

# MAINE STATE LEGISLATURE

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LEGISLATIVE COUNCIL

APRIL 3, 1990

REVISED AGENDA

CALL TO ORDER

ROLL CALL

SECRETARY'S REPORT

Summary of March 26, 1990, Meeting

EXECUTIVE DIRECTOR'S REPORT

Item #1: NCSL Legislative Staff Management Institute

REPORTS FROM COUNCIL COMMITTEES

OLD BUSINESS

NEW BUSINESS

Item #1: Report from Advisory Committee on Legislative Structure  
and Operations

Item #2: Interim Study Requests

Item #3: 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

### LEGISLATIVE COUNCIL

MARCH 26, 1990

### MEETING SUMMARY

APPROVED APRIL 3, 1990

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

### CALL TO ORDER

The Legislative Council meeting was called to order in the Council Chambers by the Chair, Representative Martin, at 12:17 p.m.

### ROLL CALL

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

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

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  
Joy O'Brien, Secretary of the Senate

### SECRETARY'S REPORT

The summary of the March 20, 1990, Council meeting was accepted and placed on file. (Motion by Sen. Pray; second by Sen. Cahill; unanimous).

## EXECUTIVE DIRECTOR'S REPORT

Item #1: Revisor's Bill Drafting Status Report

No Council action required.

## REPORTS FROM COUNCIL COMMITTEES

None.

## OLD BUSINESS

None.

## NEW BUSINESS

Item #1: After Deadline Requests

After deadline requests were considered by the Legislative Council. The Council's action on these requests is included on the attached list.

## ANNOUNCEMENTS AND REMARKS

None.

## ADJOURNMENT

The meeting was adjourned at 12:31 p.m., on the motion of the Chair.

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

March 30, 1990

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

FROM: Sally

SUBJECT: NCSL Legislative Staff Management Institute

As you know, the Legislative Staff Coordinating Committee has spent almost two years conceptualizing and planning a Legislative Staff Management Institute, a two-week program designed to meet the training needs of top level management staff. The Humphrey Institute of Public Affairs has been selected to run the Institute and sees this very much as an opportunity to develop a resource for legislative staff which is comparable to the programs the Kennedy School has developed for top level executives in both the executive branch and the private sector.

The applications for the first session of the Institute, July 15 - 27, are being mailed this week. At present, the total cost for an individual participant is \$1,750, which includes tuition, lodging and 2 meals a day for the 2-week period. The Humphrey Institute and NCSL are actively seeking additional foundation support which would 1) reduce the total cost per participant, and, 2) provide some almost-full scholarships to participants who cannot obtain the financial support from their legislatures.

Having participated in some of the planning for the Institute, I think that it will fill a critical gap in the training and development resources for senior management staff and would strongly recommend that the Council support applications through the Council, from our senior legislative staff. Given our financial situation, I think the Council could approve applications contingent upon the receipt of scholarship support.

Please let me know if you have any questions.

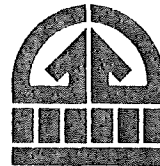
Enclosure

# Legislative Staff Management Institute

July 15-27, 1990  
Minneapolis, Minnesota



Humphrey Institute  
of Public Affairs  
University of Minnesota



National Conference  
of State Legislatures

## The Content

As an Institute participant, you will gain valuable insight and ideas and improve your abilities in five major curriculum areas:

- *Managing people and organizations in the legislative setting.*

Drawing on teaching cases and materials set in state legislatures, this part of the curriculum will consider how top-level legislative staffers organize and deploy their resources, develop systems for control and information, deal with the inevitable conflicts among political and non-political staffs, elected officials, and legislators and executive branch personnel.

- *Leading, motivating, inspiring, and creating.*

Drawing on the research and teaching skills of the Humphrey Institute's nationally recognized Reflective Leadership Center, the curriculum will allow the participants to examine and improve their leadership skills.

- *Managing conflict, bargaining effectively, and getting to "yes."*

Utilizing the research and teaching skills of the Humphrey Institute's Conflict and Change Center, the curriculum will build the participants' ability to successfully "get to yes" in this most crucial of legislative skills.

- *Evaluating the assumptions and quality of the analytic work of subordinates, as well as work submitted by policy analysts and interest groups.*

Working together, the participants will learn how to sort through the tons of information they receive every session, allowing them to cull the good from the misleading.

- *Thinking and acting strategically in order to overcome the inevitable obstacles and limits of the legislative arena.*

Employing the Humphrey Institute's strategic planning faculty, the curriculum will help the participants think strategically about their own careers and futures, and about the legislative and policy agenda.



MAINE STATE LEGISLATURE  
Augusta, Maine 04333

ADVISORY COMMITTEE ON LEGISLATIVE STRUCTURE AND OPERATIONS

March 29, 1990

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

Dear John and Members of the Council:

The Advisory Committee on Legislative Structure and Operations has received the Draft Final Report from Peat Marwick. On behalf of the Advisory Committee, we are transmitting the Final Report to you in accordance with the deadline established by the Resolve authorizing the study, April 1, 1990.

The Advisory Committee met with representatives from Peat Marwick and Steve Lakis last Monday, March 26, for an initial presentation of the Final Report.

This Report includes significant changes from the Interim Report which we received last December, as well as substantial new material. While the meeting last Monday provided an opportunity to go through some of the Report in detail, we believe that the recommendations deserve further study for two reasons:

- 1) The Committee has not had the time to vote on each of the recommendations. Members of the Committee agree that the result of voting would be unanimity with regard to recommending adoption or rejection of some of the recommendations, but we also recognize that we will probably never reach complete agreement on certain recommendations.



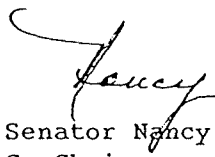
Honorable John L. Martin, Chair  
Legislative Council  
March 29, 1990  
Page Two

- 2) We feel strongly that the entire Report simply deserves further study and analysis regarding its implications for the institutional future of the Maine Legislature. We are all in agreement that the last weeks of the Session afford neither the time nor the atmosphere in which a Report of such potential significance to this Legislature can be fully digested.

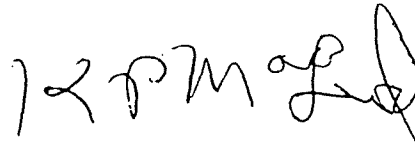
We recommend, therefore, that the Legislative Council accept the report at this time and, further, that the Council authorize the Advisory Committee to continue to meet following adjournment of the Second Regular Session to analyze the report in conjunction with the Legislative Council and to develop an implementation plan. We have been informed by the Executive Director that sufficient funds remain in our original budget to support our continued study.

We look forward to working with you in the review of the Report and its recommendations.

Sincerely,



Senator Nancy Randall Clark  
Co-Chair



Kenneth P. MacLeod  
Co-Chair

cc: Members of the Advisory Committee on Legislative  
Structure and Operations

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

March 29, 1990

TO: Members of the Legislative Council  
FROM: Sally *Sally*  
SUBJECT: Interim Study Requests

We have received requests from 4 committees for 6 interim studies. A summary sheet and copies of each of the requests, as well as a summary of the **statutory studies** that are currently pending, are enclosed for your review in preparation for Monday's Council meeting.

Enclosures

## LEGISLATIVE COUNCIL

### INTERIM STUDY REQUESTS AND PRIOR STUDY COMMITMENTS

As of March 29, 1990

#### New Requests

Committee on Agriculture	A Study of the Impacts and the Supporting Infrastructure of the Horse Industry in Maine
Committee on Appropriations & Financial Affairs	Establish a Federal and Dedicated Funds Subcommittee* (LD 2418)
Committee on Banking & Insurance	Participation of 4 committee members in a Task Force to Study Health Insurance Continuity (Task Force to be organized, administered and staffed by the Bureau of Insurance)
	Study of the Motor Vehicle Insurance Laws
Committee on Judiciary	Commission on the Criminal Penalties in the Maine Revised Statutes* (LD 2328)
	Commission to Study the Future of Maine's Courts* (LD 2328)
	Research on Grandparent's Rights (no study <u>subcommittee</u> is requested)

\* Commissions proposed in currently pending legislation.

