

MAINE STATE LEGISLATURE

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LEGISLATIVE COUNCIL

MARCH 12, 1990

REVISED AGENDA

CALL TO ORDER

ROLL CALL

SECRETARY'S REPORT

- Summary of March 5, 1990, Council meeting. (Enclosed)

EXECUTIVE DIRECTOR'S REPORT

Item #1: Approved Step Increases

Item #2: Revisor's Drafting Status Report

REPORTS FROM COUNCIL COMMITTEES

OLD BUSINESS

NEW BUSINESS

Item #1: Request for Funds for Additional Outside Consultation to the Joint Standing Committee on Judiciary regarding Malpractice Insurance and Related Tort Issues. (Letter from Sen. Hobbins and Rep. Paradis, Committee Chairs).

Item #2: 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

MARCH 5, 1990

MEETING SUMMARY

APPROVED MARCH 12, 1990

CALL TO ORDER

The Legislative Council meeting was called to order in the Council Chambers by the Chair, Representative Martin, at 10:45 a.m.

ROLL CALL

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

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

Legislative Officers:

Sally Diamond, Executive Director,
Legislative Council
Lynn Randall, State Law Librarian
Bent Schlosser, Director, Office of Fiscal
and Program Review
Martha Freeman, Director, Office of Policy
and Legal Analysis
David Kennedy, Revisor of Statutes
David Silsby, Director, State House &
Capitol Park Commission
Joy O'Brien, Secretary of the Senate

SECRETARY'S REPORT

The Summary of the February 26, 1990, Council meeting was accepted and placed on file. (Motion by Sen. Cahill; second by Rep. Gwadosky; unanimous).

EXECUTIVE DIRECTOR'S REPORT

Item #1: Revisor's Bill Drafting Status Report

Asked to comment on the status report he had provided to Council members, David Kennedy noted that the bills still in the "pipeline" at this point were those that had been approved by the Council the previous week as After Deadline bills. Sally Diamond further noted that the Revisor's Office was developing a significant workload that was not reflected on this report as bills moved through the process: 77 Committee Amendments were currently at some stage of the drafting process, and the Revisor's Office was producing floor amendments as well.

No Council action required.

REPORTS FROM COUNCIL COMMITTEES

None.

OLD BUSINESS

None.

NEW BUSINESS

Item #1: After Deadline Requests

Discussion:

Noting that two of the bill requests on the After Deadline list were necessary to extend reporting deadlines of statutory study commissions, Speaker Martin asked David Kennedy whether it would be possible to draft a single bill that would establish a procedure for extending these deadlines so that a separate bill would not be required for each in the future. Mr. Kennedy agreed to try to develop such a bill.

No Council action required.

ANNOUNCEMENTS AND REMARKS**Statutory Adjournment Date**

Council members had a lengthy discussion in response to a question posed by Rep. Marsano about whether it would be appropriate to formally notify members of the intent to adjourn early. Major points of the discussion included:

1. Whether members know that the Legislative Council has, indeed, proposed a reduction in the legislative budget for the current year based on a unanimous decision to reduce the number of session days by a week. Rep. Marsano expressed his belief that many members were unaware of the Council's action and the implications of it in terms of the length of the session.
2. The distinction between the statutory adjournment date and the number of session days available to get there. Rep. Martin noted that the budget action had been to reduce the overall length of the Session by 5 days, but that a recess of this length could occur at any point between now and the statutory adjournment date and still achieve the budget reduction target. He further stated that he and Senate President Pray had worked actively with Committee Chairs to complete all committee work by April 6. Should it be necessary for the Appropriations Committee to continue working past that date, the Legislature might recess and then return to vote on the budget.

No Council action required.

ADJOURNMENT

The Legislative Council meeting was adjourned at 11:22 a.m.
(Motion by Sen. Cahill; second by Sen. Dutremble; unanimous).

LEGISLATIVE COUNCIL
REQUESTS TO INTRODUCE LEGISLATION
SECOND REGULAR SESSION
March 5, 1990

Action

SPONSOR: Sen. Berube

ACCEPTED

An Act to Transfer Administration of the
Maine Children's Trust Fund to the Maine
Community Foundation, Inc.

