

MAINE STATE LEGISLATURE

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LEGISLATIVE COUNCIL

Tuesday, January 28, 1992

REVISED AGENDA

CALL TO ORDER

ROLL CALL

SECRETARY'S REPORT

Summary of January 14, 1992, Council Meeting.

EXECUTIVE DIRECTOR'S REPORT

Item #1: Request for Authorization to Award Contracts for the Printing of Amendments.

Item #2: Resignation of Kathryn Van Note, Office of Fiscal & Program Review.

Item #3: Drafting and Committee Status Report.

REPORTS FROM COUNCIL COMMITTEES

OLD BUSINESS

Item #1: Staffing for Special Commission to Study the Insurance Industry and Special Commission to Study the Workers' Compensation Commission. (Item tabled at January 14 Council meeting by Sen. Dutremble).

NEW BUSINESS

Item #1: Recommendations from the Department of Corrections Related to Maine's Juvenile Code (submitted pursuant to statute, 15 MRSA, § 3006).

Item #2: Request from Commission to Study a Long-Term Disability Program for the Maine State Retirement System (ch. 48, Resolves of 1991) for an Extension of the Reporting Deadline.

Item #3: After Deadline Bill Requests.

ANNOUNCEMENTS AND REMARKS

ADJOURNMENT



SEN. NANCY RANDALL CLARK
SEN. DENNIS L. DUTREMBLE
SEN. CHARLES M. WEBSTER
SEN. PAMELA L. CAHILL
REP. JOHN L. MARTIN
REP. JOSEPH W. MAYO
REP. WALTER E. WHITCOMB
REP. FRANCIS C. MARSANO

SARAH C. TUBBESING
EXECUTIVE DIRECTOR

SEN. CHARLES P. PRAY
CHAIR

REP. DAN A. GWADOWSKY
VICE-CHAIR

STATE OF MAINE

115th LEGISLATURE

LEGISLATIVE COUNCIL

JANUARY 14, 1992

MEETING SUMMARY

APPROVED JANUARY 28, 1992

CALL TO ORDER

The Council meeting was called to order by the Chair, Senator Pray, at 4:52 p.m.

ROLL CALL

Senators:	Sen. Pray, Sen. Clark, Sen. Dutremble, Sen. Cahill Absent: Sen. Webster
Representatives:	Rep. Martin, Rep. Gwadosky, Rep. Whitcomb, Rep. Mayo, Rep. Marsano
Legislative Officers:	Sally Tubbesing, Executive Director, Legislative Council Lynn Randall, State Law Librarian John Wakefield, Director, Office of Fiscal and Program Review Martha Freeman, Director, Office of Policy and Legal Analysis Joy O'Brien, Secretary of the Senate

SECRETARY'S REPORT

The Summary of the January 8, 1992, Council meeting was approved and placed on file. (Motion by Rep. Whitcomb; second by Rep. Mayo; unanimous).

EXECUTIVE DIRECTOR'S REPORT

Item #1: Staffing for Special Commission to Study the Insurance Industry and Special Commission to Study the Workers' Compensation Commission

Sally Tubbesing explained that both of these Study Commissions, which had been created in the Workers' Compensation bill that the Legislature passed last summer, have March 1 reporting dates. These Commissions are both staffed by non-partisan staff pursuant to the law. The language that the Council has authorized in recent years to either suspend the activity of study commissions during the session or make other provisions for staffing was not included in this law; thus, Ms. Tubbesing requested direction from the Council regarding how to proceed to suspend staffing during the session.

Motion: That the Council notify the Governor that the Legislature is unable to staff these Commissions. (Motion by Speaker Martin; second by Sen. Clark).

Rep. Marsano advocated that the Council engage in a dialogue with the Governor to see if it was possible to reach a mutually agreeable solution.

Speaker Martin withdrew his motion.

Motion: That Representative Marsano be authorized to work with the Governor to identify staff in the executive branch who could support these Commissions until the Legislature has adjourned. (Motion by Speaker Martin; second by Sen. Dutremble).

Sen. Pray, acknowledging that there were problems regarding the availability of legislative staff during the session, expressed concern that the staffing responsibility would be turned over completely to the executive branch.

Speaker Martin withdrew his motion.

Motion: That this item be tabled. (Motion by Sen. Dutremble). The item was tabled without objection.