**Pre-Existing Study Staffing Commitments**

Commission on Codification of Rules  
(ch. 574 P.L. 1989)

To be assigned  
OPLA/REVISOR

Commission to Study the Level of  
Services for Maine's Elderly Citizens  
(Resolves 1989, ch. 58)

Paul Saucier  
OPLA

Commission to Study Public Financing  
of State Elections

Todd Burrowes  
OPLA

Annual Review of Tax Expenditures

Kevin Madigan  
OFPR

State Compensation Commission

Jim Clair  
OPLA

PENDING STATUTORY STUDY REQUESTS  
THAT WOULD REQUIRE STAFFING THROUGH THE LEGISLATIVE COUNCIL

As of March 29, 1990

Committee of Origin	Study Name	Legis. Membership	Staffing	Current Status
Aging, Retirement & Veterans	Commission to Study the Equalization of Maine State Retired Teachers Health Insurance Premium Payments (LD 1969)	4	Council	Approp. Table
Agriculture	Commission to Study the Harness Racing Industry (LD 2412)	6	Council	Enacted
Appropriations & Financial Affairs	Subcommittee on Federal and Dedicated Funds* (LD 2418)	5	Council (OFPR)	Committee
Education	Blue Ribbon Commission to Study the Most Effective Way to Provide Services to Children and Families (LD 38)	5	Council (Clerical & management consultant)	Approp. Table
	Special Commission to Study and Evaluate the Status of Education Reform in Maine (LD 1564)	4	Council (among others)	Floor (Engrossed)
	Commission to Assess the Impact of Increased State Spending on the University of Maine System (LD 2270)	3	Council	Floor (Engrossed)
Energy & Natural Resources	Commission to Study the Use of Herbicides (LD 1838)	5	Council	Approp. Table
Judiciary	Commission on the Criminal Penalties in the Maine Revised Statutes (LD 2328, Part B)*	10	Council	Committee
Marine Resources	Study of the Aquaculture Industry in the State (LD 2352)	Committee	Council	Floor
State & Local Government	Joint Select Committee on Families and Children (LD 1666)	13	OPLA	Floor (Engrossed)
Jt. Select Committee on Corrections	Study of Adult Sentencing (to be incorporated in legislation coming out from Committee pursuant to Joint Order)	?	Council	Committee

\*Proposed Study is included in Committee's request to the Council

LEGISLATIVE COUNCIL  
INTERIM STUDY REQUESTS

April 2, 1990

Committee	Study Topic	# Members	# Meetings
Agriculture	Impacts and Supporting Infrastructure of the Horse Industry in Maine	5	5
Appropriations & Financial Affairs	Subcommittee on Federal and Dedicated Funds (LD 2418)	5	6 (once a month)
Banking & Insurance	Task Force to Study Health Insurance Continuity (Task Force to be convened by Bureau of Insurance)	4	6
	Study of the Motor Vehicle Insurance Laws	7	4 subcommittee 1 full committee
Human Resources	AMHI Oversight Subcommittee	6	6
Judiciary	Commission on the Criminal Penalties in the Maine Revised Statutes (LD 2328, Part B)*	10	5
	Research Study on Grandparents' Rights	0	0

\*Note: Staffing assistance is also being requested  
for drafting for the Commission to Study  
the Future of Maine's Courts. (LD 2328, Part C)

PENDING STATUTORY STUDY REQUESTS  
 THAT WOULD REQUIRE STAFFING THROUGH THE LEGISLATIVE COUNCIL  
 REVISED April 2, 1990

Committee of Origin	Study Name	Legis. Membership	Staffing	Current Status
Aging, Retirement & Veterans	Commission to Study the Equalization of Maine State Retired Teachers Health Insurance Premium Payments (LD 1969)	4 (of 9)	Council	Approp. Table
Agriculture	Commission to Study the Harness Racing Industry (LD 2412)	6 (of 11)	Council	Enacted
Appropriations & Financial Affairs	Subcommittee on Federal and Dedicated Funds* (LD 2418)	5 (all)	Council (OFPR)	Committee
Business Legislation	(Counseling) (LD 1929)	2 (of 5)	Council	Committee
Education	Blue Ribbon Commission to Study the Most Effective Way to Provide Services to Children and Families (LD 38)	5 (of 21)	Council (Clerical & management of consultant)	Approp. Table
	Special Commission to Study and Evaluate the Status of Education Reform in Maine (LD 1564)	4 (of 18)	Council (among others)	Floor (Engrossed)
	Commission to Assess the Impact of Increased State Spending on the University of Maine System (LD 2270)	3 (of 9)	Council	Approp. Table
Energy & Natural Resources	Commission to Study the Use of Herbicides (LD 1838)	5 (of 13)	Council	Approp. Table
	(State's Ability to Respond to Oil Spills) (LD 2341)	2 (of 15)	Council & Consultants	Committee
Judiciary	Commission on the Criminal Penalties in the Maine Revised Statutes (LD 2328, Part B)*	10 (all)	Council	Committee
Marine Resources	Study of the Aquaculture Industry in the State (LD 2352)	Committee	Council	Floor (Engrossed)

Committee of Origin	Study Name	Legis. Membership	Staffing	Current Status
State & Local Government	Joint Select Committee on Families and Children (LD 1666)	13 (all)	Council	Floor
Taxation	Select Committee on Comprehensive Tax Reform (LD 2466)	5 (of 13)	Council	Committee
Jt. Select Committee on Corrections	Study of Adult Sentencing (to be incorporated in legislation coming out from Committee pursuant to Joint Order)	4 (of 10)	Council	Committee

\*Proposed Study is included in Committee's request to the Council



LEGISLATIVE COUNCIL  
NEW INTERIM STUDY REQUESTS

Committee of Origin	Study Name	Legislative Membership	Staffing	Council Recommendation
Agriculture	Examination of the Maine Potato Board	5	4	

LEGISLATIVE COUNCIL  
ACTION ON INTERIM STUDY REQUESTS

At April 3 Council Meeting

Committee	Study Topic	# Members	# Meetings	Council Action
Agriculture	Impacts and Supporting Infrastructure of the Horse Industry in Maine	5	5	FAILED
Appropriations & Financial Affairs	Subcommittee on Federal and Dedicated Funds (LD 2418)	5	6 (once a month)	APPROVED
Banking & Insurance	Task Force to Study Health Insurance Continuity (Task Force to be convened by Bureau of Insurance)	4	4	APPROVED (No Staff)
	*Study of the Motor Vehicle Insurance Laws	7	4 subcommittee 1 full committee	FAILED
Human Resources	AMHI Oversight Subcommittee	4	3	APPROVED
Judiciary	Commission on the Criminal Penalties in the Maine Revised Statutes (LD 2328, Part B)	0	0	APPROVED AS A STAFF RESEARCH STUDY
	Research Study on Grandparents' Rights	0	0	APPROVED AS A STAFF RESEARCH STUDY

LEGISLATIVE COUNCIL  
ACTION ON PENDING STATUTORY STUDY REQUESTS  
April 3, 1990 COUNCIL MEETING

Committee of Origin	Study Name	Legislative Membership	Staffing	Council Recommendation
Aging, Retirement & Veterans	Commission to Study the Equalization of Maine State Retired Teachers Health Insurance Premium Payments (LD 1969: Approp. Table)	4 (of 9)	Council	DO NOT RECOMMEND (Approp: ONTP)
Agriculture	Commission to Study the Harness Racing Industry (Ch. 787, P.L. 1989)	6 (of 11)	Council	RECOMMEND
Appropriations & Financial Affairs	Subcommittee on Federal and Dedicated Funds* (LD 2418)	5 (all)	Council (OFPR)	APPROVED (See Above)
Business Legislation	Commission on Nontraditional Counselor Regulation (LD 1929)	2 (of 5)	Council	RECOMMEND (Approp.: stripped study from bill)
Education	Blue Ribbon Commission to Study the Most Effective Way to Provide Services to Children and Families (LD 38: Approp. Table))	5 (of 21)	Council (Clerical & management of consultant)	DO NOT RECOMMEND (Approp: ONTP)
	*Special Commission to Study and Evaluate the Status of Education Reform in Maine (LD 1564)	4 (of 18)	Council (among others)	DO NOT RECOMMEND
	Commission to Assess the Impact of Increased State Spending on the University of Maine System (LD 2270)	3 (of 9)	Council	DO NOT RECOMMEND (Approp: OTP-AM)
Energy & Natural Resources	Commission to Study the Use of Herbicides (LD 1838)	5 (of 13)	Council	RECOMMEND
	Commission to Study Maine's Oil Spill Cleanup Preparedness (LD 2341)	2 (of 15)	Council & Consultants	DO NOT RECOMMEND (Enacted)
Judiciary	Commission on the Criminal Penalties in the Maine Revised Statutes (LD 2328, Part B)*	10 (all)	Council	APPROVED AS A STAFF RESEARCH STUDY (See Above)
	Commission to Study the Future of Maine's Courts (LD 2328, Part C: Approp. Table)	? (26)	Consultant Council for drafting only	APPROVED/DRAFTING ONLY BY COUNCIL STAFF (Approp: ONTP)