Cosponsors: Rep. Foster
Sen. Clark
Sen. Perkins

SPONSOR: Sen. Gauvreau

ACCEPTED

LR 3692 An Act to Extend the Reporting Date of the
Commission to Evaluate the Adequacy of the Aid
to Families with Dependent Children Need and
Payment Standards

SPONSOR: Rep. Hale

FAILED

LR 3274 An Act to Require Minimum Training Standards
for Construction Flaggers

Cosponsors: Sen. Twitchell
Sen. Collins
Rep. Murphy

SPONSOR: Rep. Martin, John L.

ACCEPTED

LR 3695 An Act to Establish Fees for Nonferrous
Metal Mining

Cosponsors: Rep. Lisnik
Rep. Anderson
Sen. Collins

SPONSOR: Sen. Pray

ACCEPTED

LR 3694 An Act to Extend the Reporting Deadline of the
Commission on Maine's Future

Action

SPONSOR: Rep. Tardy

ACCEPTED

LR 3687 An Act to Amend the Laws Pertaining
to the Commission on Biotechnology
and Genetic Engineering

Cosponsors: Rep. Whitcomb

SPONSOR: Sen. Titcomb

ACCEPTED

LR 3705 An Act to Allow School Secretaries
Employed Prior to June 30, 1989 Who
Through Error or Oversight by Their
Employer Elect Not to be Members of
the Maine State Retirement System

Cosponsors: Rep. Simpson
Sen. Twitchell

SPONSOR: Rep. Tracy

ACCEPTED

LR 3678 An Act to Clarify the Provisions of the
Workplace Manslaughter Law

Cosponsors: Sen. Bustin
Rep. Nutting
Rep. Paradis, Patrick

TABLED BY THE LEGISLATIVE COUNCIL

SPONSOR:	Sen. Bost	TABLED
LR 3635	An Act Regarding the University of Maine System	02/05/90
SPONSOR:	Sen. Bost	TABLED
LR 3699	An Act Regarding Taxation of Leased Personal Property	03/05/90
	Cosponsors: Rep. Ruhlin Rep. Cashman Sen. Andrews	
SPONSOR:	Rep. Kilkelly	TABLED
LR 3693	An Act to Quiet Title to Unused Ancient Rights of Way	03/05/90
SPONSOR:	Rep. Mitchell	TABLED
LR 3634	An Act to Improve Maine's Public Drinking Water Supplies that Come from Surface Water	02/05/90
SPONSOR:	Sen. Pray	TABLED
LR 3474	An Act Relating to Education Costs in the Town of Lakeview	12/20/89
SPONSOR:	Sen. Pray	TABLED
LR 3663	An Act to Amend the Charter of Great Northern Nekoosa Corporation, Formerly Great Northern Paper Company	02/26/90
	Cosponsors: Rep. Martin, John L. Rep. Clark, Herbert E. Rep. Michaud	
SPONSOR:	Rep. Rolde	TABLED
LR 3589	An Act to Establish an Uniform Sales Tax for Meals, Lodging and Alcohol	01/11/90
SPONSOR:	Rep. Rolde	TABLED
LR 3670	An Act to Allow the Loan of Automobiles to Municipalities for Law Enforcement Purposes	02/26/90

SARAH C. DIAMOND
EXECUTIVE DIRECTOR
OF THE LEGISLATIVE COUNCIL

RICHARD N. SAWYER, JR.
ADMINISTRATIVE SERVICES
DIRECTOR



MAINE STATE LEGISLATURE
OFFICE OF THE EXECUTIVE DIRECTOR
LEGISLATIVE COUNCIL

EXECUTIVE DIRECTOR'S REPORT

MARCH 12, 1990

Approved Step Increases

Elizabeth F. Bartlett, Administrative Secretary, Office of Fiscal and Program Review, (Salary Range 6), from Step G to Step Q, effective March 19, 1990.

The following employee has completed another year of service but has not been employed the required length of time to advance to Step Q.

Elaine Choate, Senior Secretary, Office of Fiscal and Program Review.

