairman
Legislative Council

Dear Speaker Martin:

Earlier this session, the Joint Committee on Banking & Insurance reported out LD750, a bill revising the current mechanism for guaranteeing that persons insured by insolvent insurance companies receive payment for claims under their policies for life, health, workers' compensation and other property and casualty insurance. The legislation as introduced proposed a major overhaul of the state's Guarantee Fund mechanism. The committee, however, was not given adequate time to fully consider these major changes.

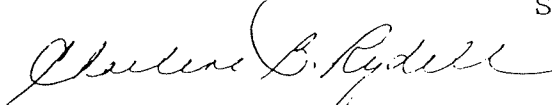
The committee dealt with LD750 in a crisis atmosphere, because the Guarantee Fund which provides payment to injured workers in the state, when their employer's workers' compensation insurer becomes insolvent, ran out of funds at the end of March. The company which sends checks to those injured workers was, according to the superintendent of insurance, threatening to stop sending checks unless some method was worked out to provide more funds to the Guarantee Fund. Thus, the committee agreed to a major change in the law, to alleviate the immediate crisis. We added to the bill a repeal date 91 days after adjournment of the 2nd Regular Session of the 114th Legislature, and a provision requiring the committee to perform an interim study of the issue of guarantee funds. The sunset and the study were critical aspects of the bill which enabled us to deal with the immediate crisis with the assurance that we would have an opportunity to examine the issue more carefully during the interim. The interim study is necessary to fully consider the ramifications of the changes made to the structure, to review other models for guarantee funds, and to propose a viable, long-term structure for the funds which will

prevent future crises such as the one we recently suffered in the workers' compensation guarantee fund.

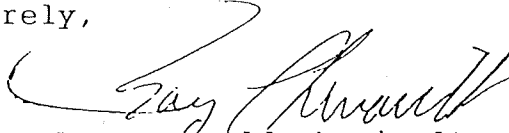
The bill requires the Committee to seek funding and staff from the Legislative Council in order to carry out the study. The purpose of this letter is to request staffing and funding to perform this proposed study, as set forth in the attached proposal.

Given the importance of this issue, and the impending sunset of the legislation at the end of the next legislative session, we urge the Legislative Council to approve this study request. Please let one of us know if you have any questions.

Sincerely,



Rep. Charlene Rydell
House Chair



Sen. Raynold Theriault
Senate Chair

SENATE

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

DEBORAH FRIEDMAN, LEGISLATIVE ANALYST
HAVEN WHITESIDE, LEGISLATIVE ANALYST
TORREY GRAY, COMMITTEE CLERK



HOUSE

CHARLENE B. RYDELL, BRUNSWICK, CHAIR
PHYLLIS R. ERWIN, RUMFORD
RICHARD H. C. TRACY, ROME
CAROL M. ALLEN, WASHINGTON
HARRIET A. KETOVER, PORTLAND
RUTH JOSEPH, WATERTOWN
ANNE M. RAND, PORTLAND
PHILIP E. CURRAN, WESTBROOK
JOSEPH A. GARLAND, BANGOR
HARVEY C. DONALD, BUXTON

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

STUDY PROPOSAL FROM THE
BANKING & INSURANCE COMMITTEE

The Joint Standing Committee on Banking and Insurance shall study the current operation of state guarantee funds and make recommendations to change or strengthen the current system. The committee shall study issues such as the feasibility of a circuit breaker on assessments and the appropriate manner of paying claims of insolvent insurers and self-insurers.

Study methods. In examining these issues, the committee may hold informational sessions and public hearings, determine and summarize legislative actions undertaken in other states, perform a survey of literature to determine alternative methods of assuring payments of insureds' claims, review historical data on assessments and claims payments of the associations and perform such other study as it deems appropriate.

Meetings. The Committee shall meet up to the number of times specified by the Legislative Council to perform the study.

Findings. The committee shall report its findings, together with any necessary implementing legislation, to the Second Regular Session of the 114th Legislature no later than December 1, 1989.