Item #2: Repair of Faucets in First Floor Bathroom

Ms. Tubbesing reported that she had been informed by personnel in the Bureau of General Services (formerly BPI) that the leaky faucets in the first floor bathroom required replacement, but that the Bureau had no funds to do this. She noted that the estimated cost of the work was only \$350, but that she was reluctant to authorize the expenditure out of the Legislature's repair budget given the Council's prior action last November to clarify the Bureau's role in repairs and improvements in the State House.

The Chair, Senator Pray, expressed his concern about the current state of repairs in the State House, noting that this building is held in trust for all citizens of the State. He further observed that neglect was not a new problem, noting that the neglect was not unique to the current administration, and recalled that the Legislature had originally assumed more direct responsibility for the condition of the State House due to the lack of attention by BPI. In the discussion that followed, Council members expressed concern that the budget reductions, which have severely reduced the availability of custodial and security staff, have actually increased some costs: there is no one to turn off lights, copiers, etc.

Motion: That the Council invite the Director of the Bureau of General Services to come to the next Council meeting to discuss these concerns. (Motion by Sen. Dutremble; second by Sen. Clark; unanimous).

REPORTS FROM COUNCIL COMMITTEE

Personnel Committee

EXECUTIVE SESSION

Motion: That the Council go into Executive Session for the purpose of discussing matters related to personnel. (Motion by Speaker Martin).

The Council proceeded to go into Executive Session at 5:55 p.m.

RECONVENE

The Council reconvened in open session at 6:09 p.m., on the motion of the Chair.

Personnel Committee

Rep. Gwadosky, Committee Chair, reported that the Committee had met on two occasions since mid-December to review several pending items. He presented the following motions on behalf of the Committee:

Motion: That Martha E. Freeman be reappointed to a second 3-year term as Director of the Office of Policy and Legal Analysis and, further, that she be awarded a step increase retroactive to her anniversary date. (Motion by Rep. Gwadosky; second by Sen. Cahill; unanimous).

Discussion: Rep. Gwadosky noted that the Committee had had a very productive meeting with Ms. Freeman, which focussed, in part, on some of the issues raised by the unusual nature of the 1st Regular Session and on the significant efforts that she and the other non-partisan offices have made to achieve a high level of coordination.

Rep. Whitcomb stated that he supported Ms. Freeman's reappointment, but would not be able to support the motion because it included the step increase.

Motion: That the previous motion be divided so that the questions of reappointment and the step increase could be addressed separately. (Motion by Rep. Marsano).

Discussion: Rep. Gwadosky expressed concern that the Council treat this issue procedurally in the same manner as it has in the past -- as a single motion -- noting that the Council bears an important responsibility for treating staff consistently and in a professional manner. Finally, he observed that the Council's action on this motion did not bind it to any future action related to step increases.

Rep. Marsano withdrew his motion.

The vote on the original motion offered by Rep. Gwadosky to reappoint Ms. Freeman and award her a step increase was then taken and approved 8 - 1.

Motion: That the Legislative Council adopt the proposed policy on Sexual Harassment pursuant to state law and, further, that the Executive Director be directed to work with the Council Chair and the presiding officers to disseminate this policy immediately. (Motion by Rep. Gwadosky; second by Sen. Clark; unanimous).

Motion: That the Legislative Council authorize extension of its Income Protection Plan to eligible employees as recommended by the Personnel Committee. (Motion by Rep. Gwadosky; second by Sen. Dutremble; unanimous).

OLD BUSINESS

None.

NEW BUSINESS

Item #1: Draft Budget for 1992-1993 for the Maine Low-Level Radioactive Waste Authority (submitted to the Legislative Council pursuant to statute).

Motion: That the Revisor of Statutes prepare a Resolve for the purpose of formally presenting the Authority's budget to the Legislature. (Motion by Sen. Clark; second by Speaker Martin; unanimous).

Item #2: After Deadline Bill Requests

Requests to introduce legislation to the Second Regular Session were considered by the Legislative Council. A summary of the Council's action on these requests is attached to this meeting summary.

ANNOUNCEMENTS AND REMARKS

None.

ADJOURNMENT

The Council meeting was adjourned at 6:15 p.m., on the motion of Speaker Martin.