Committee of Origin	Study Name	Legislative Membership	Staffing	Council Recommendation
Marine Resources	*Study of the Aquaculture Industry in the State (LD 2352)	Committee	Council	DO NOT RECOMMEND (Approp: OTP)
State & Local Government	Joint Select Committee on Families and Children (LD 1666)	13 (all)	Council	TABLED
Taxation	Select Committee on Comprehensive Tax Reform (LD 2466)	5 (of 13)	Council	RECOMMEND (In Tax Amnesty Bill)
Jt. Select Committee on Corrections	*Study of Adult Sentencing (LD 2471)	4 (of 10)	Council	DO NOT RECOMMEND (Approp: ONTP)

\*Proposed Study is included in Committee's request to the Council

SENATE

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

HARTLEY PALLESCHI, LEGISLATIVE ANALYST  
JULIE SOININEN, 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  
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

March 28, 1990

MAR 28 1990

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

Re: Agriculture Committee Study Request

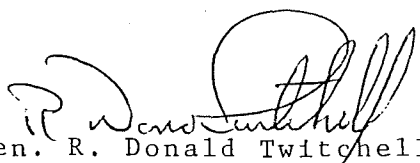
Dear President Pray and Speaker Martin:

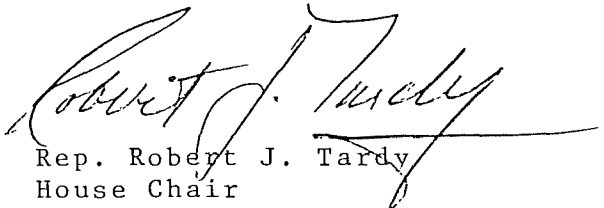
The Joint Standing Committee on Agriculture is submitting the attached study request for Legislative Council approval.

Although this study and the necessary funds were approved last session, due to a staff shortage, it was never completed. As this issue was, and continues to be the number one priority of the Agriculture Committee for this biennium, we would resubmit this request at this time for your consideration. We believe that this study will be crucial to the future of the horse industry in Maine, and have made a commitment to representatives of this industry to see that such a study is completed.

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

Thank you for your consideration.

  
Sen. R. Donald Twitchell  
Senate Chair

  
Rep. Robert J. Tardy  
House Chair

attachment

JOINT STANDING COMMITTEE ON AGRICULTURE  
STUDY REQUEST FOR

A STUDY OF THE IMPACTS AND THE SUPPORTING  
INFRASTRUCTURE OF THE HORSE INDUSTRY IN MAINE

The study group will consist of 5 members of the Joint Standing Committee on Agriculture jointly appointed by the President of the Senate and the Speaker of the House. The President and the Speaker shall appoint a chair, who shall call the first meeting for no later than June 15, 1990.

The committee's work will include, but not be limited to:

1. Identifying common interests of the various elements of the horse industry;
2. The current means of communication within the industry;
3. A description and compilation of the economic impact the horse industry and its infrastructure have on the State;
4. Assessing the needs of the industry as a whole and the needs of its various elements; and
5. Determining whether the need for a statewide horse council exists.

The committee will hold 5 meetings, including 2 public hearings. The committee will complete its work by October 1, 1990 and submit its report and any implementing legislation by November 1, 1990. The committee requests per diem, expenses and assistance from Legislative staff.

Study Budget

Personal (5 meetings x 5 members x \$55)	\$1,375
All Other	
Expenses(5x5x\$50)	1,250
Advertise public hearings	600
Print report	<u>1,900</u>
	\$5,125

SENATE

MICHAEL D. PEARSON, DISTRICT 6, CHAIR  
JOSEPH C. BRANNIGAN, DISTRICT 29  
THOMAS R. PERKINS, DISTRICT 12

STAFF

OFFICE OF FISCAL AND PROGRAM REVIEW  
BENT SCHLOSSER, DIRECTOR  
JAMES A. CLAIR, PRINCIPAL ANALYST



HOUSE

DONALD V. CARTER, WINSLOW, CHAIR  
LORRAINE N. CHONKO, TOPSHAM  
JOHN LISNIK, PRESQUE ISLE  
PATRICK K. MCGOWAN, CANAAN  
VINTON T. RIDLEY, SHAPLEIGH  
ROGER M. POULIOT, LEWISTON  
DONNELL P. CARROLL, GRAY  
LINWOOD M. HIGGINS, SCARBOROUGH  
RUTH S. FOSTER, ELLSWORTH  
JUDITH C. FOSS, YARMOUTH

STATE OF MAINE

ONE HUNDRED AND FOURTEENTH LEGISLATURE

COMMITTEE ON APPROPRIATIONS AND FINANCIAL AFFAIRS

March 28, 1990

The Honorable John L. Martin, Chair  
Legislative Council  
Maine Legislature  
State House Station #115  
Augusta, Maine 04333

Dear Mr. Chair:


In response to your memorandum dated March 19, 1990, we would respectfully request the Legislative Council provide funding for LD 2418, "AN ACT to Implement Certain Recommendations of a Subcommittee of the Joint Standing Committee on Appropriations and Financial Affairs."

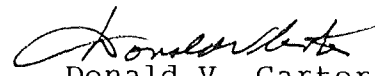
Section 1 of the bill establishes a standing "Federal and Dedicated Funds Subcommittee" of the Appropriations Committee. Its specific purpose would be to examine new and expanded federal fund budget requests during each legislative session. During the interim, the subcommittee would compile historical and program data on federal and dedicated funds in a report format, monitor federal budgeting activities and conduct special studies as needed.

We estimate the additional annual cost to the Legislature at \$4,150 beginning in FY 91. This amount would cover per diem, travel, printing and related expenses.

Please contact either of us if we can provide additional information or assistance. A copy of LD 2418 is attached for your reference.

Sincerely,

  
Michael D. Pearson  
Senate Chair

  
Donald V. Carter  
House Chair

cc: Members, Legislative Council  
Members, Joint Standing Committee on Appropriations  
and Financial Affairs

Enclosure  
WPP106:63



# 114th MAINE LEGISLATURE

## SECOND REGULAR SESSION - 1990

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Legislative Document

No. 2418

H.P. 1755

House of Representatives, March 8, 1990

Reported by Representative CARTER for the Joint Standing Committee on Appropriations and Financial Affairs pursuant to Public Law 1989, chapter 501, Part P, section 46.

Reference to the Joint Standing Committee on Appropriations and Financial Affairs suggested and printing ordered under Joint Rule 18.

A handwritten signature in cursive script, reading "Ed Pert".

EDWIN H. PERT, Clerk

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STATE OF MAINE

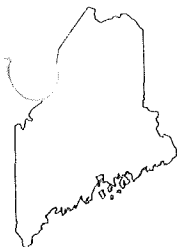
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IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND NINETY

---

An Act to Implement Certain Recommendations of a Subcommittee of  
the Joint Standing Committee on Appropriations and Financial Affairs.

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Be it enacted by the People of the State of Maine as follows:

Sec. 1. 3 MRSA §521-A is enacted to read:

**§521-A. Federal and Dedicated Funds Subcommittee**

The joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs is authorized to establish the Federal and Dedicated Funds Subcommittee for the following purposes:

1. Research. To examine and conduct research on new and expanded federal fund budget requests and to report all findings and recommendations to the committee;

2. Data. To compile historical and program data on federal and dedicated fund programs in a report format for use by the committee;

3. Monitor. To monitor federal budgeting activities; and

4. Special studies. To conduct special studies on federal and dedicated fund issues as needed.

The committee chairs shall appoint 5 subcommittee members and select one subcommittee member to serve as subcommittee chair for that legislative biennium. The subcommittee may meet monthly or as often as is determined necessary. Members of the subcommittee are entitled to receive the legislative per diem and to be reimbursed for expenses as defined in section 2 upon application to the Executive Director of the Legislative Council.

Sec. 2. 5 MRSA §1581 is amended to read:

**§1581. Form of appropriation bill**

The ~~general-fund~~ General Fund appropriation bill provided for in section 1664 shall ~~must~~ be drawn so as to authorize the appropriation to be made to each department or agency of the State Government for each fiscal year of the biennium. ~~Sueh~~ The appropriation shall ~~must~~ provide specific amounts for personal services, capital expenditures and amounts for all other departmental expenses. Appropriations for the acquisition of property shall ~~must~~ be in such detail under each department or agency as the Governor-elect or the Governor shall ~~determine~~ ~~determines~~. ~~Sueh~~ The appropriations shall ~~may~~ not be segregated in greater detail than the major classes or projects for which they are expendable during each fiscal year of the biennium. In the first regular session of each Legislature, the Governor shall present funding requests that distinguish between current services and new and expanded services, as defined in section

1661, for all funding sources including the General Fund, Highway Fund, Federal Expenditure Fund, Federal Block Grant Fund, Other Special Revenue funds and any other funds of the State.

