

# MAINE STATE LEGISLATURE

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LEGISLATIVE COUNCIL

April 17, 1986

PRELIMINARY AGENDA

- I. CALL TO ORDER
- II. ROLL CALL
- III. SECRETARY'S REPORT
- IV. DIRECTOR'S REPORT
- V. REPORTS FROM COUNCIL COMMITTEES
  - Item #1: Committee on Allocation of Legislative Space
- VI. OLD BUSINESS
  - Item #1: Allocation of Budget for Interim Studies
- VII. NEW BUSINESS
  - Item #1: Submission of Final Report on Study of Health Insurance for Retired State Employees and Retired Teachers from the Joint Standing Committee on Aging, Retirement, and Veterans (letter from Sen. Gauvreau, Study Committee Chair)
  - Item #2: Study request from Joint Standing Committee on State Government: Legislative Veto of Executive Branch Rules

SENATE

EDGAR E. ERWIN, DISTRICT 8, CHAIR  
MICHAEL E. CARPENTER, DISTRICT 3  
HENRY W. BLACK, DISTRICT 25

CHRISTOS GIANOPOULOS, LEGISLATIVE ASSISTANT  
DAN STEVENS, COMMITTEE CLERK



HOUSE

JOHN M. MICHAEL, AUBURN, CHAIR  
RICHARD E. McCOLLISTER, CANTON  
STEVEN E. CROUSE, CARIBOU  
JOHN P. DAGGETT, MANCHESTER  
ROBERT J. TARDY, PALMYRA  
WESTON R. SHERBURNE, DEXTER  
PAUL PARENT, BENTON  
HARLAND W. BRAGG, SIDNEY  
WILLIS A. LORD, WATERBORO  
WALTER E. WHITCOMB, WALDO

STATE OF MAINE  
ONE HUNDRED AND TWELFTH LEGISLATURE  
COMMITTEE ON AGRICULTURE

April 17, 1986

John Diamond, Chairman  
Legislative Council  
State House  
Augusta, ME 04333

Dear John,

Thank you for informing us of the Council's approval of the study of the Farm and Open Space Law. In response to your request for more information, here is a list of the members of the Joint Standing Committee on Agriculture who have been appointed to serve on the Study Sub-committee.

Sen. Henry Black  
Rep. John Michael, House Chair  
Rep. Richard McCollister  
Rep. Robert Tardy  
Rep. Walter Whitcomb

The Subcommittee requests the opportunity to meet three times, and I request another meeting of the full committee to review the final report. In reference to the September 30 deadline established by the Legislative Council, I request reconsideration of that time limit. All members of our subcommittee are engaged in reelection efforts, and we would appreciate having more time to do the job we need to do.

Sincerely yours,

  
John Michael  
House Chair

April 15, 1986

1. COMMITTEE

Joint Standing Committee on Agriculture

2. SUBJECT OF STUDY

A Review of the Farm and Open Space Tax Law

3. PRIORITY NUMBER

Top Priority/No other study requests will be proposed.

4. COMPLETION DATE

Next Legislative Session

5. ANALYSIS OF THE PROBLEM

The Farm and Open Space Tax Law allows a property owner to classify land as farmland and open space in order to benefit from a property tax valuation based upon current use rather than potential fair market value. The law has never been very popular with farmers, and the amount of land classified as farmland and open space has always been small compared to the amount of land that is being farmed or that could be classified as suitable for farming. There are several reasons for the limited use made of this property protection measure, but two of the principal reasons are that land categorized as farmland must remain classified for an intermediate amount of time and that the penalty for withdrawal of classified land is stiff. With several dairy farms in southern and central Maine going out of business in the very near future, it is important to assess the effectiveness of the farmland open space law in supporting the maintenance of the farmland base for Maine.

6. REASON FOR THE STUDY

To address the concerns of municipal officials, in particular, who are concerned about the loss of farmland and the lack of participation of farmers in the Farm and Open Space program.