LEGISLATIVE COUNCIL
ACTION ON REQUESTS TO INTRODUCE LEGISLATION
SECOND REGULAR SESSION
January 14, 1992

		Action
SPONSOR:	Rep. Anthony	FAILED
LR 3655	An Act to Clarify the Authority of the Governor's Emergency Budget Curtailment Powers	
SPONSOR:	Rep. Anthony	ACCEPTED
LR 3712	An Act to Eliminate Mandatory Minimum Sentences Cosponsors: Rep. Ketterer Rep. Richards Sen. Berube	
SPONSOR:	Sen. Berube	FAILED
LR 3710	An Act Regarding a Tax Exemption for Certain Meals Cosponsors: Rep. Dore Sen. Gauvreau	
SPONSOR:	Sen. Cahill, Pamela L.	ACCEPTED
LR 3714	An Act Regarding County Contingent Account Limits	
SPONSOR:	Sen. Clark, Nancy R.	ACCEPTED
LR 3719	An Act to Provide for the 1992 and 1993 Allocations of the State Ceiling on Private Activity Bonds Cosponsors: Rep. Gwadosky Sen. Foster Rep. Lebowitz	
SPONSOR:	Sen. Cleveland	ACCEPTED
LR 3720	An Act Regarding Dragging for Scallops in the Swan's Island Cable Area	

Action

SPONSOR:	Rep. Coles	ACCEPTED
LR 3713	An Act to Authorize a Bond Issue of \$300,000 to Expand the Sagadahoc County Courthouse to Include Detention Facilities	
	Cosponsors: Sen. Cahill, Pamela L.	
SPONSOR:	Sen. Dutremble, Dennis L.	ACCEPTED
LR 3707	An Act Concerning Reimbursement for Municipalities That Challenge Special Waste Siting	
SPONSOR:	Rep. Gwadosky	ACCEPTED
LR 3715	An Act to Reduce Administrative Costs of State Government and to Clarify Previous Legislative Reductions in State Government Administration	
	Cosponsors: Rep. Pouliot Rep. Morrison	
SPONSOR:	Rep. Kontos	ACCEPTED
LR 3696	An Act to Amend the Charter of the Portland Water District	
	Cosponsors: Rep. Pendleton	
SPONSOR:	Rep. Lawrence	ACCEPTED
LR 3695	An Act Relating to Gambling	
SPONSOR:	Rep. Manning	ACCEPTED
LR 3722	An Act Concerning Respiratory Therapy	
SPONSOR:	Rep. Mayo	WITHDRAWN
LR 3711	An Act to Strengthen Maine's Governmental Ethics Laws	
	Cosponsors: Sen. Pray Rep. Gwadosky Rep. Joseph	

		Action
SPONSOR:	Sen. Mills	ACCEPTED
LR 3708	An Act Regarding the Purchase of Spirits at Agency Liquor Stores	
SPONSOR:	Rep. Mitchell, Elizabeth H.	ACCEPTED
LR 3656	An Act to Require the Issuance of Motor Vehicle Identification Cards	
	Cosponsors: Sen. Kany	
SPONSOR:	Rep. Paradis, Patrick E.	ACCEPTED
LR 3091	An Act to Authorize an Advisory Referendum on Whether the Congress of the United States Should Establish a National Health Insurance Program	
	Cosponsors: Rep. Martin, John L. Sen. McCormick Rep. Rydell	
SPONSOR:	Rep. Paradis, Patrick E.	ACCEPTED
LR 3718	An Act to Enhance the Operations of the District Court Violations Bureau	
SPONSOR:	Rep. Powers	FAILED
LR 3705	An Act to Restore Stability and Control to the Bureau of Alcoholic Beverages	
SPONSOR:	Rep. Rand	ACCEPTED
LR 3651	An Act to Define Transportation in Reference to the Casco Bay Island Ferry District	
SPONSOR:	Rep. Simonds	ACCEPTED
LR 3704	An Act to Expand the Membership of the Maine Committee for Global Education	

Action

SPONSOR: Sen. Summers

ACCEPTED

LR 3721 An Act Concerning Disclosure of References by
Chimney and Fireplace Installers