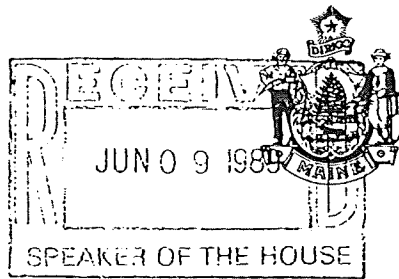
Compensation. Committee members shall receive legislative per diem and expenses, as defined in the Maine Revised Statutes, Title 3, section 2, for days of attendance at committee meetings. Members shall also receive reimbursement for travel and other necessary expenses upon application to the Executive Director of the Legislative Council.

Staffing. The Committee requests staffing and clerical assistance from the Legislative Council.

SENATE

JOHN E. BALDACC, DISTRICT 10, CHAIR
BARRY J. HOBBINS, DISTRICT 31
R. PETER WHITMORE, DISTRICT 22

JOHN KNOX, LEGISLATIVE ANALYST
SHERRY DUDLEY, COMMITTEE CLERK



HOUSE

CAROL ALLEN, WASHINGTON, CHAIR
CARL F. SHELTRA, BIDDEFORD
CHRISTOPHER SCOTT GURNEY, PORTLAND
VIRGINIA CONSTANTINE, BAR HARBOR
NASON S. GRAHAM, HOULTON
BERTRAM MARSTON, OAKLAND
JOHN TELOW, LEWISTON
ALBERT G. STEVENS, SABATTUS
GARY W. REED, FALMOUTH
JACK L. LIBBY, KENNEBUNK

STATE OF MAINE
ONE HUNDRED AND FOURTEENTH LEGISLATURE
COMMITTEE ON BUSINESS LEGISLATION

June 8, 1989

Rep. John L. Martin, Chairman
Legislative Council
State House Station #115
Augusta, ME 04333

Re: Request for study

Dear Chairman Martin:

The Committee on Business Legislation would like to request a study of third-party prescription programs. This request is in response to 2 bills which came before the committee in the last session: LD's 1083 and 1311. These bills presented complex and important subjects which the committee was not able to adequately deal with, particularly since the latter was rereferred to the committee quite late in the session.

The details concerning this study request are as follows:

I. Study subject & tasks

A. Subject of study

The subject of the study is third-party prescription programs and the use of mail order prescriptions in conjunction with them.

B. Specific questions to be examined

1. Should there be a change in the law relating to mail order prescriptions, in general, and particularly in conjunction with third-party prescription programs?

2. For which, if any, of the following reasons does fulfillment of a prescription by mail order constitute a threat to the citizens of Maine?

(a) Such a process might result in the demise of many retail pharmacies and, therefore, people living in small towns may be without a local pharmacy.

(b) The fact that mail order suppliers are generally large firms located out-of-state might result in the following problems:

- 1) prescriptions may be filled under laws less strict than Maine's.
- 2) their fulfillment will not be subject to Maine's disciplinary procedures.

(c) The fact that the prescription is filled by mail is more apt to result in misfilled prescriptions.

(d) The fact that the prescription is filled by mail may result in the loss of the following:

- 1) maintenance of, and reference to, the patient's profile by the pharmacist.
- 2) patient counseling by the pharmacist
- 3) the face-to-face evaluation of the patient by the pharmacist.
- 4) easy contact between pharmacist and doctor.

(e) The introduction of a mail order option will result in the consumer getting his drugs from 2 sources, which could result in taking drugs that should not be taken together. Several hypotheses need to be checked as to current patient behavior:

- 1) do patients get prescriptions from more than 1 doctor?
- 2) do patients have prescriptions filled at only 1 pharmacy?

3. Are Maine pharmacists providing consumer counseling and making reference to patient profiles? Are these important consumer benefits?

4. Would regulation of out-of-state mail order result in interstate commerce or other constitutional problems? Would it be preempted by the Employee Retirement Income Security Act of 1974 (ERISA)?

5. Does mail order represent a cost saving? To the patient? The employee? The insurer? Is this true if the same brand of drug is used? Is this true if the possible wastage occasioned by the large quantities required by mail order programs is considered?

6. Should Maine require out-of-state pharmacies to verify the prescription and that a legitimate physician-patient relationship exists?

7. Does use of an out-of-state business by State agencies result in an unacceptable loss of income to Maine businesses and loss of tax dollars to the State.