7. MEMBERS OF SUBCOMMITTEE

5 members

3 Meetings.

CG/elk/5783

SENATE

BEVERLY MINER BUSTIN, DISTRICT 19, CHAIR  
DAVID T. KERRY, DISTRICT 31  
CHARLOTTE ZAHN SEWALL, DISTRICT 20

JERI B. GAUTSCHI, LEGISLATIVE ANALYST  
SANDRA CHESLEY, COMMITTEE CLERK



HOUSE

JOSEPH C. BRANNIGAN, PORTLAND, CHAIR  
HILDA C. MARTIN, VAN BUREN  
ROBERT E. MURRAY, JR., BANGOR  
PATRICIA M. STEVENS, BANGOR  
JOHN A. ALIBERTI, LEWISTON  
CHARLENE B. RYDELL, BRUNSWICK  
JOHN TELOW, LEWISTON  
RICHARD W. ARMSTRONG, WILTON  
ALAN L. BAKER, ORRINGTON  
GERALD A. HILLOCK, GORHAM

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

April 14, 1986

To: Rep. John N. Diamond, Chair, Legislative Council  
From: Joint Standing Committee on Business & Commerce  
Subj: Study Request

1. Committee or legislator

Joint Standing Committee on Business and Commerce

2. Subject of Study

Enabling the availability of credit through Finance  
Companies in the State

3. Priority number (for committee use)

1

4. Completion date (next or subsequent session of the  
legislature)

1st Regular Session of the 113th Legislature

5. Analysis of the problem

According to current law (9-A MRSA, §2-308, sub-§3), if a loan is made at a rate greater than 18%, that loan must be repaid within 37 months or the rate drops to 8%. Additionally, if any other loans were made with the same lender after the original loan, those loans' rates drop to 8% as well at the end of the 37th month from the start of the first loan. The law was written this way in 1973 in order to prevent "flipping", rewriting loans to keep people continuously in debt. This section of Maine law eventually had the result of driving virtually all the finance companies out of the State.

A bill was introduced in the 2nd Regular Session of the 112th Legislature to amend this law to allow negotiation by the parties of a maturity date and to allow refinancing of a loan at a similar rate. Passage of such a law would result in the return of finance companies to the State. A determination must be made whether this result is wanted or needed in the State.

6. Reason for study

The Committee decided more information was needed before passing a law which would encourage the return of finance companies to the State. The Bureau of Consumer Credit Protection has already begun an investigation into the topic, and has agreed to continue to gather information and complete the study. The Bureau will then report its findings to the Committee. Therefore, only one day is needed for the Committee to hear this report and make a decision.

The Bureau will survey the other 49 states to gather information concerning regulation of finance companies, complaints against finance companies, violations by finance companies, number of bankruptcies, and comparisons of credit unions and finance companies in meeting the needs of the people. The study will also focus on how well credit unions, credit cards, and banks are currently meeting the needs of the people of Maine.

7. Members of Subcommittee (for committee use)

The full committee needs to meet for one day only.

SENATE

LARRY M. BROWN, DISTRICT 7, CHAIR  
N. PAUL GAUVREAU, DISTRICT 23  
WALTER W. HICHENS, DISTRICT 35

LARS RYDELL, LEGISLATIVE ASSISTANT  
DAVID ELLIOTT, LEGISLATIVE ASSISTANT  
JULIE FORTIN, COMMITTEE CLERK



HOUSE

ADA K. BROWN, GORHAM, CHAIR  
FREDRICK F. SOUCY, KITTERY  
STEPHEN M. BOST, ORONO  
JAMES R. HANDY, LEWISTON  
WILLIAM O'GARA, WESTBROOK  
GWILYM R. ROBERTS, FARMINGTON  
KENNETH L. MATTHEWS, CARIBOU  
MARY E. SMALL, BATH  
JUDITH C. FOSS, YARMOUTH  
WILLIAM F. LAWRENCE, PARSONSFIELD

STATE OF MAINE  
ONE HUNDRED AND TWELFTH LEGISLATURE  
COMMITTEE ON EDUCATION

April 11, 1986

Honorable John Diamond  
Chairman, Legislative Council  
Maine Legislature  
State House  
Augusta, ME 04333

Dear Rep. Diamond:

Attached is the Joint Standing Committee's request for authorization to conduct a study on substitute teacher compensation. This is the Education Committee's only study request for this interim. The reasons for the study are outlined in the request. Please contact either of us if you have any questions.