SPONSOR: Rep. Tracy

ACCEPTED

LR 3706 An Act Concerning Septage

Cosponsors: Sen. Kany
Rep. Jacques

TABLED BY THE LEGISLATIVE COUNCIL

SPONSOR:	Rep. Goodridge	TABLED 01/08/92
LR 3668	An Act Authorizing the Issuance of Limited Licenses for Plumbers	
SPONSOR:	Rep. Gray	TABLED 01/08/92
LR 3604	An Act to Prohibit Improper Influence by Law Enforcement Officers	
SPONSOR:	Rep. Gwadosky	TABLED 01/08/92
LR 3669	An Act to Support the Governor's Task Force on Defense Realignment and the Maine Economy to Ensure its Timely, Comprehensive, Statewide Response to Defense Spending Cuts and Realignments in Maine	
SPONSOR:	Rep. Jacques	TABLED 01/08/92
LR 3654	An Act Concerning the Use of Alternative Coding Systems for Plastic Containers	
	Cosponsors: Rep. Martin, John L. Sen. Titcomb	
SPONSOR:	Sen. Kany	TABLED 01/08/92
LR 3603	An Act Pertaining to Workers Compensation	
	Cosponsors: Rep. Mitchell, Elizabeth H.	
SPONSOR:	Sen. Kany	TABLED 01/08/92
LR 3635	An Act Concerning Tax Deductions for Health Insurance Premiums and Health Service Payments	
	Cosponsors: Sen. Theriault Rep. Rydell Rep. Mitchell, Elizabeth H.	
SPONSOR:	Rep. Mitchell, James	TABLED 01/08/92
LR 3593	An Act Amending the Maine Insurance Code	
SPONSOR:	Rep. Nutting	TABLED 01/08/92
LR 3703	An Act to Forestall the Spread of Rabies in the State of Maine	
SPONSOR:	Rep. Oliver	TABLED 01/08/92
LR 3357	An Act to Restructure the Division for the Blind and Visually Impaired	

CORRECTED COPY
OFFICE OF THE EXECUTIVE DIRECTOR
MEMORANDUM

January 23, 1992

TO: Honorable Charles P. Pray, Chair
and Members of the Legislative Council

FROM: Sally

SUBJECT: Contract for Printing Amendments

Following the Second Special Session, the Secretary of the Senate, Joy O'Brien, and the Clerk of the House, Ed Pert, have worked with Dick Thompson, the Deputy State Purchasing Agent, to solicit bids for printing amendments, a printing job that had formerly been handled through Central Printing.

Bid requests were issued to nine firms in the area and three firms responded. Joy, Ed, Dick Thompson and I met yesterday to review both the bids and Dick's very helpful analysis. The Copy Center was the low bidder, followed by Letter Systems. Both bids came in, overall, at rates slightly lower than the rate Central Printing had been charging.

Our recommendation is that the Council authorize award of the prime contract to the Copy Center and a back-up contract to Letter Systems for the printing of amendments effective immediately. This "two-tiered" system has worked very effectively with LD's because it provides for situations where our volume requirements exceed the capacity of a single printer.

Joy, Ed and I would be happy to answer further questions.

cc: Joy O'Brien, Secretary of the Senate
Ed Pert, Clerk of the House

OFFICE OF THE EXECUTIVE DIRECTOR

MEMORANDUM

January 23, 1992

TO: Members of the Legislative Council
FROM: Sally *Sally*
SUBJECT: Contract for Printing Amendments

My memo in the agenda packet for the next Council meeting contains an error - I think we lost an important phrase.

Our recommendation is that the primary contract be awarded to the Copy Center -- the low bidder -- and that a "backup" contract be awarded to Letter Systems.

I apologize for the error.

cc: Joy O'Brien, Secretary of the Senate
Ed Pert, Clerk of the House
Legislative Staff Directors



John R. McKernan, Jr.
Governor

Donald L. Allen
Commissioner

DEPARTMENT OF CORRECTIONS

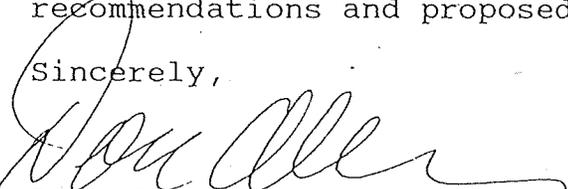
January 15, 1992

Sally Diamond
Executive Director
Legislative Council
State House Station #115
Augusta, Maine 04333

Dear Ms. Diamond:

Pursuant to Title 15, MRSÄ, Section 3006, the Department of Corrections has reviewed Maine's Juvenile Code. The Department's recommendations and proposed legislation are enclosed.