8. Is the mail order firm that Maine does business with the best available in terms of safety? Price?

C. Specific tasks to be undertaken

1. Invite representatives of the following organizations to appear before the committee at informational sessions:

- State Employees' Health Commission
- Maine Pharmacy Association
- Board of Commissioners of Pharmacy
- Maine Employees' Association
- Blue Cross/Blue Shield
- Paid Prescriptions Programs, Inc.
- National Pharmacies, Inc.
- Maine State Employees' Health Insurance Program
- Board of Registration in Medicine
- Maine Medical Association

2. Since this is an issue in which most states are involved or concerned, contact the National Council of State Legislatures and the Council of State Governments for information.

3. Obtain information from national trade associations such as:

- The National Association of Mail Service Pharmacies
- National Association of Boards of Pharmacy
- American Pharmaceutical Association

4. Since a number of possible solutions to this problem lie in the federal area, keep up to date on the activities of the Food and Drug Administration.

5. Review consumer complaints received on prescription fulfillment with the following groups:

- (a) In Maine, with the Attorney General, Pharmacy Association and the Pharmacy Board.
- (b) In New Jersey, where Maine prescriptions are now filled, with similar groups.
- (c) With similar groups in other states doing business with the firm with which Maine currently does business

II. Appointment of members

The study shall be conducted by a subcommittee of 5 members of the Committee on Business Legislation chosen by the chairs of that committee. This selection is to be completed by July 1, 1989.

III. Convening of the study group

The Chair of the Legislative Council shall call the first meeting, which is to take place no later than August 1, 1989.

IV. Selection of chair

The Chairs of the Committee on Business Legislation are to select the chair of the study committee.

V. Staffing

Staffing and clerical assistance is to be provided by the Legislative Council.

VI. Compensation of members

All members are to receive legislative per diem and reimbursement for expenses.

VII. Report

The study group is to prepare a report and any supporting legislation that it feels necessary. This report is to be submitted to the Committee on Business Legislation by November 10, 1989. That committee is to present any recommended legislation, with a supporting study if it so desires, to the Legislature by December 1, 1989.

VIII. Administrative item

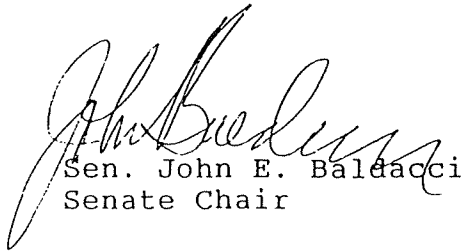
The Executive Director of the Legislative Council is to administer the committee's budget.

IX. Number of meetings

The study committee is to hold no more than 4 meetings, including those required for organization and for developing conclusions and recommendations. The study committee may hold an additional meeting with the full Committee on Business

Legislation to present its findings to that body. Permission for further additional meetings is to be requested of the Legislative Council.

This is a very important issue to our committee and we hope that the Council will act favorably on this request.



Sen. John E. Baleacci
Senate Chair

Sincerely,



Rep. Carol Allen
House Chair

SENATE

JUDY C. KANY, DISTRICT 17, CHAIR
EDGAR E. ERWIN, DISTRICT 8
MARGARET G. LUDWIG, DISTRICT 3

TIM GLIDDEN, LEGISLATIVE ANALYST
GRO FLATEBO, LEGISLATIVE ANALYST
JO-ELLEN STAPLES, COMMITTEE CLERK



HOUSE

MICHAEL H. MICHAUD, EAST MILLINOCKET, CHAIR
PAUL F. JACQUES, WATERTOWN
JAMES MITCHELL, FREEPORT
JAMES REED COLES, HARPSWELL
ANNETTE M. HOGUND, PORTLAND
RICHARD A. GOULD, GREENVILLE
P. KELLEY SIMPSON, CASCO
EDWARD L. DEXTER, KINGFIELD
WILLIS A. LORD, WATERBORO
MALACHI ANDERSON, WOODLAND

STATE OF MAINE
ONE HUNDRED AND FOURTEENTH LEGISLATURE
COMMITTEE ON ENERGY AND NATURAL RESOURCES

June 19, 1989

Honorable John L. Martin, Chairman
Legislative Council
State House Station #115
Augusta, ME 04333

Dear Rep. Martin:

You have asked for additional information on our proposed study, "The Commission to Evaluate the Structure and Function of the Board of Environmental Protection".