Sec. 3. 5 MRSA §1583, as amended by PL 1977, c. 696, §42, is repealed and the following enacted in its place:

**§1583. Exceeding appropriation, allocation and authorized available resources prohibited**

Any agent, officer or employee of the State who either affixes a written signature or a facsimile or uses an electronic signature to authorize expenditures, to make legally binding commitments or to establish written policy and procedure which in the aggregate exceed the resources approved by the Legislature and authorized by law for a fiscal year for an appropriation or allocation account is personally liable for the amount in excess of those resources. If a commissioner, an agency head or other state official determines that the resources made available to an appropriation or allocation account will be insufficient to implement or to continue a program authorized and funded by the Legislature, the commissioner, agency head or other state official must take the steps necessary to stay within the resources available. If a decision is made to curtail a program, the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs must be notified 30 working days before the curtailment goes into effect.

Sec. 4. 5 MRSA §1661, as amended by PL 1987, c. 402, Pt. A, §39, is repealed and the following enacted in its place:

**§1661. Definitions**

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

**1. Current services.** "Current services" means budget estimates based on the costs of continuing all current legislatively authorized programs at present levels.

**2. Governor-elect.** "Governor-elect," whenever used in this chapter and chapter 145, means the candidate most recently elected to the office of Governor of the State in the November election for choice of Governor, or the Governor's successor.

**3. New or expanded services.** "New or expanded services" means new programs or initiatives or the expansion of existing programs beyond the scope of those programs already established, recognized or approved by the Legislature.

**Sec. 5. 5 MRSA §1667-A is enacted to read:**

§1667-A. Prohibition

Positions or any other program expenditures that are intended to be ongoing may not be created with any state or federal funds unless those funds are specifically appropriated or allocated by the Legislature.

**Sec. 6. 5 MRSA §1669, 2nd ¶**, as enacted by PL 1989, c. 7, Pt. O, §2, is amended to read:

All departments and agencies that receive federal funds shall, within 10 working days of receipt of any official notification from the Federal Government concerning the potential or actual increase or reduction in present funding, submit a copy of that notification to the Director of the Legislative Office of Fiscal and Program Review. A statement outlining the extent to which a General Fund appropriation will be required to match federal funding increases or can be reduced due to decreased federal funding must accompany each notification. In addition, departments and agencies shall, within 25 working days of that notification, submit in writing to the Director of the Legislative Office of Fiscal and Program Review their proposed plan of action to address the notification which may include an appeal or an outline of the options that will be examined in detail and a time frame for the examination.

**Sec. 7. Appropriation.** The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1990-91

## LEGISLATURE

## Legislature

Personal Services	\$1,650
All Other	2,500

Provides funds for the per diem and related expenses of the 5-member Federal and Dedicated Funds Subcommittee of the Joint Standing Committee on Appropriations and Financial Affairs.

## LEGISLATURE

<b>TOTAL</b>	<b>\$4,150</b>
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2

## FISCAL NOTE

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The Federal and Dedicated Funds Subcommittee created in this bill will create additional workload to nonpartisan legislative staff, the exact nature of which cannot be determined at this time. A request for additional staff assistance may have to be presented to a future Legislature.

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## STATEMENT OF FACT

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This bill implements the recommendations of the interim subcommittee of the Joint Standing Committee on Appropriations and Financial Affairs studying the manner in which new and expanded services are presented to the Legislature for review.

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The bill:

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1. Authorizes the Joint Standing Committee on Appropriations and Financial Affairs to organize an ongoing subcommittee to review federal and dedicated funding issues;

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2. Clarifies that all new and expanded service requests, regardless of the funding source, must be presented to the Legislature in such a way as to distinguish between new and expanded services and current services;

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3. Strengthens and clarifies the statutory language that prohibits a state employee from exceeding approved resources;

34

4. Defines "current services" and "new and expanded services" as currently used in a budgeting context;

36

38

5. Places into law language that is currently unallocated; and

40

6 Clarifies an existing provision of law.

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, WATERVILLE  
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

March 27, 1990

The Honorable John L. Martin, Chair  
Legislative Council  
Maine Legislature  
State House Station #115  
Augusta, ME 04333

Re: Banking and Insurance Committee Study Request: Motor Vehicle  
Insurance Laws

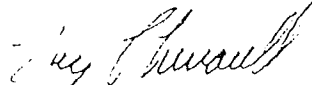
Dear Mr. Chair:

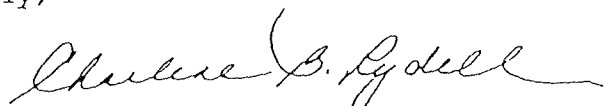
The Joint Standing Committee on Banking and Insurance is submitting the attached study request for Legislative Council approval.

The present motor vehicle insurance law was enacted in 1988 for a 3-year trial period, with the intention that the Legislature conduct a systematic review before continuing, repealing, or modifying it. LD 2178 as amended will retain the present law until January 1, 1992 to allow time for review. This study would provide an effective means of conducting that review. This request is in response to a number of issues raised in three bills and a study report which came before the committee this session relating to no-fault, mandatory auto insurance, the family member exclusion and uninsured motorists (LD 2047, LD 2178, LD 2222, and the study on uninsured motorists dated December 1989). These presented complex and important subjects which the committee was not able to adequately deal with during the session. The Committee believes that a comprehensive review of various aspects of the motor vehicle insurance laws is necessary to ensure that these laws truly serve the people of the State of Maine.

Please contact us if the attached study request does not provide all the necessary information. Thank you for your consideration.

Sincerely,

  
Sen. Raynold Theriault  
Senate Chair

  
Rep. Charlene B. Rydell  
House Chair

Attachment

31.37/40GE/STATE HOUSE STATION 115, AUGUSTA, MAINE 04333 TELEPHONE: 207-289-1314

## COMMITTEE

### Joint Standing Committee on Banking and Insurance

## STUDY REQUEST

### Study of the Motor Vehicle Insurance Laws

## APPOINTMENT OF MEMBERS

The study of the Motor Vehicle Insurance Laws shall consist of 7 members from the Joint Standing Committee on Banking and Insurance: 5 members of the House of Representatives and 2 Senators appointed jointly by the chairs of the Joint Standing Committee on Banking and Insurance. All appointments shall be made no later than 30 days following Legislative Council approval of this request. The chairs shall notify the Executive Director of the Legislative Council upon making their appointments.

## SELECTION OF CHAIR

The chairs of the Joint Standing Committee on Banking and Insurance shall chair the study subcommittee.

## CONVENING OF STUDY GROUP

When appointment of all members of the subcommittee is completed, the chairs shall call the first meeting no later than June 1, 1990.

## STUDY SUBJECT AND TASKS

The subcommittee shall study various aspects of existing and proposed motor vehicle insurance laws in Maine and other states.

1. A comparative review and evaluation of past and current motor vehicle insurance and financial responsibility laws in Maine and in other states including an examination of:

- (a) Their purposes;
- (b) Their effects;
- (c) The degree to which their purposes are met;
- (d) Their costs and benefits;
- (e) Any possible changes to these laws; and

2. A review and evaluation of the various types of no-fault no-lawsuit motor vehicle laws in other states including the various options for

limitations on lawsuits and the possibility of requiring no-fault insurance to be offered as an option to consumers, including an examination of:

- (a) Their purposes;
- (b) Their effects;
- (c) The degree to which their purposes are met;
- (d) Their costs and benefits;
- (e) The possible introduction of them in Maine; and

3. A review and evaluation of laws requiring motor vehicle insurance as compared to financial responsibility laws without required insurance, including an examination of:

- (a) Their purposes;
- (b) Their effects;
- (c) The degree to which their purposes are met;
- (d) Their costs and benefits;
- (e) The possible introduction of them in Maine; and

4. The study shall specifically include a review of the motor vehicle insurance laws in Maine in recent years and an evaluation of the relative merits of:

- (a) The pre-1988 financial responsibility law, which did not require insurance except after a person had a reportable accident or moving violation;
- (b) The 1988 law, which mandated insurance but did not require any proof until the person was involved in a reportable accident or moving violation. Then, the insurance violation was dismissed if the operator obtained insurance after the fact, up to 24 hours before the court date; and
- (c) The present (1989-90) law, which repealed the grace period for purchase of insurance and required that the operator be insured at the time of the accident or moving violation.