Sincerely,


Donald L. Allen
Commissioner

DLA/eb

Enclosure

15 § 3004
Repealed

§ 3004. Repealed. Laws 1979, c. 663, § 114, eff. March 28, 1980

§ 3005. Forms, other than court forms, reporting formats, and other standardized written materials

Historical and Statutory Notes
Change of name. "Department of Mental Health and Corrections" as meaning "Department of Mental Health and Mental Retardation", see note under § 1 of Title 34.

§ 3006. Review of Maine Juvenile Code

The Department of Corrections shall review the provisions of this Part that relate to detention, custody and supervision of juveniles and submit reports and recommended legislation to the joint committee having jurisdiction over juvenile corrections matters and to the Office of the Executive Director of the Legislative Council on January 15, 1992 and on January 15, 1994.
1989, c. 925, § 3.

CHAPTER 503 JURISDICTION

Section
3105-A. Statute of limitations.

§ 3101. Jurisdiction

[See main volume for text of 1]

2. Juvenile court jurisdiction.

[See main volume for text of A to D]

E. Juvenile Courts shall have jurisdiction concurrent with the District Courts over petitions for emancipation brought under section 3506-A.

[See main volume for text of 3]

4. Bind-over.

[See main volume for text of A]

B. Every bind-over hearing shall precede and shall be conducted separately from any adjudicatory hearing.

The Maine Rules of Evidence shall apply only to the probable cause portion of the bind-over hearing.

For the purpose of making the findings required by paragraph E, subparagraph (2), written reports and other material may be received by the court along with other evidence, but the court, if so requested by the juvenile, the juvenile's parent or guardian or other party, shall require that the person or persons who wrote the report or prepared the material appear as witness and be subject to examination, and the court may require that the persons whose statements appear in the report appear as witnesses and be subject to examination.

[See main volume for text of C]

D. The Juvenile Court shall consider the following factors in deciding whether to bind a juvenile over to Superior Court:

(1) Seriousness of the crime: The nature and seriousness of the offense, greater weight being given to offenses against the person than against property; whether the offense was committed in an aggressive, violent, premeditated or willful manner;

(2) Characteristics of the juvenile: The record and previous history of the juvenile; his emotional attitude and pattern of living; and

E.

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1979, c. 663
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Review of the Maine Juvenile Code

Pursuant to Title 15, MRSA, Section 3006, the Department of Corrections has reviewed Maine's Juvenile Code and offers the following recommendations:

1. The Department recommends that a Commission to Review the Maine Juvenile Code be established.

The Juvenile Code was last reviewed in its entirety in 1978. Since then, many sections of the Code have been revised, some more than once. Many of these revisions have been significant. The Department believes a broad-based group should be convened to review the Juvenile Code for consistency and impact on both juveniles and the juvenile justice system.

The Commission should comprise no more than 15 to 20 members and should include representatives of the Departments of Corrections, Mental Health and Mental Retardation, Human Services, Education, and the Attorney General; the Judiciary; the Legislature; prosecutors and defense attorneys; law enforcement; former clients of the juvenile justice system; the Juvenile Justice Advisory Group; community providers of services to juveniles, and interested citizens.

The Commissioner should review the entire Code, to include, but not be limited to, arrest, detention, commitment, supervision, diversion, alternative sanctions, confidentiality, and resources necessary to implement the provisions of the Code.

Funds should be made available to hire part-time staff, cover operating expenses, and pay for travel expenses of members who are not state employees. The Commission should report the results of its review to the Governor and the Legislature by February 15, 1995.

2. The Department proposes amending a few provisions of Title 15, during this session. The proposed legislation is attached, as is the Statement of Fact, explaining the reasons for the proposal.

The Department believes the attached legislation should be enacted during this session to clarify existing provisions of the Juvenile Code. Other, more major, revisions should be delayed until the proposed review of the Juvenile Code is completed.