As proposed, the study would have:

7 members of the Energy and Natural Resources Committee

6 meetings

1 public hearing

plus additional funds for invited speakers from out-of-state. We have \$5,000 included in the original fiscal note for this.

The members of the study will be:

Sen. Judy Kany (Chair)	Rep. Reed Coles
Sen. Ed Erwin	Rep. Jim Mitchell
	Rep. Dick Gould
	Rep. Kelly Simpson
	Rep. Ed Dexter

Rep. Michael Michaud
House Chair

Sincerely,

Sen. Judy Kany
Senate Chair

3724m

SENATE

DENNIS L. DUTREMBLE, DISTRICT 34, CHAIR
THOMAS H. ANDREWS, DISTRICT 30
NORMAN E. WEYMOUTH, DISTRICT 18

TED POTTER, LEGISLATIVE ANALYST
JANET BRIGGS, COMMITTEE CLERK



HOUSE

GREGORY G. NADEAU, LEWISTON, CHAIR
RITA B. MELENDY, ROCKLAND
JEFFERY N. MILLS, BETHEL
MARGE L. KILKELLY, WISCASSET
WILFRED J. BELL, CARIBOU
NASON S. GRAHAM, HOULTON
CONRAD HEESCHEN, WILTON
CATHERINE KOCH LEBOWITZ, BANGOR
RONALD C. BAILEY, FARMINGTON
HARVEY C. DONALD, BUXTON

STATE OF MAINE
ONE HUNDRED AND FOURTEENTH LEGISLATURE
COMMITTEE ON HOUSING AND ECONOMIC DEVELOPMENT

June 19, 1989

Rep. John L. Martin, Chair
Legislative Council
State House
Augusta, ME 04333

Dear Chairman Martin:

We are writing in response to your letter dated June 19, 1989, with respect to the Committee's proposed study of affordable housing which is incorporated in the Committee's affordable housing legislative package.

The Joint Standing Committee on Housing and Economic Development requests authorization to conduct a study of the obstacles to the development of affordable housing.

The Committee proposes that an 8 member subcommittee conduct this study. The subcommittee needs 5 meetings and the full committee will require 1 meeting.

Following approval of this study request, we will be able to provide you with the names of the subcommittee members and the chairperson.

Sincerely,

A handwritten signature in dark ink, appearing to read "Dennis L. Dutremble".
Sen. Dennis L. Dutremble
Senate Chair

A handwritten signature in dark ink, appearing to read "Gregory G. Nadeau".
Rep. Gregory G. Nadeau
House Chair

3725m

SENATE

N. PAUL GAUVREAU, DISTRICT 23, CHAIR
BONNIE L. TITCOMB, DISTRICT 25
EDWIN C. RANDALL, DISTRICT 7

JULIE JONES, LEGISLATIVE ANALYST
ANNIKA LANE, LEGISLATIVE ANALYST
MARK E. SIROIS, COMMITTEE CLERK



HOUSE

PETER J. MANNING, PORTLAND, CHAIR
NEIL ROLDE, YORK
BRADFORD E. BOUTILIER, LEWISTON
MARGARET PRUITT CLARK, BRUNSWICK
CHRISTINE F. BURKE, VASSALBORO
MARY R. CATHCART, ORONO
EVERETT O. PEDERSON, BANGOR
JEAN T. DELLERT, GARDINER
MICHAEL F. HEPBURN, SKOWHEGAN
PEGGY A. PENDLETON, SCARBOROUGH

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

June 12, 1989

Rep. John L. Martin, Chair
Legislative Council
State House
Augusta, Maine 04333

Dear Rep. Martin:

The Joint Standing Committee on Human Resources requests permission of the Legislative Council for the following interim studys in order of priority.

1. STUDY TO REVIEW STATE
MENTAL HEALTH SERVICES

The provision of mental health services by the State has been the subject of serious concern during the course of this session. Although the Legislature has taken some emergency measures, as a first step toward the improvement of services, there is still much work that needs to be done.

During the next few months, the consortium of hospitals will be assisting in the management of the Augusta Mental Health Institute. It is vital that there be a continued legislative oversight of that effort and the implementation of any further activities recommended by that organization.

While a great deal of time has been spent in addressing the emergency nature of problems at the mental health institutes, there is a serious need for additional consideration of the issues involved in the relationship between institutional services and community services. An interim study is the best way to consider and address these issues.

