

MAINE STATE LEGISLATURE

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LEGISLATIVE COUNCIL

MAY 30, 1985

PRELIMINARY AGENDA

I. CALL TO ORDER

II. ROLL CALL

III. SECRETARY'S REPORT

IV. DIRECTOR'S REPORT

- Resignation letter from Cathy Atchley, State Law Librarian

V. REPORTS FROM COUNCIL COMMITTEES

VI. OLD BUSINESS

VII. NEW BUSINESS

Item #1: Carry Over Requests
(List attached)

Item #2: After Deadline Requests
(List attached)

Item #3: Request for Authorization to Study Maine's
Current System of Fines for Traffic Violations
from Honorable Rodney S. Quinn, Secretary of
State.

LEGISLATIVE COUNCIL

REQUESTS TO CARRY OVER BILLS TO
THE SECOND REGULAR SESSION

MAY 30, 1985

(REVISED)

<u>Committee</u>	<u>L.D.#</u>	<u>Title</u>
Aging, Retirement &	292	Bill "An Act Concerning Minimum Ordinary Death Benefits"(Presented by Sen. CARPENTER) (Cosponsored by: Sen. CHALMERS)
Business and Commerce	1537	Bill "An Act to Limit the Grounds for Termination of an Insurance Agency Appointment" (Emergency) (Presented by Rep. BRANNIGAN (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)
Local and County Government	800	Bill "An Act Relating to Burial Preparations for Indigent Persons" (Presented by Sen. GAUVREAU (Cosponsored by: Rep. G.R. NADEAU, Rep. HICKEY, Sen. BERUBE)
	1181	Bill "An Act to Strengthen State-local Cooperation through Regional Councils"(Submitted by the Joint Standing Committee on Local and County Government pursuant to Joint Rule 19 as approved by the Legislative Council May 25, 1983)
Legal Affairs	904	Bill "An Act to Amend the Motor Vehicle Laws with Reference to Operating Under the Influence to Decriminalize Proceedings under the Traffic Infraction Laws" (Emergency)(Presented by Rep. STETSON) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)
Labor	1561	Bill "An Act to Clarify the Definition of Wage Within the Maine Wage Assurance Fund" (Presented by Sen. KANY)(Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 27)

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NANCY RANDALL CLARK, DISTRICT 26
MARY-ELLEN MAYBURY, DISTRICT 11

LARS RYDELL, LEGISLATIVE ASSISTANT
ELAINE CHOATE, COMMITTEE CLERK



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ALEXANDER RICHARD, MADISON
JOHN JALBERT, LISBON
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WESLEY FARNUM, SO. BERWICK
BETTY J. HARPER, LINCOLN
ALBERT G. STEVENS, SABATTUS

STATE OF MAINE
ONE HUNDRED AND TWELFTH LEGISLATURE
COMMITTEE ON AGING, RETIREMENT AND VETERANS

May 30, 1985

John Diamond, Chair
Legislative Council
State House, Station 115
Augusta, ME 04333

Dear Representative Diamond,

The Joint Standing Committee on Aging, Retirement and Veterans requests permission to hold LD 292, AN ACT Concerning Minimum Ordinary Death Benefits over until the Second Regular Session of the 112th Legislature.

The Committee just recently received copies of an Attorney Generals opinion on the issue in the form of a May 14, 1985 letter addressed to Judge Clifford. The opinion covers several complex issues which the Committee does not feel it has adequate time to address in the time available in this session. The Committee has also not had the opportunity to discuss the opinion with members of the judicial branch.

For these reasons, the Committee asks that our request to hold the bill over until the next regular session be granted.

Sincerely,

Daniel Hickey
Daniel Hickey
House Chair

Paul Gauvreau
Paul Gauvreau
Senate Chair

elk/2587

SENATE

BEVERLY MINER BUSTIN, DISTRICT 19, CHAIR
PETER W. DANTON, DISTRICT 31
CHARLOTTE ZAHN SEWALL, DISTRICT 20

SARAH HOOKE, LEGISLATIVE ASSISTANT
TAMMY RAYMOND, COMMITTEE CLERK



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JOHN TELOW, LEWISTON
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ALAN L. BAKER, ORRINGTON
GERALD A. HILLOCK, GORHAM

STATE OF MAINE
ONE HUNDRED AND TWELFTH LEGISLATURE
COMMITTEE ON BUSINESS AND COMMERCE

May 24, 1985

Representative John Diamond, Chair
Legislative Council
State House
Augusta, ME 04333

Dear Representative Diamond:

The Joint Standing Committee on Business and Commerce hereby requests permission to carry over LD 1537, AN ACT to Limit the Grounds for Termination of an Insurance Agency Appointment, to the Second Regular Session of the 112th Legislature.