Sincerely,

Handwritten signature of Larry M. Brown in cursive.

Sen. Larry M. Brown  
Senate Chair

Handwritten signature of Ada K. Brown in cursive.

Rep. Ada K. Brown  
House Chair

RECOMMENDED COMMITTEE STUDY

1. COMMITTEE:

JOINT STANDING COMMITTEE ON EDUCATION

2. SUBJECT OF STUDY:

COMPENSATION FOR SUBSTITUTE TEACHERS

3. PRIORITY NUMBER:

4. COMPLETION DATE:

JANUARY 1987

5. ANALYSIS OF THE PROBLEM:

Currently, the minimum daily pay for a substitute teacher established by law is \$30. Some school units pay more and provide additional benefits to substitutes; some units do not. Some school units have difficulty attracting an adequate pool of candidates from which to meet their substitute teacher needs. The committee wishes to investigate whether a higher rate of compensation is necessary to attract a sufficient number of qualified candidates to meet substitute teacher needs.

Current departmental rules governing substitute teachers have not been updated since 1970, and, in some cases, allow a person with only a high school diploma to be employed as a substitute. In some cases, series of substitute teachers are used by school units to fill permanent vacancies. A few school units provide in-service training for substitute teachers, but many do not. Since during any school year a significant number of student days may be taught by a substitute, the committee questions whether such rules and practices are in the best of the public school students of this state.

The new teacher certification law, enacted in 1983, requires establishment of support groups within the schools for aiding in the professional development of each schools' teachers. Those support groups have teachers as members which will reduce the classroom time of regular teachers and increase the demand for substitute teachers to fill in for them. The new certification law also eliminates conditional teacher certification after 1988. That may increase the need for substitute teachers in many school units. The committee wishes to investigate the impact of the new certification law on the supply, distribution and necessary compensation level of substitute teachers.

6. REASON FOR STUDY:

To collect and analyze available data on substitute teacher compensation to determine whether there is a sufficient supply of substitute teachers, the need for an increased level of compensation for substitutes, the best method of implementing such an increase, if necessary, the need for higher qualifications for substitute teachers and to assess the impact of changing current practices.

7. MEMBERS OF SUBCOMMITTEE:

1 Senate member and 4 House members of the Joint Standing Committee on Education.

DCE/lk/5297

SENATE

RONALD E. USHER, DISTRICT 28, CHAIR  
JUDY C. KANY, DISTRICT 17  
JEROME A. EMERSON, DISTRICT 9

DAVID ELLIOTT, LEGISLATIVE ASSISTANT  
WILLIAM T. GLIDDEN, LEGISLATIVE ASSISTANT  
ALICE SCHLOSSER, COMMITTEE CLERK



HOUSE

MICHAEL H. MICHAUD, EAST MILLINOCKET,  
CHAIR  
PAUL F. JACQUES, WATERVILLE  
JAMES MITCHELL, FREEPORT  
VINTON T. RIDLEY, SHAPLEIGH  
JAMES REED COLES, HARPSWELL  
ANNETTE M. HOGLUND, PORTLAND  
EDWARD L. DEXTER, KINGFIELD  
DARRYL N. BROWN, LIVERMORE FALLS  
MURIEL D. HOLLOWAY, EDGEComb  
STEPHEN J. LAW, DOVER-FOXcROFT

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

April 16, 1986

Rep. John Diamond  
Chair, Legislative Council  
Maine Legislature  
Augusta, Maine 04333

Dear Rep. Diamond:

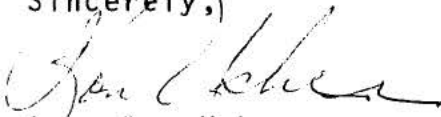
In response to your request of April 16th, we have selected, as members of a study subcommittee to investigate the implementation of the Wood Measurement Law,

- Sen. Usher
- Sen. Emerson
- Rep. Michaud
- Rep. Ridley
- Rep. Dexter


We request authorization to meet three times. We expect that the recommendations of the subcommittee can be considered by the full committee in the next regular session.