5. The study shall also include a review of the effects of the "family member exclusion", which excludes injury to family members residing in the insured household from coverage under an auto insurance liability policy, and of the possible need to mitigate the exclusion by providing for replacement coverage.

In examining these issues, the subcommittee may:

- 1. Hold informational sessions for discussion with the Secretary of State, the Maine State Police, the Bureau of Safety, the Bureau of Insurance, and with other interested parties including, but not limited to, low income persons, insurers, agents and automobile associations;

2. Conduct, summarize and analyze the results of a literature search on various aspects of motor vehicle insurance laws;
3. Procure and analyze data from the Secretary of State, the Maine State Police, The Bureau of Safety, the Bureau of Insurance and other available sources.

#### STAFFING

The subcommittee shall request staffing from the Legislative Council.

#### COMPENSATION OF MEMBERS

The members of the study subcommittee and the full committee when required to attend the study meetings shall receive the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, and travel expenses for days of attendance at study commission meetings.

#### REPORT

The Joint Standing Committee on Banking and Insurance shall complete the study by October 1, 1990, and complete the written report, together with any necessary implementing legislation by November 1, 1990 for submission to the First Regular Session of the 115th Legislature.

#### APPROPRIATION

The sum of \$6,455 shall be appropriated from the legislative account for the study.

#### FISCAL NOTE

The subcommittee shall meet 4 times and shall meet one more time with the full committee.

Personal Services	\$2,255
All other	<u>4,200</u>
TOTAL	\$6,455

BM/lk/31.38/40GEA



MARTHA E. FREEMAN, DIRECTOR  
WILLIAM T. GLIDDEN, PRINCIPAL ANALYST  
ULIE S. JONES, PRINCIPAL ANALYST  
DAVID C. ELLIOTT, PRINCIPAL ANALYST  
GILBERT W. BREWER  
TODD R. BURROWES  
GRO FLATEBO  
DEBORAH C. FRIEDMAN  
JOHN B. KNOX



PATRICK NORTON  
HARTLEY PALLESCHI  
MARGARET J. REINSCH  
PAUL J. SAUCIER  
JOHN R. SELSER  
HAVEN WHITESIDE  
JILL IPPOLITI, RES. ASST.  
BARBARA A. MCGINN, RES. ASST.  
BRET A. PRESTON, RES. ASST.

STATE OF MAINE  
OFFICE OF POLICY AND LEGAL ANALYSIS  
ROOM 101/107/135  
STATE HOUSE STATION 13  
AUGUSTA, MAINE 04333  
TEL.: (207) 289-1670

March 27, 1990

The Honorable John L. Martin, Chair  
Legislative Council  
Maine Legislature  
State House Station #115  
Augusta, ME 04333

Re: Banking and Insurance Committee Study Request: Motor Vehicle  
Insurance Laws

Dear Mr. Chair:

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

The present motor vehicle insurance law was enacted in 1988 for a 3-year trial period, with the intention that the Legislature conduct a systematic review before continuing, repealing, or modifying it. LD 2178 as amended will retain the present law until January 1, 1992 to allow time for review. This study would provide an effective means of conducting that review. This request is in response to a number of issues raised in three bills and a study report which came before the committee this session relating to no-fault, mandatory auto insurance, the family member exclusion and uninsured motorists (LD 2047, LD 2178, LD 2222, and the study on uninsured motorists dated December 1989). These presented complex and important subjects which the committee was not able to adequately deal with during the session. The Committee believes that a comprehensive review of various aspects of the motor vehicle insurance laws is necessary to ensure that these laws truly serve the people of the State of Maine.

Please contact us if the attached study request does not provide all the necessary information. Thank you for your consideration.

Sincerely,

Sen. Raynold Theriault  
Senate Chair

Rep. Charlene B. Rydell  
House Chair

Attachment  
31.37/40GEA

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TOTAL	\$6,455

BM/lk/31.38/40GEA

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

March 28, 1990

Speaker John L. Martin  
Chair, Legislative Council  
114th Maine Legislature  
State House  
Augusta, Maine

Dear Speaker Martin,

We are writing to request Legislative Council approval for four members of the Banking & Insurance Committee to participate in, and be compensated for participation in, a Task Force to study health insurance continuity. Specifically, we request Legislative Council approval to pay per diem and expenses for four legislators to attend 6 meetings of the Task Force, or a total of approximately \$2,720.

We are not requesting staff authorization or funding for administration of the Task Force. The Bureau of Insurance will convene and provide staff support to the Task Force, and will draft any legislation that the Task Force recommends. In addition to legislators, the Task Force will be composed of representatives of labor, large and small employers, consumers, insurers, Blue Cross/Blue Shield, insurance agents, the Bureau of Insurance and the Select Commission on Access to Health Care. We propose to establish the Task Force in LD 2274, and to specify that compensation for legislative members is contingent on Legislative Council approval.

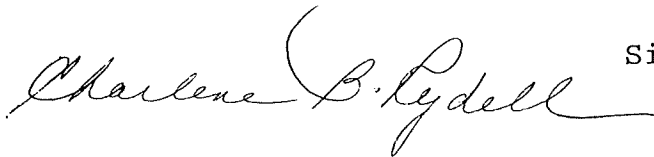
The Task Force proposal arose from the Committee's discussion of three bills, LDs 1979, 2250 and 2274, all of which related to continuity of health insurance coverage for "high risk" individuals, or individuals with medical conditions that create problems in obtaining and continuing adequate health insurance coverage. The issues that the Task Force will address include: rights of continuity for individual health insurance policy holders; limits on pre-existing condition exclusions, riders, medical underwriting, and waiting periods;

pooling, reinsurance and/or community rating for small business group and/or individual policies for spreading the costs of high risk individuals who are provided continuous coverage; exclusions by industry or occupation; and the economic impact of the proposed changes, including actuarial projections which account for reserve policies, costs of underwriting (tracking), administration, legal costs, marketing (advertising and sales commissions), investment income and profit margins by product line, by company, and by industry.

The Task Force will report any recommended legislation to the Legislature by January 1, 1991.

The committee believes that this is a critical issue for Maine citizens. Having begun discussion of the broad issue in our deliberation of LDs 1979, 2250 and 2274, and resolving a part of the issue, we believe that it is important to follow through to discuss other issues not fully resolved this session. The Task Force will not require major funding or resources from the Legislative Council, but we do ask for authorization for per diem and expenses for four legislators to participate in the Task Force.

If you have any questions, please let one of us know.



Rep. Charlene Rydell  
House Chair

Sincerely,



Sen. Raynold Theriault  
Senate Chair

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, HAMPDEN

STATE OF MAINE  
ONE HUNDRED AND FOURTEENTH LEGISLATURE  
COMMITTEE ON JUDICIARY

March 28, 1990

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

Re: Judiciary Committee Studies

Dear Speaker Martin:

The Joint Standing Committee on Judiciary is supporting two study commissions and once legislative research project. The two study commissions are proposed in legislation; the research project is in response to and in anticipation of legislation for which more information is needed.

LD 2328, AN ACT to Implement the Recommendations of the Court Jurisdiction Study, as amended, proposes two study commissions (bill and draft amendment attached).


- The Commission on the Criminal Penalties in the Maine Revised Statutes would be made up of 10 legislators, and would review the appropriateness of criminal penalties outside the Maine Criminal Code as compared with crimes within the Criminal Code. It would complete its work by December 1, 1990.
- The Commission to Study the Future of Maine's Courts, would be made up of 22 or 23 members, plus five judicial advisors. The Commission would study several specific issues, with the overall duty of making recommendations to ensure that the judicial needs of Maine citizens will be met in the 21st century. It would complete its work by November 15, 1992.

The third request we are making is that the Legislative Council request, on behalf of the Judiciary Committee, the Office of Policy and Legal Analysis to conduct a research project on the issue of grandparents' visitation rights. We spent several work sessions on grandparents' rights, but we were uncomfortable making changes without more information from other states. We believe that this issue will not go away, and that information on other state statutes, litigation and practices, as well as information on litigation and practices in Maine, will be most helpful in the upcoming legislative session. The Family Law Section of the Maine State Bar Association has expressed an interest in assisting in collecting the information on litigation and practice in Maine. No meetings or legislator time is necessary to carry out this research request. We do ask that the Council take this request into account when allocating staff resources regarding interim studies and other assignments.

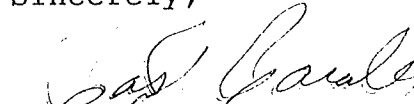
We assign the following priority to the three studies discussed above.