JOHN DAVID KENNEDY
Revisor of Statutes

MARGARET E. MATHESON
Principal Attorney

EVELYN KNOPF
SUZANNE M. GRESSER
Legislative Attorneys

ELIZABETH H. GOSSELIN
Technical Services



MAINE STATE LEGISLATURE
OFFICE OF THE REVISOR OF STATUTES
STATE HOUSE STATION 7
AUGUSTA, MAINE 04333
(207) 289-1650

MEMO

TO: The Honorable John L. Martin, Chair
and Members of the Legislative Council

FROM: David Kennedy *DK*

DATE: March 12, 1990

RE: Drafting Status Report as of March 12, 1990

I. Bill Requests to be Drafted

a. Legislator Pre-cloture Requests Approved	369
b. Legislator After Deadline Requests Approved	86
c. Department, Governor and Agency Requests	136
d. Study or Special Authority Bills Received	79
e. Initiated Bills	1

TOTAL 671

II. Bill Requests in Process and Drafted

a. Requests in Initial Drafting	0
b. Initial Draft Complete; in Production	6
c. Final Version Sent Out for Signature	1
d. Final Version Released for Printing	614
e. Voided or Withdrawn	50

TOTAL 671

III. Orders, Joint Orders and Joint Resolutions

a. Requests Received	33
b. Items in Progress	4
c. Items Completed	29

IV. Legislative Sentiments

a. Requests Received Since Cloture	385
b. Items in Progress	5
c. Items Completed	380

SENATE

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

MARGARET REINSCH, LEGISLATIVE ANALYST
TODD BURROWES, LEGISLATIVE ANALYST
SUSAN PINETTE, 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, JAMPOUN

STATE OF MAINE
ONE HUNDRED AND FOURTEENTH LEGISLATURE
COMMITTEE ON JUDICIARY

March 7, 1990

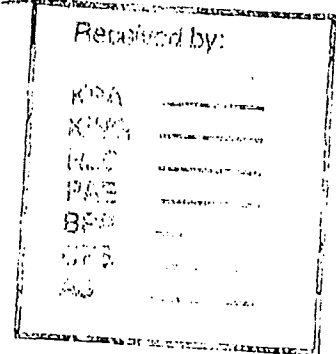
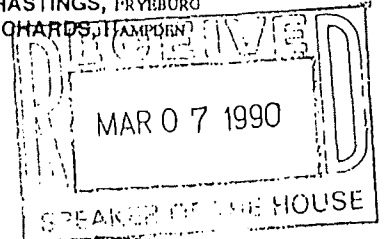
John Martin, Chair
Legislative Council
Room 340, State Capitol Building
State House Station 115
Augusta, ME 04333

Dear Speaker Martin:

Concern over the rising price of malpractice insurance encouraged the introduction of several bills in the last Legislative Session. The majority of these bills were attempts to address this issue through changes in the tort system and were referred to the Judiciary Committee. As a result, the Legislative Council, following a competitive bid process, contracted with the Public Health Resource Group of Portland, Maine to conduct an independent study of these issues. The resulting study - The Medical Malpractice Liability Study - completed in late May, was conducted under direction of a Special Legislative Subcommittee formed for that purpose by the Council. Following the presentation of that report by staff of PHR, a decision was made to hold the bills until the current session in order to have an opportunity to review the whole package of proposals on this issue.


Earlier in this session the three committees involved in this issue held a joint session to give all members the opportunity to review findings of the MML Study with staff from PHR. Additional bills have also been introduced during the current Legislative Session in part as a result of the findings of Medical Malpractice Liability Study.

We are now at a point where these bills must be forwarded to the full Legislature. Yet we, on the Judiciary Committee at least, are still in need of some additional expertise on these




matters from PHR. It is for this reason that I am requesting that the Council allocate up to \$2,000 to cover the cost of consulting time and travel from PHR. This will include an update on recent findings from other states, answering questions generated by the three committees on both malpractice insurance and tort issues, presenting technical information to the Banking and Insurance Committee on LD 2389 and, if time permits, meeting with members of the Committees again to review proposed revisions to the bills.

Thank you for your consideration in this matter.