LD 1537 is an attempt to resolve the growing problem of insurance companies cancelling Maine agents' contracts because the agents sell only a limited volume of insurance policies. If this trend continues, the impairment of competition is likely to lead to higher insurance rates and limit the selection of policies available to Maine residents. This will create particular hardship for the elderly and young people with growing families who may not be able to obtain alternative coverage, yet cannot travel long distances to deal with another agent representing that insurance company.

The Committee would like to carry the bill over to the 2d Session to see if this trend continues to increase in the coming months. If an increasing number of agents are cancelled during that time, the Committee would then use LD 1537 as a vehicle to address the problem.

Thank you for your consideration.

Sen. Beverly Miner Bustin
Senate Chair

SH/elk/2461

Sincerely yours,

Rep. Joseph C. Brannigan
House Chair

SENATE

JOHN L. TUTTLE, JR., DISTRICT 33, CHAIR
JOHN E. BALDACCI, DISTRICT 10
COURTNEY E. STOVER, DISTRICT 24

GILBERT BREWER, LEGISLATIVE ASSISTANT
JOHN KNOX, LEGISLATIVE ASSISTANT
MICHAEL T. FLOOD, COMMITTEE CLERK



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ROLAND S. SALSBUURY, JR., BAR HARBOR
ROY I. NICKERSON, TURNER

STATE OF MAINE
ONE HUNDRED AND TWELFTH LEGISLATURE
COMMITTEE ON LOCAL AND COUNTY GOVERNMENT
May 28, 1985

Representative John Diamond,
Chairman
Legislative Council
State House
Augusta, Maine 04333

Dear Chairman Diamond:

The Committee on Local and County Government wishes to hold over two bills until the second session of the 112th Legislature.

1. LD 800 AN ACT Relating to Burial Preparations for Indigent Persons.

The statute with which this bill deals is in the chapter dealing with Municipal General Assistance. This chapter was new in 1983 and was to be reported on in this session by the Department of Human Services.

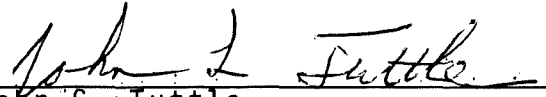
There were three bills introduced this year all dealing with the section with which LD 800 deals. The Committee doesn't feel that any of them adequately addressed some fundamental problems of this section. Also, specifically on LD 800, the Committee was unable to reconcile the directly opposite positions of the sponsor and two major interest groups.

The Committee wishes to hold this bill over so that the Department of Human Services may be asked to review this section and to work with the various interested parties to attempt to improve this section and to effect a bill which will satisfy to a greater extent the parties interested in this bill.


2. LD 1181 AN ACT to Strengthen State - Local Cooperation through Regional Councils.

In dealing with Regional Councils this bill deals with a complex subject, one that effects many different constituencies and one with which most committee members have not had first hand experience. In addition, the bill, which was developed by the Maine Municipal Association as an outgrowth of a Committee ordered study from the Planning Office, seems to be a somewhat modest answer to the issues raised by the study.

The Committee, therefore, wishes to hold this bill over to the second session in order that Committee members may discuss the regional councils with the municipal officials in their area and in order that the individual regional councils may communicate in more detail their programs and needs to the Committee members responsible for their area.