Thank you for your consideration of this matter.

Sincerely,



Sen. Ron Usher  
Senate Chair



Rep. Mike Michaud  
House Chair

SENATE

RONALD E. USHER, DISTRICT 28, CHAIR  
JUDY C. KANY, DISTRICT 17  
JEROME A. EMERSON, DISTRICT 9

DAVID ELLIOTT, LEGISLATIVE ASSISTANT  
WILLIAM T. GLIDDEN, LEGISLATIVE ASSISTANT  
ALICE SCHLOSSER, COMMITTEE CLERK



HOUSE

MICHAEL H. MICHAUD, EAST MILLINOCKET,  
CHAIR  
PAUL F. JACQUES, WATERVERVILLE  
JAMES MITCHELL, FREEPORT  
VINTON T. RIDLEY, SHAPLEIGH  
JAMES REED COLES, HARPSWELL  
ANNETTE M. HOGLUND, PORTLAND  
EDWARD L. DEXTER, KINGFIELD  
DARRYL N. BROWN, LIVERMORE FALLS  
MURIEL D. HOLLOWAY, EDGEComb  
STEPHEN J. LAW, DOVER-FOXcroft

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

TO: Sen. Charles Pray, President of the Senate  
Rep. John Martin, Speaker of the House

FROM: Sen. Ron Usher, Senate Chair *R. Usher*  
Rep. Mike Michaud, House Chair *M. Michaud*  
Joint Standing Committee on Energy and Natural  
Resources

SUBJECT: Implementation of the Wood Measurement Law  
DATE: February 18, 1986

The wood measurement law, passed in 1983, has been a continuing source of controversy in the forest products industry. During the First Regular Session of the 112th Legislature, the Energy and Natural Resources Committee unanimously reported out legislation to amend the existing law in an effort to improve some of its most controversial aspects.

The committee's recommendation was enacted in both houses but was vetoed by the Governor at the beginning of the current session. We feel strongly, that despite this setback, the wood measurement law deserves further scrutiny. Therefore, we propose that a special select committee be established to monitor and review implementation of the Wood Measurement Law by the Department of Agriculture. We suggest that the committee have five members, two senators selected by the President of the Senate and three representatives selected by the Speaker of the House. This Select Committee should report annually to the Legislature on its findings along with any necessary recommendations.

We appreciate your attention to this important matter.

5019M

SENATE

N. PAUL GAUVREAU, DISTRICT 23, CHAIR  
BEVERLY MINER BUSTIN, DISTRICT 19  
BARBARA A. GILL, DISTRICT 32

JOHN SELSER, LEGISLATIVE ANALYST  
SUSAN SHELL, COMMITTEE CLERK



HOUSE

MERLE NELSON, PORTLAND, CHAIR  
ALFRED L. BRODEUR, AUBURN  
PETER J. MANNING, PORTLAND  
DONNELL P. CARROLL, GRAY  
RITA B. MELENDY, ROCKLAND  
NEIL ROLDE, YORK  
SUSAN J. PINES, LIMESTONE  
H. STEDMAN SEAVEY, JR., KENNEBUNKPORT  
KERRY E. KIMBALL, BUXTON  
PRISCILLA G. TAYLOR, CAMDEN

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

April 14, 1986

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

Dear Representative Diamond:

The Joint Standing Committee on Human Resources submits the two attached study proposal requests for study during the Summer and Fall of 1986:

PRIORITY ONE: Proposed Driver Education Evaluation Program (DEEP) Study

PRIORITY TWO: Study Proposal on Insurance Pools for High Risk Groups

If you have any further questions, do not hesitate to contact us.

Sincerely,

A handwritten signature in cursive script, appearing to read "Paul Gauvreau".

Paul Gauvreau,  
Senate Chair

A handwritten signature in cursive script, appearing to read "Merle Nelson".