1. Commission to Study the Future of Maine's Courts
2. Commission on the Criminal Penalties in the Maine Statutes
3. Research request on grandparents' rights

Thank you for your consideration.

  
Sen. Barry J. Hobbins  
Senate Chair

Sincerely,

  
Rep. Patrick E. Paradis  
House Chair





# 114th MAINE LEGISLATURE

## SECOND REGULAR SESSION - 1990

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Legislative Document

No. 2328

H.P. 1682

House of Representatives, February 16, 1990

Reported by Representative PARADIS from the Joint Standing Committee on Judiciary.

Reference to the Joint Standing Committee on Judiciary suggested and printing ordered under Joint Rule 19.

*Ed Pert*

EDWIN H. PERT, Clerk

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STATE OF MAINE

---

IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND NINETY

---

An Act to Implement the Recommendations of the Court Jurisdiction Study.

---



Be it enacted by the People of the State of Maine as follows:

PART A

Sec. A-1. 4 MRSA §105-A is enacted to read:

**§105-A. Appellate jurisdiction of decisions of occupational  
licensing boards and commissions**

The Superior Court has exclusive jurisdiction to review disciplinary decisions of occupational licensing boards and commissions taken pursuant to Title 10, section 8003. The Maine Administrative Procedure Act, Title 5, chapter 375, subchapter VII, governs this procedure as far as applicable.

Sec. A-2. 4 MRSA §164, sub-§12, ¶D, as amended by PL 1977, c. 696, §22, is further amended to read:

D. Any person who has been found guilty of or who has signed a plea of guilty to, or who has been found to have committed or who has signed a plea admitting or admitting with an explanation, one 2 or more previous traffic offenses subject to this subsection within a 12-month's 12-month period shall not be permitted to appear before the violations clerk unless the court shall, by order, permit such appearance. Each waiver of hearing filed under this subsection shall recite on the oath or affirmation of the offender whether or not ~~he has been~~ the offender previously has been found guilty of or ~~to have committed or~~ has previously signed a plea of guilty to, or has been found to have committed or has signed a plea admitting, or admitting with an explanation one, 2 or more traffic offenses within a 12-month's 12-month period. Swearing falsely to any such statement shall be a civil violation for which a forfeiture not to exceed \$50 may be adjudged.

Sec. A-3. 4 MRSA §183 is enacted to read:

**§183. Jurisdiction; administrative law**

1. Licensing jurisdiction. Except as provided in Title 5, section 10004, Title 10, section 8003, subsection 5, Title 29, Title 32, chapter 113, and Title 35-A, section 3132, the District Court has exclusive jurisdiction upon complaint of an agency or, if the licensing agency fails or refuses to act within a reasonable time, upon complaint of the Attorney General, to revoke or suspend licenses issued by the agency, and has original jurisdiction upon complaint of a licensing agency to determine whether renewal or reissuance of a license of that agency may be refused. The District Court has original concurrent jurisdiction to grant equitable relief in proceedings initiated by an agency

2 or the Department of the Attorney General alleging any violation  
3 of a license or licensing laws or rules.

4 Notwithstanding any other provisions of law, a licensing agency  
5 may not reinstate or otherwise affect a license suspended,  
6 revoked or modified by the District Court pursuant to a complaint  
7 filed by the Attorney General, without the approval of the  
8 Attorney General.

10 2. Procedure. The following procedure applies to  
11 administrative law cases under this section.

12 A. On receipt of a written complaint from an agency or the  
13 Attorney General, a Judge of the District Court shall  
14 conduct a hearing on the applicable facts and law.

15 B. At the request of a party in a contested case, a judge  
16 of the District Court shall issue subpoenas for the  
17 attendance of witnesses or for the production of documents.  
18 Subpoenas may also be issued on the judge's own motion.

19 3. Emergency proceedings. The District Court has  
20 jurisdiction to revoke temporarily or suspend a license without  
21 notice or hearing upon the verified complaint of an agency or the  
22 Attorney General. Such a complaint must be accompanied by  
23 affidavits demonstrating that summary action is necessary to  
24 prevent an immediate threat to the public health, safety or  
25 welfare. Upon issuance of an order revoking or suspending a  
26 license under this subsection, the District Court shall promptly  
27 schedule a hearing on the agency's complaint, which hearing takes  
28 precedence over all other matters except older matters of the  
29 same character on the docket of the court. Any order temporarily  
30 suspending or revoking a license expires within 30 days of  
31 issuance, unless renewed by the court after such hearing as the  
32 court determines necessary.

33 Nothing in this section may be construed to abridge or affect the  
34 jurisdiction of the Superior Court to issue injunctive relief or  
35 to exercise other powers authorized by law or rule of the court.

36 4. Decisions. After hearing, on default or by agreement of  
37 the parties, a Judge of the District Court may suspend, revoke or  
38 modify the license of any party properly served with process, or  
39 if the applicable law so provides the judge may order issuance of  
40 a license to an applicant according to the terms of the  
41 applicable law. The judge may take any other action with relation  
42 to the party which could have been taken before the enactment of  
43 former section 1155 by the agency involved in the hearing.

44 Every final decision of the District Court must be in writing or  
45 stated in the record, and include findings of fact and  
46 conclusions of law sufficient to apprise the parties and any  
47 other interested parties.

interested member of the public of the basis for the decision. A copy of the decisions must be delivered or promptly mailed to each party to the proceeding or the party's representative of record. Written notice of the party's rights to review of the decision and of the action required, and the time within which the action must be taken in order to exercise the right of review, must be given to each party together with the decision.

**5. Fines.** Notwithstanding any other provisions of this chapter, a Judge of the District Court, in that judge's discretion, may impose a fine of a specific sum, which may not be less than \$50 nor more than \$1,500 for any one offense, or other limits as the laws relating to the licensing question may provide. Such a fine may be imposed instead of or in addition to any suspension, revocation or modification of a license by the court. Section 1057 applies to any fine imposed by this subsection.

**Sec. A-4. 4 MRSA §451**, as amended by PL 1989, c. 503, Pt. B, §8, is further amended to read:

**§451. Establishment**

A Judicial Council, as established by Title 5, section 12004-I, subsection 51, shall make a continuous study of the organization, rules and methods of procedure and practice of the judicial system of the State, the work accomplished and the results produced by that system and its various parts. The council shall must be composed of the Chief Justice of the Supreme Judicial Court, who shall also serve as chair, the Attorney General, the Chief Justice of the Superior Court, the Chief Judge of the District Court, the chairs of the joint standing committee of the Legislature having jurisdiction over judiciary matters or their designees, and the Dean of the University of Maine System School of Law, each to serve ex officio, and an Active or Retired Justice of the Supreme Judicial Court, one Justice of the Superior Court, one Judge of the District Court, one Judge of a Probate Court, one clerk of the judicial courts, 2 members of the bar and 6 laymen members of the public, to be appointed by the Governor. The appointments by the Governor shall ~~be~~ are for such periods, not exceeding 4 years, as ~~he shall determine~~ the Governor determines.

**Sec. A-5. 4 MRSA §453**, as repealed and replaced by PL 1983, c. 812, §11, is amended to read:

**§453. Expenses**

~~Each member shall be compensated~~ is entitled to compensation as provided in Title 5, chapter 379, out of ~~any~~ appropriation made for the purpose and approved by the Chief Justice. Legislative members are entitled to be compensated from the

legislative budget. The council may appoint one of its members or some other suitable person to act as secretary for the council.

Sec. A-6. 4 MRSA c. 25, as amended, is repealed.

Sec. A-7. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1990-91

## JUDICIAL DEPARTMENT

### Courts - Supreme, Superior, District and Administrative

Positions	(2)
Personal Services	\$78,041

Provides funds for 2 additional computer specialists.

### Courts - Supreme, Superior, District and Administrative

Positions	(1)
Personal Services	\$102,484

Provides funds for one additional District Court Judge.

## JUDICIAL DEPARTMENT

TOTAL	\$180,525
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Sec. A-8. Transition. On the effective date of this Act:

1. Administrative Court Judge or Associate Administrative Court Judge. Any Administrative Court Judge or Associate Administrative Court Judge whose term has not expired is a District Court Judge until the expiration of that term, unless sooner removed. The compensation of any Judge of the Administrative Court converted to a District Court Judge by reason of this Act shall not be reduced;

2. Active Retired Judge. Any Active Retired Judge of the Administrative Court whose term has not expired is an Active Retired District Court Judge until the expiration of that term, unless sooner removed; and

3. Other Administrative Court personnel. Any other Administrative Court personnel in service are transferred to the District Court staff and are entitled to receive compensation at

2 a rate not less than the last pay range they received while  
employed with the Administrative Court.