An Act to Clarify the Maine Juvenile Code

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

Section 1. 15 M.R.S.A. section 3307 subsection 1-A is amended to read:

1-A. Release of identity. No law enforcement officer, officer of the court or juvenile caseworker may release the identity of any juvenile until a petition is filed charging the juvenile with a juvenile crime described in subsection 2. This section does not preclude the release of the identity of a juvenile to a complainant or victim if a juvenile caseworker decides not to file a petition in accordance with section 3301, subsection 5, paragraph A or B or if the juvenile caseworker requests the prosecuting attorney to file a petition in accordance with section 3301, subsection 5, paragraph C.

Section 2. 15 M.R.S.A. section 3314 (1) (H) is amended to read:

The court may commit the juvenile to the Maine Youth Center and order that the disposition be suspended or may commit the juvenile for a period of detention that may not exceed 30 days, with or without an underlying suspended disposition to the Maine Youth Center, which detention may be served intermittently as the court may order and must be ordered served in a detention facility approved or operated by the Department of Corrections exclusively for juveniles but may not be ordered served in the Maine Youth Center. The court may order such a disposition to be served as a part of and with a period of probation, which is subject to such provisions of Title 17-A, section 1204 as the court may order and which must be administered pursuant to Title 34-A, chapter 5, subchapter IV. Revocation of probation is governed by the procedure contained in subsection 2. Any disposition

in a detention facility approved or operated by the Department of Corrections exclusively for juveniles and in accordance with section 3314 (1) (H). This is in compliance with the Code's requirement (15 M.R.S.A. section 3205) that juveniles not be kept in adult-serving facilities as a general matter.

With regard to Section 4 of the bill, the juvenile court presently has the authority to order a parent or legal guardian to provide insurance or pay for medical or other treatment services provided to the child while the juvenile is committed to either the Maine Youth Center or the Department of Human Services. However, current law does not extend this authority to sentences involving probation. This amended section will allow the court to order a parent or legal guardian to provide insurance or pay for medical or other treatment services deemed necessary by the court or made a condition of probation. In light of current budgetary restraints and limited state funds for the provision of such services, it is appropriate that parents or legal guardian remain responsible for covering the cost of such services when they are able. (The added reference to entrustment is merely a clarification of the existing law.)

Section 5 of the bill serves to clarify that section of the Maine Juvenile Code governing indeterminate sentences to the Maine Youth Center. Recently, this section has been interpreted in a way contrary to its intent with the result that some courts have ordered commitments to the Maine Youth Center for periods of less than one year. Such dispositions are not only contrary to the intent of the statute but also not in the best interest of the juvenile. This amended section will make it very clear that a juvenile may not be committed to the Maine Youth Center for a period of less than one year and thus avoid inappropriate sentences to the Maine Youth Center in the future.

With respect to Section 2, under the provisions of the current statute which mandate the removal of juveniles from adult serving facilities after January 1st, 1992, the court can no longer order juveniles committed to county jails, but only to detention facilities operated or approved by the Department of Corrections exclusively for juveniles. It was the intent of the drafters of this legislation that after January 1st, 1992 sentences of up to 30 days would be served at the Androscoggin County Juvenile Detention Facility, until September 30, 1993. At that time the Department of Corrections Northern Maine Regional Juvenile Detention Facility would become operational and the state would assume full responsibility for all physically secure detention of juveniles.

However, the wording of the current statute is unclear, and could be misinterpreted to allow for the commitment of a juvenile to the Maine Youth Center for a period of up to 30 days. This would be in conflict with the statute governing commitments to the Maine Youth Center (15 M.R.S.A. Section 3316 subsection 2 paragraph A) and contrary to the intent of the current legislation.

This section will make it clear, that when a juvenile is sentenced to a period of detention up to 30 days, such sentences must be served at the Androscoggin County Juvenile Detention Facility, and the associated boarding cost shall remain the responsibility of the county having original jurisdiction as prescribed by law.

Section 3 of this bill makes it clear that for a juvenile sentenced to a period of incarceration following adjudication for the offense of operating a snowmobile, watercraft or motor vehicle while under the influence of intoxicating liquor or drugs, the incarceration must be served

the juvenile is committed, including while on entrustment, or while on probation.