Merle Nelson,  
House Chair

5781

PROPOSED DRIVER EDUCATION EVALUATION PROGRAM (DEEP) STUDY

BY THE HUMAN RESOURCES COMMITTEE

SUBJECT OF THE STUDY: This study will evaluate the Driver Education Evaluation Program (DEEP). The DEEP, which is within the Department of Human Services, conducts classes for people who are arrested for operating under the influence (OUI) or who receive administrative suspensions for drinking and driving. DEEP also conducts preliminary assessments on its clients to determine who needs to be referred for further evaluation and possible treatment of problems related to substance abuse.

REASON STUDY IS NECESSARY: During the Second Regular Session of the 112th Legislature, LD 2221, AN ACT to Amend the Annual Operating-under-the-influence Report and to Establish a State-operated Evaluation Program within the Driver Education Program of the Department of Human Services, was introduced and heard before the Joint Standing Committee on Human Resources. This legislation sought to revise the information submitted in the annual operating-under-the-influence report. In addition it proposed several changes in the DEEP program designed to strengthen that program. Several issues had arisen which created a potential conflict of interest problem and the bill proposed a solution to that issue. The testimony which the committee heard from the department, from providers, and from committee members reflecting their constituents concerns led the committee to one unanimous conclusion: there was a substantial amount of evidence that DEEP needed some changes and modifications, but there was insufficient information for the committee to reach any reasonable conclusions. There were many conflicting proposals and more information was needed upon which to make an intelligent decision. The bill was passed out of committee with only the sections referring to amending the annual report. The committee decided to request authorization to study the DEEP program more fully to evaluate the concerns expressed and to propose changes whereby DEEP may better reach its full potential.

ANALYSIS OF THE ISSUE: SCOPE OF THE STUDY: This proposal is to study and evaluate the entire DEEP including, but not limited to, the following:

1. program aspects concerning education of the client;
2. the preliminary assessment aspect of the program;

In an effort to find that solution or to provide some direction for the public policy issues involved prior to the end of the moratorium, the Human Resources Committee is proposing a Joint Select Committee be established to study the feasibility of insurance pools for health and life insurance for high risk groups.

ANALYSIS OF THE ISSUE: SCOPE OF THE STUDY: A recent survey indicated that approximately 93,000 citizens in Maine between the ages of 18 and 64 did not have health insurance. There are many reasons for this lack of coverage and many possible solutions to this issue. This study will look at one of the potential solutions, that of establishing insurance pools for individuals whose medical conditions identify them as "high risks" to insurance companies. This study will evaluate the methods and feasibility of establishing such insurance pools, both with and without state subsidies or with combined public and private sector financing. It will focus on all aspects of this question including, but not limited to the types of coverage possible, the premiums which would be required in each situation, what types of high risks could be covered, the benefits to be derived from this type of program and any public policy questions which may arise from this subject matter. This study may include health and life insurance.

STUDY COMMITTEE: The study committee should be composed of 6 members of the Legislature from the following Joint Standing Committee:

Appropriations and Financial Affairs:	1 member
Business and Commerce:	2 members
Human Resources:	3 members

PROPOSED COMMITTEE MEETINGS: The proposed study will require at least 4 meetings.

COMPLETION DATE: This committee should report the results of its study to the First Regular Session of the 113th Legislature.

PRIORITY OF THIS PROPOSED COMMITTEE STUDY:

This study is the SECOND priority of the Human Resources Committee.

# STUDY PROPOSAL ON INSURANCE POOLS FOR HIGH RISK GROUPS

Presented by the Joint Standing Committee on Human Resources

SUBJECT OF THE STUDY: This study will examine the issue of insurance pools for "high risk" individuals seeking health and life insurance.

REASON THE STUDY IS NECESSARY: During the Second Regular Session of the 112th Legislature, legislation was introduced concerning the public health issues involved in Acquired Immune Deficiency Syndrome (AIDS), LD 2063: AN ACT to Protect the Public Health in Relation to Acquired Immune Deficiency Syndrome.

One of the issues raised by this legislation concerned the use of the current test which reveals the presence of antibody to the HTLV-III virus. (There is currently no test to determine the presence of AIDS.) The insurers felt that there was a strong need to be able to inquire whether an individual has taken that test and what the test results were.