## 4 PART B

6 **Sec. B-1. Commission established.** There is established the  
Commission on the Criminal Penalties in the Maine Revised  
8 Statutes to determine the consistency of the penalties outside  
the Maine Criminal Code with the penalties within the Maine  
10 Criminal Code.

12 **Sec. B-2. Commission membership.** The commission shall  
consist of 8 members to be appointed as follows: 2 members of  
14 the Joint Standing Committee on Judiciary, one to be appointed by  
the President of the Senate and one to be appointed by the  
16 Speaker of the House of Representatives; 2 members of the Joint  
Standing Committee on Transportation, one to be appointed by the  
18 President of the Senate and one to be appointed by the Speaker of  
the House of Representatives; 2 members of the Joint Standing  
20 Committee on Fisheries and Wildlife, one to be appointed by the  
President of the Senate and one to be appointed by the Speaker of  
22 the House of Representatives; and 2 members of the Joint Standing  
Committee on Marine Resources, one to be appointed by the  
24 President of the Senate and one to be appointed by the Speaker of  
the House of Representatives.

26 All appointments must be made no later than 30 days following the  
28 effective date of this Act. The appointing authorities shall  
notify the Executive Director of the Legislative Council upon  
30 making their appointments. When appointment of all members of  
the commission is completed, the Chair of the Legislative Council  
32 shall call the commission together for its first meeting no later  
than August 25, 1990. The commission shall select a chair from  
34 among its members.

36 **Sec. B-3. Duties.** The commission shall compare the criminal  
penalties for offenses established within the Maine Criminal Code  
38 with the criminal penalties for offenses established in other  
titles of the Maine Revised Statutes. The commission shall  
40 determine if the penalties for offenses established outside of  
the Maine Criminal Code are commensurate with the penalties for  
42 similar Maine Criminal Code offenses.

44 **Sec. B-4. Staff.** The commission shall request staffing  
assistance from the Legislative Council.

46 **Sec. B-5. Compensation; budget.** The members of the commission  
48 who are Legislators are entitled to receive the legislative per  
diem as defined in the Maine Revised Statutes, Title 3, section  
50 2, for each day's attendance at the commission meetings. The  
Executive Director of the Legislative Council shall administer  
52 the commission budget.

2       **Sec. B-6. Report; reporting date.** The commission may produce a  
written report and shall present its findings, together with any  
4       recommended legislation, to the First Regular Session of the  
115th Legislature no later than December 1, 1990.

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8       **Sec. B-7. Appropriation.** The following funds are appropriated  
from the General Fund to carry out the purposes of this Part.

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1990-91

**LEGISLATURE**

**Commission on the Criminal  
Penalties in the Maine  
Revised Statutes**

Personal Services	\$2,640
All Other	4,850

Provides funds for per diem, travel and  
related expenses of the Commission on the  
Criminal Penalties in the Maine Revised  
Statutes.

**LEGISLATURE  
TOTAL**

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\$7,490

**PART C**

**Sec. C-1. Commission established.** There is established a  
commission to study the future of Maine's courts.

**Sec. C-2. Commission membership.** The commission consists of  
the following members:

1. Four advisory members appointed by the Chief Justice, 3  
of whom are Active Justices and Judges representing the Superior,  
Supreme and District Courts and one of whom is an Active Retired  
Justice or Judge;

2. Three members appointed by the presidents of the  
respective court clerks associations to represent the Supreme,  
Superior and District Courts;

3. The president of the Probate Court Judges Association or  
a designee;

4. The president of the Registers of Probate Association or  
a designee;

2           5. Five Legislators, including 2 Senators, one of whom must  
4       be a member of the Joint Standing Committee on the Judiciary,  
6       appointed by the President of the Senate; and 3 members of the  
      House of Representatives, at least 2 of whom must be members of  
      the Joint Standing Committee on the Judiciary, appointed by the  
      Speaker of the House of Representatives;

8  
10          6. A representative of the Governor's office appointed by  
      the Governor;

12          7. Four members of the public appointed by the Governor;

14          8. The president of the Maine State Bar Association or a  
      designee;

16          9. The executive director of Pine Tree Legal Assistance or  
18       a designee;

20          10. The president of the Maine Trial Lawyers Association or  
      a designee;

22          11. The president of the Maine Prosecutors Association or a  
24       designee;

26          12. The Attorney General or a designee; and

28          13. The Dean of the University of Maine School of Law or a  
      designee.

30       All appointments shall be made no later than 30 days following  
32       the effective date of this Act. The appointing authorities shall  
34       notify the Executive Director of the Legislative Council and the  
36       State Court Administrator when the appointments have been made.  
38       The chair of the commission shall be appointed jointly by the  
40       Governor, the Chief Justice of the Supreme Judicial Court, the  
      President of the Senate, and the Speaker of the House of  
      Representatives no later than July 25, 1990. The chair may be  
      appointed from among the members or may be appointed from outside  
      the membership. The chair shall call the first meeting no later  
      than August 25, 1990.

42       **Sec. C-3. Compensation.** Legislative members are entitled to  
44       receive the legislative per diem as defined in the Maine Revised  
46       Statutes, Title 3, section 2, for each day's attendance at the  
48       commission meetings. All other members, except state employees,  
      are not entitled to compensation, but may be reimbursed for  
      reasonable expenses as provided in Title 5, section 12002-A,  
      subsection 1.

50       **Sec. C-4. Staff support.** The Administrative Office of the  
52       Courts may furnish clerical and other support services to the  
      commission.



2           **Sec. C-5. Duties.** The commission shall study the future of  
the court system in Maine and make recommendations as necessary  
4           to ensure that the judicial needs of Maine citizens will be met  
in the 21st century. The commission shall examine, but not limit  
6           its examination to, the following issues:

8           1. Integration of the jurisdictions of the various court  
systems, including the feasibility, cost, and method of creating  
10          a unified trial court system in Maine;

12          2. Expansion of the availability and use of alternative  
dispute resolution mechanisms. This includes the consideration  
14          of ways to increase the use of referees under Rule 53 of the  
Maine Rules of Civil Procedure, including, but not limited to,  
16          rule changes, the education of lawyers and judges, mandatory use  
of referees, the development of guidelines for the use of  
18          referees, and other ways to encourage the use of referees;

20          3. Parity among judicial salaries within the court system;

22          4. Further evolution of the Probate Court system,  
particularly the conflict-of-interest issue concerning part-time  
24          Probate Court Judges, considering, as a possibility, establishing  
full-time Judges of Probate who travel a circuit;

26          5. Any recommendations of the Court Mediation Service on  
expanding mediation services; and

30          6. An evaluation of any pilot project establishing the  
Family and Administrative Law Division of the District Court in  
32          the Ninth District.

34           **Sec. C-6. Report to Legislature.** The commission, by November  
15, 1991, shall report to the Joint Standing Committee on  
36          Judiciary the results of its findings and recommendations  
together with any necessary implementing legislation.

38           **Sec. C-7. Funding.** The commission is authorized to receive  
40          funds from any source, governmental or private.

42           **Sec. C-8. Appropriation.** The following funds are appropriated  
from the General Fund to carry out the purposes of this Part.

44  
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1990-91

**JUDICIAL DEPARTMENT**

**Commission to Study the  
Future of Maine's Courts**

Personal Services	\$3,300
All Other	12,950

Provides funds for per diem, travel and related expenses of the Commission to Study the Future of Maine's Courts. These funds may not lapse, but must be carried forward to June 30, 1992.

JUDICIAL DEPARTMENT  
TOTAL

\$16,250

## STATEMENT OF FACT

This bill contains the legislation necessary to implement the recommendations of the court jurisdiction study conducted by a subcommittee of the Joint Standing Committee on the Judiciary, as authorized by the Legislative Council. Not all of the recommendations received the unanimous approval of the subcommittee.

Part A of this bill:

1. Adds the chairs of the Joint Standing Committee on Judiciary, or their designees, to the Judicial Council;

2. Amends the statutory provisions prohibiting a waiver of court appearance for a 2nd traffic citation in any 12-month period to allow 2 waivers within a 12-month period;

3. Adds 2 computer specialists and a District Court Judge to the Judicial Department; and

4. Integrates the Administrative Court into the District Court system by transferring the jurisdiction, authority and personnel of the Administrative Court to the District Court. This bill should be amended to delete all Administrative Court references throughout the statutes.

Part B of this bill establishes the Commission on the Criminal Penalties in the Maine Revised Statutes to examine the consistency of criminal penalties outside the Maine Criminal Code with the penalties within the Maine Criminal Code.