Section 5. 15 M.R.S.A. section 3316 subsection 1 paragraph A is amended to read:

2. Indeterminate sentence.

A. A commitment of a juvenile to the Department of Corrections, including a commitment to the Maine Youth Center, pursuant to section 3314, shall be for an indeterminate period not to extend beyond the juvenile's 18th birthday unless the court expressly further limits or extends the indeterminate commitment, provided that the court shall not limit the commitment to less than one year nor extend the commitment beyond a juvenile's 21st birthday and provided that no order shall result in a commitment of less than one year, unless the commitment is for an indeterminate period not to extend beyond the juvenile's 21st birthday.

STATEMENT OF FACT

The purpose of this bill is to clarify several sections of the Maine Juvenile Code:

Section 1 of the bill corrects an oversight when this provision was amended last year. Last year's amendment allowed a juvenile caseworker to release the identity of a juvenile to a victim or complainant prior to the filing of a petition, but neglected to include one of the pertinent situations, specifically, when a juvenile caseworker decides that no further action is required on a complaint. Section 1 would correct this oversight.

under this paragraph is subject to Title 17-A, section 1253, subsection 2, but not to Title 17-A, section 1253, subsection 3-B, 4 or 5. Any disposition under this paragraph ordering a period of detention to be served in a county operated detention facility by a juvenile from another county shall be governed by Title 15, section 1705.

Section 3. 15 M.R.S.A. section 3314 subsection 3, the first paragraph is amended to read:

3. Disposition for violation of section 3103, subsection 1, paragraph E or F. When a juvenile has been adjudicated as having committed the juvenile crime under section 3103, subsection 1, paragraph E or F, the court may impose any of the dispositional alternatives contained in subsection 1. Any incarceration which is imposed may be part of a disposition pursuant to subsection 1, paragraph F or H. ~~Any incarceration in a county jail shall be in a county jail designated by the Department of Corrections as a place for the secure detention of juveniles~~ in a detention facility shall be in a facility designated in subsection 1, paragraph H.

Section 4. 15 M.R.S.A. section 3314 subsection 4 is amended to read:

4. Medical support. Whenever the court commits a juvenile to the Maine Youth Center or to the Department of Human Services or places a juvenile on a period of probation it shall notify the juvenile's parents or legal guardian and, after hearing, may, as justice may demand, require the parent or legal guardian to provide medical insurance for or contract to pay the full cost of any medical treatment, mental health treatment, substance abuse treatment and counseling that may be provided to the juvenile while



SEN. CHARLES P. PRAY
CHAIR

REP. DAN A. GWADOWSKY
VICE-CHAIR

STATE OF MAINE

115th LEGISLATURE

LEGISLATIVE COUNCIL

SEN. NANCY RANDALL CLARK
SEN. DENNIS L. DUTREMBLE
SEN. CHARLES M. WEBSTER
SEN. PAMELA L. CAHILL
REP. JOHN L. MARTIN
REP. JOSEPH W. MAYO
REP. WALTER E. WHITCOMB
REP. FRANCIS C. MARSANO

SARAH C. TUBBESING
EXECUTIVE DIRECTOR

January 24, 1992

Senator Charles Pray
Legislative Council
State House Station 115
Augusta, Maine 04330

Dear Senator Pray:

As Chairperson of the Governors Commission to study a long-term disability program for the Maine State Retirement System I am writing to you on behalf of the Commission.

Senator Pray we are requesting an extension of our report to June, 1992. The reason for this request is that we were not able to get our commission together until December 4, 1991 and the committee feels that the necessary extension will allow us the proper time to review the options and to make our recommendations.

Please present this to the Legislation for approval on our behalf.

Thank you for your assistance with this request, and Good Luck in 1992.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read 'Lennie Madore'.

Lennie Madore, Chairperson
Comm. to study long-term
Disability for Me. State Retirement System

LM/sp

LEGISLATIVE COUNCIL
REQUESTS TO INTRODUCE LEGISLATION
SECOND REGULAR SESSION
Revised January 28, 1992

Action

SPONSOR: Sen. Bustin

LR 3727 An Act to Bring Unemployment Compensation Benefit Practices into Compliance with Federal Law

SPONSOR: Rep. Larrivee

LR 3735 An Act to Provide Necessary Funding for the Maine Emergency Management Agency

Cosponsors: Sen. Esty, Jr.
Rep. McKeen

SPONSOR: Rep. Lawrence

LR 3729 An Act Regarding a Piscataqua River Basin Council

Cosponsors: Sen. Estes

SPONSOR: Rep. Plourde

LR 3724 An Act to Restore Control and Stability to the Bureau of Alcoholic Beverages

SPONSOR: Sen. Pray

LR 3728 An Act to Provide for Rapid Employment Opportunities for Maine People

SPONSOR: Rep. Simonds

LR 3731 Resolve, Creating a Blue-Ribbon Commission to Examine Alternatives and Make Recommendations Regarding the Workers' Compensation System

(NOTE: This file does not contain enough information to prepare a draft.)