Public health officials were extremely concerned that if such a question were allowed to be asked as a precondition to obtaining insurance, many individuals who were "at risk" would simply not take the test. The only proven method of decreasing the spread of AIDS at the present time is through education. By decreasing the number of people taking the test, the public health officials felt that they would have lost their only method of identifying individuals who were "at risk" and of educating them in ways to decrease the spread of the disease.

The committee proposed a one year moratorium, prohibiting that question from being asked during that period. At the end of that period it is hoped that some other solution will be found to resolve this issue. One of the proposals mentioned was the establishment of a high risk pool to provide insurance to this group. After some discussion, the committee recognized that this problem was not limited to the "high risk" group for AIDS, but was a problem of more universal nature for many "high risk" groups who were or could be effectively denied insurance.

It is interesting to note that an interim report of a study on Health Insurance Coverage in Maine which was commissioned by the Legislature was recently released by the Human Services Development Institute. That study indicates that insurance pools for "high risk" groups is one possible solution to help provide health coverage to the large number of Maine citizens (13-15% of adults under age 65) who are basically without health insurance. Six states currently have "high risk" insurance pools. Several other states are considering them.

3. the evaluation aspect of the program, including issues concerning qualifications, specialized training, approval, and certification of evaluators and concerning the evaluation process, and the scope of the evaluation, e.g. should there be multiple-diagnostic evaluations;
4. the treatment aspect of the program, including the process, the modalities, and the qualifications, approval, certification, and licensing of providers;
5. the availability of providers through the State for evaluation and treatment, including current and proposed recruitment to ensure a sufficient number of providers;
6. the potential for conflict of interest (and the effect of such conflict) when the evaluator is the same person as the treatment provider, or when the same facility evaluates and treats the client;
7. administrative and clinical supervision in the DEEP program;
8. evaluation of adolescents;
9. fee schedules for clients by evaluators and providers;
10. the aspect of the program which deals with quality of assurance, e.g. monitoring program performance or investigating complaints; and
11. a utilization review of the reference patterns after evaluation.

MEMBERSHIP OF THE SUBCOMMITTEE: We request that the subcommittee be composed of the following 5 members:

Sen. Bustin  
Rep. Kimball  
Rep. Rolde  
Rep. Simpson  
Rep. Taylor

PROPOSED COMMITTEE MEETINGS: The proposed study can best be conducted by holding 2 full committee meetings and 3 interim sub-committee meetings

COMPLETION DATE: This committee study should report the results of its study to the First Regular Session of the 113th Legislature.

PRIORITY OF THIS COMMITTEE STUDY:

This study is the FIRST priority of the Committee.

SENATE

N. PAUL GAUVREAU, DISTRICT 23, CHAIR  
BEVERLY MINER BUSTIN, DISTRICT 19  
BARBARA A. GILL, DISTRICT 32

JOHN SELSER, LEGISLATIVE ANALYST  
SUSAN SHELL, COMMITTEE CLERK



HOUSE

MERLE NELSON, PORTLAND, CHAIR  
ALFRED L. BRODEUR, AUBURN  
PETER J. MANNING, PORTLAND  
DONNELL P. CARROLL, GRAY  
RITA B. MELENDY, ROCKLAND  
NEIL ROLDE, YORK  
SUSAN J. PINES, LIMESTONE  
H. STEDMAN SEAVEY, JR., KENNEBUNKPORT  
KERRY E. KIMBALL, BUXTON  
PRISCILLA G. TAYLOR, CAMDEN

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

April 17, 1986

Rep. John N. Diamond, Chairman  
Legislative Council  
State House  
Augusta, ME 04333

Dear Representative Diamond:

This information is submitted per your letter request of  
April 16, 1986:

HUMAN RESOURCES COMMITTEE MEETINGS AND MEMBERS

DEEP STUDY

Sen. Gauvreau  
Rep. Kimball  
Rep. Melendy  
Rep. Rolde  
Rep. Taylor

INSURANCE STUDY

Rep. Nelson  
Sen. Gill  
Rep. Manning

MEETINGS

2 full committee  
3 sub-committee

MEETINGS

5 meetings of the Joint Select  
Committee (6 members on the  
Joint Select Committee)