Part C of this bill establishes the Commission to Study the Future of Maine's Courts to conduct a broad-based study of the future of Maine's court system.

The Chief Justice and Chief Judges shall periodically report to the Commission to Study the Future of Maine's Courts as established by Part C of this Act on the structure and effect of the pilot project, except that, if the chair of the Commission does not call the first meeting, the Chief Justice and Chief Judges shall periodically report to the Joint Standing Committee on Judiciary. The Chief Justice and Chief Judges shall make a final report to the Commission and the Joint Standing Committee on Judiciary by January 15, 1992.

Further amend the bill in Part B by striking out Section B-2, first ¶ and inserting in its place the following:

**Sec. B-2. Commission membership.** The commission shall consist of 8 10 members to be appointed as follows: 2 members of the Joint Standing Committee on Judiciary, one to be appointed by the President of the Senate and one to be appointed by the Speaker of the House of Representatives; 2 members of the Joint Standing Committee on Legal Affairs, one to be appointed by the President of the Senate and one to be appointed by the Speaker of the House; 2 members of the Joint Standing Committee on Transportation, one to be appointed by the President of the Senate and one to be appointed by the Speaker of the House of Representatives; 2 members of the Joint Standing Committee on Fisheries and Wildlife, one to be appointed by the President of the Senate and one to be appointed by the Speaker of the House of Representatives; and 2 members of the Joint Standing Committee on Marine Resources, one to be appointed by the President of the Senate and one to be appointed by the Speaker of the House of Representatives. There must be bipartisan representation on the commission.

Further amend the bill in Part B by striking out Section B-3 and inserting in its place the following:

**Sec. B-3. Duties.** The commission shall compare the criminal penalties, including fines, for offenses established within the Maine Criminal Code with the criminal penalties for offenses established in other titles of the Maine Revised Statutes. The commission shall determine if the penalties for offenses established outside of the Maine Criminal Code are commensurate with the penalties for similar Maine Criminal Code offenses.

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, WATERVILLE  
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

March 28, 1990

Speaker John L. Martin  
Chair, Legislative Council  
114th Maine Legislature  
State House  
Augusta, Maine

Dear Speaker Martin,

We are writing to request Legislative Council approval for four members of the Banking & Insurance Committee to participate in, and be compensated for participation in, a Task Force to study health insurance continuity. Specifically, we request Legislative Council approval to pay per diem and expenses for four legislators to attend 6 meetings of the Task Force, or a total of approximately \$2,720.

We are not requesting staff authorization or funding for administration of the Task Force. The Bureau of Insurance will convene and provide staff support to the Task Force, and will draft any legislation that the Task Force recommends. In addition to legislators, the Task Force will be composed of representatives of labor, large and small employers, consumers, insurers, Blue Cross/Blue Shield, insurance agents, the Bureau of Insurance and the Select Commission on Access to Health Care. We propose to establish the Task Force in LD 2274, and to specify that compensation for legislative members is contingent on Legislative Council approval.

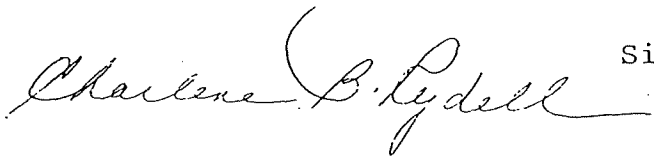
The Task Force proposal arose from the Committee's discussion of three bills, LDs 1979, 2250 and 2274, all of which related to continuity of health insurance coverage for "high risk" individuals, or individuals with medical conditions that create problems in obtaining and continuing adequate health insurance coverage. The issues that the Task Force will address include: rights of continuity for individual health insurance policy holders; limits on pre-existing condition exclusions, riders, medical underwriting, and waiting periods;

pooling, reinsurance and/or community rating for small business group and/or individual policies for spreading the costs of high risk individuals who are provided continuous coverage; exclusions by industry or occupation; and the economic impact of the proposed changes, including actuarial projections which account for reserve policies, costs of underwriting (tracking), administration, legal costs, marketing (advertising and sales commissions), investment income and profit margins by product line, by company, and by industry.

The Task Force will report any recommended legislation to the Legislature by January 1, 1991.

The committee believes that this is a critical issue for Maine citizens. Having begun discussion of the broad issue in our deliberation of LDs 1979, 2250 and 2274, and resolving a part of the issue, we believe that it is important to follow through to discuss other issues not fully resolved this session. The Task Force will not require major funding or resources from the Legislative Council, but we do ask for authorization for per diem and expenses for four legislators to participate in the Task Force.

If you have any questions, please let one of us know.



Rep. Charlene Rydell  
House Chair

Sincerely,



Sen. Raynold Theriault  
Senate Chair

SENATE

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

JULIE JONES, LEGISLATIVE ANALYST  
PAUL SAUCIER, LEGISLATIVE ANALYST  
GARY MYRICK, COMMITTEE CLERK



HOUSE

PETER J. MANNING, PORTLAND, CHAIR  
NEIL ROLDE, YORK  
BRANFORD 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

March 30, 1990

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

Dear Rep. Martin:

The Joint Standing Committee on Human Resources requests permission for the AMHI Oversight Subcommittee (Sen. Gauvreau, Sen. Randall, Rep. Manning, Rep. Burke, Rep. Pederson and Rep. Pendleton) to meet again during this interim to continue the Committee's responsibility to oversee the implementation of plans at AMHI to resolve the crises that unfolded during the First Regular Session. The subcommittee's activity would be very similar to the meetings which were authorized during the previous interim.

During the next eight months, several events will be occurring that will require consultation between the Department of Mental Health and Mental Retardation, the Committee and other interested parties. These events include:

- Resolution of the law suit against AMHI;
- Selection of new superintendent;
- Report of the Systems Assessment Commission;
- Final review on HCFA certification;
- Monitoring of impact of budget changes on quality of care;

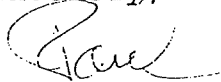
- Implementation of a new patient assessment system for recipients of mental health services;
- Development and implementation of standards of care; and
- Review by the Maine Commission on Mental Health of the issue of outpatient commitment.

The Committee is not entirely certain how many times that it would need to meet, but it would certainly not need more than 6 meetings. Although our request is not, strictly speaking in the nature of a study, we would require some staff assistance from the Office of Policy and Legal Analysis. Last interim that assistance consisted mainly of administrative functions, some research and drafting a brief summary report of our activities. The Committee is making no other requests for study activities during this interim. Two studies authorized by legislation out of the Human Resources last year are continuing during this interim ( Elderly Services -- staffed by OPLA and Health Care Competition -- staffed by the Health Care Finance Commission). These will require no additional funding.

Although the crisis at our mental health institutes has faded somewhat from the public's attention with this year's preoccupation with budget problems, the plans that were begun last year to address that crisis are still in the very early stages of implementation. Without continuing legislative attention, it would be too easy to fall back to the old ways of doing things, and much progress that has been made could be lost.

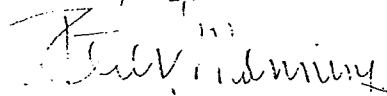
Thank you for your consideration.

Sincerely,



Sen. N. PAul Gauvreau  
Senate Chair

Sincerely,



Rep. Peter J. Manning  
House Chair

1013LHS

LEGISLATIVE COUNCIL  
REQUESTS TO INTRODUCE LEGISLATION  
SECOND REGULAR SESSION  
April 3, 1990

Action

SPONSOR: Sen. Gauvreau

LR 3807 An Act to Allow the Maine Health  
Care Finance Commission to Make  
Individual Hospital Development  
Account Interim Adjustments

SPONSOR: Rep. Lisnik

LR 3806 An Act to Expand the Territorial  
Limits of the Presque Isle Water  
District

Cosponsors: Rep. MacBride  
Sen. Collins  
Rep. Martin, John L.

SPONSOR: Rep. Lisnik

LR 3808 Resolve, to Name the District Court  
Facility in Presque Isle the Julian W.  
Turner Courthouse

SPONSOR: Rep. Mahany

LR 3810 An Act Regarding Repossession of  
Motor Vehicles

REQUEST TO INTRODUCE JOINT RESOLUTION

SPONSOR: Rep. Handy

LR 3812 Joint Resolution Memorializing the  
President and Congress of the United  
States to Terminate Aid to El Salvador

Cosponsors: Rep. Rolde  
Rep. Dore  
Sen. Brannigan



TABLED BY THE LEGISLATIVE COUNCIL

SPONSOR: Rep. Mitchell

TABLED  
03/12/90

LR 3634 An Act to Improve Maine's Public Drinking  
Water Supplies that Come from Surface Water