Barry Hobbins
Senate Chair
Judiciary Committee

Sincerely,



Patrick Paradis
House Chair
Judiciary Committee

LEGISLATIVE COUNCIL
REQUESTS TO INTRODUCE LEGISLATION
SECOND REGULAR SESSION

March 8, 1990

Action

SPONSOR: Rep. Cashman

LR 3714 An Act to Establish Municipal Cost Components
for Services to be Rendered in Fiscal
Year 1990-91

Cosponsors: Sen. Andrews

SPONSOR: Rep. Kilkelly

LR 3720 An Act Concerning State Education Mandate Waivers

Cosponsors: Rep. Paradis, Judy
Sen. Estes

SPONSOR: Rep. Tardy

LR 3716 An Act to Amend the Theft of Blueberries Law

TABLED BY THE LEGISLATIVE COUNCIL

SPONSOR:	Sen. Bost	TABLED 02/05/90
LR 3635	An Act Regarding the University of Maine System	
 SPONSOR:	 Sen. Bost	 TABLED 03/05/90
LR 3699	An Act Regarding Taxation of Leased Personal Property	
	Cosponsors: Rep. Ruhlin Rep. Cashman Sen. Andrews	
 SPONSOR:	 Rep. Kilkelly	 TABLED 03/05/90
LR 3693	An Act to Quiet Title and Unused Ancient Rights of Way	
 SPONSOR:	 Rep. Mitchell	 TABLED 02/05/90
LR 3634	An Act to Improve Maine's Public Drinking Water Supplies that Come from Surface Water	
 SPONSOR:	 Sen. Pray	 TABLED 12/20/89
LR 3474	An Act Relating to Education Costs in the Town of Lakeview	
 SPONSOR:	 Sen. Pray	 TABLED 02/26/90
LR 3663	An Act to Amend the Charter of Great Northern Nekoosa Corporation, Formerly Great Northern Paper Company	
	Cosponsors: Rep. Martin, John L. Rep. Clark, Herbert Rep. Michaud	
 SPONSOR:	 Rep. Rolde	 TABLED 01/11/90
LR 3589	An Act to Establish an Uniform Sales Tax for Meals, Lodging and Alcohol	
 SPONSOR:	 Rep. Rolde	 TABLED 02/26/90
LR 3670	An Act to Allow the Loan of Automobiles to Municipalities for Law Enforcement Purposes	

LEGISLATIVE COUNCIL
REQUESTS TO INTRODUCE LEGISLATION
SECOND REGULAR SESSION
ADDENDUM

March 12, 1990

Action

SPONSOR: Sen. Clark

LR 3723 An Act to Increase the Bonding Limit for
the Maine Court Facilities Authority

Cosponsors: Sen. Cahill
Rep. MacBride
Rep. Lisnik

SPONSOR: Rep. Martin, John L.

LR 3718 An Act to Amend Certain Provisions of the
Laws Relating to Health Insurance

Cosponsors: Rep. Ruhlin
Rep. Duffy

SPONSOR: Rep. Priest

LR 3728 An Act to Extend the Deadline for
the Solicitation of Funds for a
Slain Law Enforcement Officers' Memorial

Cosponsors: Sen. Matthews
Sen. Ludwig
Rep. Stevens, Albert

SPONSOR: Sen. Webster

LR 3727 An Act to Authorize the County of Franklin
to Acquire a Parcel of Land in Coburn Gore

Cosponsors: Rep. Dexter

JOINT RESOLUTIONS FOR CONSIDERATION

SPONSOR: Rep. Conley

LR 3721 JOINT RESOLUTION MEMORIALIZING THE PRESIDENT
AND THE CONGRESS OF THE UNITED STATES TO ENSURE
FAIR TREATMENT OF JOSEPH DOHERTY

Cosponsors: Rep. Paradis, Patrick
Sen. Pearson
Rep. Cashman

SPONSOR: Rep. McGowan

LR 3724 JOINT RESOLUTION MEMORIALIZING CONGRESS
TO LIMIT THE NUMBER OF TERMS A PERSON MAY
SERVE IN CONGRESS

Cosponsors: Rep. Rolde

LEGISLATIVE COUNCIL
REQUESTS TO INTRODUCE LEGISLATION
SECOND REGULAR SESSION
SECOND ADDENDUM

March 12, 1990

Action

SPONSOR: Sen. Pray

An Act Concerning the Authority of the Public
Utilities Commission to Order Competitive Bidding

Cosponsors: Sen. Bost
Clark, Herbert