John C. Tuttle
State Senator



Edward A. McHenry
State Representative

SENATE

RICHARD L. TRAFTON, DISTRICT 22, CHAIR
MARY NAJARIAN, DISTRICT 28
COURTNEY E. STOVER, DISTRICT 24

MARGARET REINSCH, LEGISLATIVE ASSISTANT
SUSAN SARGENT, COMMITTEE CLERK



HOUSE

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STATE OF MAINE
ONE HUNDRED AND TWELFTH LEGISLATURE
COMMITTEE ON LEGAL AFFAIRS

May 30, 1985

Representative John Diamond, Chair
Legislative Council
State House, Station #115
Augusta, ME 04333

Dear Representative Diamond:

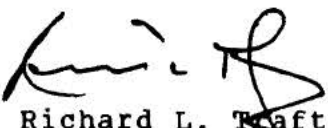
The Joint Standing Committee on Legal Affairs requests permission to hold until January, 1986, LD 904, "AN ACT to Amend the Motor Vehicle Laws with Reference to Operating Under the Influence to Decriminalize Proceedings Under the Traffic Infraction Laws."

The committee would like to use the summer to explore the feasibility of reinstating a civil-criminal dichotomy in the OUI laws, which is the purpose of L.D. 904. The Supreme Judicial court's decision in State v. Freeman, which voided the two-tier system in current OUI law, may allow carefully drafted decriminalization legislation. We would like to work with the Office of the Attorney General, the Department of Public Safety, the Division of Motor Vehicles of the State Department, the Maine Prosecutors Association, the Maine Chiefs of Police Association and the Governor in determining whether such a system is practical as well as constitutional.

The committee would also like permission to use L.D. 904 to introduce an all-criminal OUI system if the civil-criminal tiered system appears constitutionally infirm or impractical. In that event, we would like to amend the title as well as the body of L.D. 904.

Thank you for your consideration.

Sincerely,


Richard L. Trafton
Senate Chair


Polly Reeves
House Chair

elk/2579

SENATE

DENNIS L. DUTREMBLE, DISTRICT 34, CHAIR
JOHN L. TUTTLE, JR., DISTRICT 33
HENRY W. BLACK, DISTRICT 25

GILBERT BREWER, LEGISLATIVE ASSISTANT
MELISSA WILLETTE, COMMITTEE CLERK



HOUSE

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STATE OF MAINE
ONE HUNDRED AND TWELFTH LEGISLATURE
COMMITTEE ON LABOR

May 29, 1985

Representative John Diamond
Chairman of the Legislative Council
Legislative Council Chambers
Augusta, Maine 04333

Dear Representative Diamond,

On behalf on the Joint Standing Committee on Labor, we would like to request that L.D. 1561, "AN ACT to Clarify the Definition of Wage Within the Wage Assurance Fund," be held over until the next regular legislative session. With the amendments suggested by the bill's sponsor, Senator Judy Kany, the bill would retroactively include fringe benefits within the meaning of the term "wages" for the purpose of calculating the amount of money due to employees under the Wage Assurance Act. At the bill's hearing on Tuesday, May 28th, it was discovered that a court case is now pending on this very issue. The Labor Committee would like to hold the bill over so that the courts have an opportunity to interpret the present language rather than making a change that might very well prove unnecessary and confusing. Thank you.

Sincerely,

Handwritten signature of Dennis Dutremble.

Dennis Dutremble
Senate Chair

Handwritten signature of Edith Beaulieu.

Edith Beaulieu
House Chair



State of Maine
Office of
Secretary of State

AUGUSTA, MAINE 04333

RODNEY S. QUINN
SECRETARY OF STATE

29 May 1985

Memo to: The Honorable John N. Diamond
Chairman, Legislative Council

From: Rodney S. Quinn, Secretary of State

Subject: Proposed Study Order

Respectfully suggest approval of a Study Order directing a study of the system of traffic fines currently used in Maine, with a view toward preparing legislation for the Second Regular Session.

The enclosed explains the proposal in some detail.

It has been coordinated with (1) the Chief Justice and Court Administrator, (2) the Governor, (3) District Attorneys throughout the State, (4) House and Senate Chairs of the Judiciary Committee and the Transportation Committee. All feel the idea has merit; all recommend the Study.

The only direct expense to the Legislature would be the per diem for the legislators for approximately four one-day meetings in Augusta. The Motor Vehicle Division can provide the necessary administrative support out of existing resources.

I strongly urge your favorable consideration of this Study and will appear before you at your next meeting.

Enc.

cc Members of Legislative Council

✓Sally Diamond, Legislative Administrative Director

Handwritten signature/initials