SPONSOR: Rep. St. Onge

LR 3734 An Act to Require the Governor to Respond to Legislative Inquiries Following Certain Speeches and Addresses

Action

SPONSOR: Sen. Titcomb

LR 3733 An Act to Permit the Recovery of Attorney's Fees
in Cases Where Municipal Officers Improperly Refuse
to Put Citizen Initiatives on the Ballot

Cosponsors: Rep. Lord

SPONSOR: Rep. Whitcomb

LR 3730 An Act to Create the Searsmont Water District

(NOTE: This file does not contain enough
information to prepare a draft.)

TABLED BY THE LEGISLATIVE COUNCIL

SPONSOR: Rep. Goodridge
LR 3668 An Act Authorizing the Issuance of Limited Licenses
for Plumbers

TABLED
01/14/92

SPONSOR: Rep. Gray
LR 3604 An Act to Prohibit Improper Influence by Law
Enforcement Officers

TABLED
01/14/92

SPONSOR: Rep. Gwadosky
LR 3669 An Act to Support the Governor's Task Force on Defense
Realignment and the Maine Economy to Ensure its Timely,
Comprehensive, Statewide Response to Defense Spending
Cuts and Realignments in Maine

TABLED
01/14/92

SPONSOR: Rep. Jacques
LR 3654 An Act Concerning the Use of Alternative Coding
Systems for Plastic Containers

TABLED
01/14/92

Cosponsors: Rep. Martin, John L.
Sen. Titcomb

SPONSOR: Sen. Kany
LR 3603 An Act Pertaining to Workers Compensation

TABLED
01/14/92

(NOTE: This file does not contain enough
information to prepare a draft.)

Cosponsors: Rep. Mitchell, Elizabeth H.

SPONSOR: Sen. Kany
LR 3635 An Act Concerning Tax Deductions for Health Insurance
Premiums and Health Service Payments

TABLED
01/14/92

Cosponsors: Sen. Theriault
Rep. Rydell
Rep. Mitchell, Elizabeth H.

SPONSOR: Rep. Mitchell, James
LR 3593 An Act Amending the Maine Insurance Code

TABLED
01/14/92

(NOTE: This file does not contain enough
information to prepare a draft.)

SPONSOR: Rep. Nutting

TABLED
01/14/92

LR 3703 An Act to Forestall the Spread of Rabies in the State
of Maine

(NOTE: This file does not contain enough
information to prepare a draft.)

SPONSOR: Rep. Oliver

TABLED
01/14/92

LR 3357 An Act to Restructure the Division for the Blind and
Visually Impaired

(NOTE: This file does not contain enough
information to prepare a draft.)

ADDENDUM

LEGISLATIVE COUNCIL
REQUESTS TO INTRODUCE LEGISLATION
SECOND REGULAR SESSION
January 28, 1992

Action

SPONSOR: Rep. Butland

LR 3740 An Act Concerning the Authority of Podiatrists

SPONSOR: Rep. DiPietro

LR 3742 An Act to Prevent Sexual Exploitation of Minors

SPONSOR: Sen. Esty, Jr.

LR 3738 An Act to Amend the Process for Collecting Costs
for Services of the Maine Labor Relations Board,
the Panel of Mediators and the Maine Board of
Arbitration and Conciliation

Cosponsors: Sen. Conley
Rep. Lipman
Rep. Reed, Gary W.

SPONSOR: Sen. Gauvreau

LR 3741 An Act to Repeal the Community Corrections Act

SPONSOR: Rep. Manning

LR 3737 An Act to Preserve the Benefits of Former Employees
of the Division of Community Services

SPONSOR: Rep. Marsh

LR 3739 An Act to Broaden Reporting of Persons Operating
Vehicles Under the Influence of Intoxicating Liquor
or Drugs

Cosponsors: Rep. Jacques