The status of eligibility of the mental health institutes for federal Medicare and Medicaid funding continues to be an issue of uncertainty that requires legislative involvement.

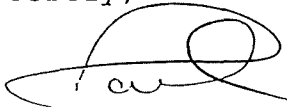
The Human Resources Committee will be hearing the report of the AMHI Oversight Committee on Tuesday, June 13. We expect that it will be necessary to meet frequently during the summer; however, we will not be able to discuss with the Human Resources Committee the manner of the Committee's involvement over the summer until we know the recommendations of the AMHI Oversight Committee. After that meeting we will be able to provide additional information regarding the number of members and meetings that will be necessary to accomplish this task.

2. ELDERLY SERVICES STUDY COMMISSION

The Joint Standing Committee on Human Resources also has a strong interest in L.D. 747, RESOLVE, Establishing a Commission to Study the Level of Services for Maine's Elderly Citizens (copy attached). This bill is currently on the Appropriations Table. It establishes a study commission with 15 members (including 3 legislators) and authorizes the study commission to request legislative staffing. While we believe this study to be extremely important, in light of the gravity and immediacy of the mental health issues, we must list the L.D. 747 study as our second priority.

The Committee is also reporting out legislation relating to health care financing (L.D. 920) which recommends the establishment of a study commission relating to health planning and deregulation of ambulatory health services. This study commission has three legislative members; however, staffing will be provided by the Maine Health Care Finance Commission.

Sincerely,



Sen. N. Paul Gauvreau
Senate Chair



Rep. Peter J. Manning
House Chair

SENATE

BARRY J. HOBBS, DISTRICT 31, CHAIR
N. PAUL GAUVREAU, DISTRICT 23
MURIEL D. HOLLOWAY, DISTRICT 20

PEGGY REINSCH, LEGISLATIVE ANALYST
TODD BURROWES, LEGISLATIVE ANALYST
PAULA ASHTON, COMMITTEE CLERK



HOUSE

PATRICK E. PARADIS, AUGUSTA, CHAIR
CONSTANCE D. COTE, AUBURN
GERARD P. CONLEY, JR., PORTLAND
PATRICIA M. STEVENS, BANGOR
CUSHMAN D. ANTHONY, SOUTH PORTLAND
SUSAN FARNSWORTH, HALLOWELL
MARY H. MACBRIDE, PRESQUE ISLE
DANA C. HANLEY, PARIS
PETER G. HASTINGS, FRYEBURG
JOHN H. RICHARDS, HAMPDEN

STATE OF MAINE
ONE HUNDRED AND FOURTEENTH LEGISLATURE
COMMITTEE ON JUDICIARY

June 12, 1989

Honorable Charles P. Pray, President of the Senate
Honorable John L. Martin, Speaker of the House
114th Legislature
Maine State Legislature

Re: Judiciary Committee Study Request


Dear President Pray and Speaker Martin:

The Joint Standing Committee on Judiciary is submitting the attached study request for Legislative Council approval.


The Council approved our request to carry over LD 1010, AN ACT Concerning the Right to Die so that we may spend more time on and involve experts while we examine the issue of termination of medical treatment, hydration and nutrition.

Please contact us if the attached study request does not provide all the information you need.

Thank you for your consideration.


Sen. Barry J. Hobbs
Senate Chair

Sincerely,


Rep. Patrick E. Paradis
House Chair

attachment

3566m

COMMITTEE:

JUDICIARY

STUDY REQUEST: Termination of Life Support Services

SOURCE: This study will provide recommendations on which the Judiciary Committee can base its deliberations on LD 1010, AN ACT Concerning the Right to Die.

STUDY GROUP: Full Judiciary Committee

FIRST MEETING: To be held no later than 9/1/89.

STUDY SUBJECT: The central issue the Committee will examine is the appropriate forum in which to make decisions concerning the termination of medical treatment, extraordinary or otherwise, hydration and nutrition for incapacitated persons.

SPECIFIC QUESTIONS TO BE EXAMINED:

1. Is the Probate Code the appropriate forum to make termination decisions? Is the Superior Court a better forum?
2. Does the Probate Code need revision to adequately address the issue of termination of medical treatment, hydration and nutrition?
3. Does the "living wills" legislation require revision to adequately address the issue of termination of hydration and nutrition?

SPECIAL TASKS TO BE UNDERTAKEN: The Committee may:

1. Review current statutes and case law to determine current status of who may make termination decisions; which decisions may be made; and under what circumstances;
2. Hold 4 public hearings in Augusta;

3. Hold informational sessions for discussions with:

- A. Probate judges
- B. Probate attorneys
- C. Legal experts in the fields of guardianship, living wills, and termination of medical treatment, hydration or nutrition;

4. Conduct, summarize and analyze the results of a literature search on termination of medical treatment, hydration and nutrition; and

5. Determine and summarize the statutes and case law in selected states.

STAFFING:

The Committee shall request staffing assistance from the Legislative Council.

COMPENSATION:

The Committee members shall receive reimbursement for travel and other necessary expenses and the legislative per diem as defined in the Maine Revised Statutes, Title 3, section 2, for each day's attendance at the Committee meetings.

REPORT:

The Committee may produce a written report of findings and recommendations, including any suggested legislation, to be submitted to the full Judiciary Committee no later than December 1, 1989.

3542m

SENATE

GEORGETTE B. BERUBE, DISTRICT 16, CHAIR
DONALD E. ESTY, JR., DISTRICT 28
DAVID L. CARPENTER, DISTRICT 33

TED POTTER, LEGISLATIVE ANALYST
GIL BREWER, LEGISLATIVE ANALYST
MICHAEL T. FLOOD, COMMITTEE CLERK



HOUSE

RUTH JOSEPH, WATERTOWN, CHAIR
DOROTHY A. ROTONDI, ATHENS
BEVERLY C. DAGGETT, AUGUSTA
THOMAS A. CAHILL, MATTAWAMKEAG
CONRAD HEESCHEN, WILTON
ANNE M. LARRIVEE, GORHAM
ALBERTA M. WENTWORTH, WELLS
JEANNE F. BEGLEY, WALDOBORO
DANA C. HANLEY, PARIS
JOHN S. McCORMICK, JR., ROCKPORT

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

June 19, 1989

Rep. John L. Martin, Chair
Legislative Council
State House
Augusta, ME 04333

Dear Chairman Martin:

The Joint Standing Committee on State and Local Government is writing in response to your letter dated June 19, 1989, with respect to study proposals in two of the bills reported out of the committee. The committee respectfully requests the Legislative Council to approve a study of the State's substance abuse delivery system and the effectiveness of substance abuse programs. In addition, the committee requests authorization to study the redistribution of county functions.

With respect to the substance abuse delivery system study, a 7 member subcommittee is proposed to meet 5 times with an additional meeting for the full committee to review the study's findings and recommendations. With respect to the redistribution of county functions study, a 6 member subcommittee is proposed to meet 5 times with an additional meeting for the full committee to review the study's findings and recommendations.

We will provide you with more information about the members of the study subcommittees as soon as the committee is able to discuss the studies.

Sincerely,

A handwritten signature in cursive script, appearing to read "Georgette B. Berube".

Sen. Georgette B. Berube
Senate Chair

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

Rep. Ruth Joseph
House Chair

3729m

LEGISLATIVE COUNCIL
June 28, 1989
REQUESTS TO INTRODUCE LEGISLATION
FIRST REGULAR SESSION

Action

SPONSOR: Sen. Bustin

LR 2525 Resolve to Modify the Kennebec County Budget

SPONSOR: Rep. Martin, John L.

LR 2521 An Act to Correct Certain Technical
Errors in the Laws of Maine

SPONSOR: Sen. Randall

LR 2520 An Act Concerning the Salaries of the
Washington County Treasurer and Deputy
Treasurer

SPONSOR: Rep. Richards

LR 2523 An Act Concerning Class D and Class E Probations

COSPONSOR: Rep. Paradis, Patrick
Rep. Stevens, Patricia
Sen. Cahill

REQUEST TO INTRODUCE JOINT RESOLUTION

SPONSOR: Rep. Paradis, Patrick

LR 2522 JOINT RESOLUTION MEMORIALIZING CONGRESS
TO PASS A CONSTITUTIONAL AMENDMENT MAKING
IT A CRIME TO DESECRATE THE AMERICAN FLAG

COSPONSORS: Sen. Dutremble
Rep. Gwadosky
Rep. Brewer