Sincerely,

  
Sen. N. Paul Gauvreau  
Senate Chair

  
Rep. Merle Nelson  
House Chair

SENATE

RICHARD L. TRAFTON, DISTRICT 22, CHAIR  
MARY NAJARIAN, DISTRICT 29  
COURTNEY E. STOVER, DISTRICT 24

MARGARET REINSCH, LEGISLATIVE ASSISTANT  
SUSAN SARGENT, COMMITTEE CLERK



HOUSE

POLLY REEVES, PITTSSTON, CHAIR  
FRANCIS J. PERRY, MEXICO  
NORMAN R. PAUL, SANFORD  
ROLAND A. RIOUX, BIDDEFORD  
DANIEL R. WARREN, SCARBOROUGH  
ROBERT G. DILLENBACK, CUMBERLAND  
ELEANOR M. MURPHY, BERWICK  
JOHN E. MASTERMAN, MILO  
JOHN C. BOTT, ORONO  
ROY I. NICKERSON, TURNER

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

April 14, 1986

To: Rep. John N. Diamond, Chair, Legislative Council  
From: Joint Standing Committee on Legal Affairs

SUBJECT: Study Request

1. Committee or Legislator

Joint Standing Committee on Legal Affairs

2. Subject of study

Recodification of the Liquor Laws, Title 28

3. Priority number

1

4. Completion date

2nd Regular Session of the 113th Legislature

5. Analysis of the problem

The purpose of the laws contained in Title 28 has evolved greatly over the years, from controlling a perceived evil to using that control to the State's advantage to increase State revenue. These changes have not resulted in a coherent set of laws. Title 28 has been amended so many times that the laws contained within the Title are no longer consistent nor in a logical order. Outmoded language seems to be the rule rather than the exception. New licenses are added every year to make the licensing system an intricate maze that only experts can fully understand.

6. Reason for the study

In dealing with the various bills submitted to amend the liquor laws, the Joint Standing Committee on Legal Affairs realized that Title 28 needs a major revision to remove useless sections, reorganize the provisions and to clarify the laws themselves. The Department of the Attorney General, with which we worked on several occasions this past session, believes that a recodification is badly needed. The Bureau of Alcoholic Beverages and the State Liquor Commission have also expressed their desire to us that the laws need to be revised into a simpler and more rational form. It is very difficult to understand how the entire Title operates as a whole.

The recodification will consist of only rewriting and reorganizing the current laws; it will not include enactment of any new provisions. Recommendations of the subcommittee for changes in the substance of the current law will be made in separate legislation.

7. Members of the Subcommittee

Senator Trafton  
Representative Masterman  
Representative Perry

The subcommittee will meet twice this summer.

5778

# STATE OF MAINE

Inter-Departmental Memorandum Date April 14, 1986

To Senator Richard Trafton Dept. Legal Affairs Committee  
From Guy A. Marcotte, Director Dept. Bureau of Alcoholic Beverages  
Subject Request to Recodify Liquor Laws

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The Maine Liquor Laws, according to our findings have never been recodified.

Due to the many changes accruing during the last 50 years, it seems that our liquor laws ought to be recodified.

Please accept this memo as formal request to recodify the Maine Liquor Laws.

cc: Peggy Reinsch

**JAMES E. TIERNEY**  
ATTORNEY GENERAL



STATE OF MAINE  
DEPARTMENT OF THE ATTORNEY GENERAL  
STATE HOUSE STATION 6  
AUGUSTA, MAINE 04333

April 14, 1986

Senator Richard L. Trafton  
Co-Chairman  
Committee on Legal Affairs  
Room 427  
State House  
Augusta, Maine 04333

Dear Senator Trafton:

This letter is written to you in support of any plan which the Legislature might approve to redraft and recodify Maine's liquor laws contained in Title 28 of the Maine Revised Statutes.

During the course of the past four years, I have become intimately familiar with large parts of Title 28. In my opinion, Title 28 is in the worst shape of any Title which I am regularly called upon to interpret. This Title contains numerous drafting errors, internal inconsistencies, misplaced sections, and unnecessary ambiguities. The Department of the Attorney General spends an inordinate amount of time trying to make sense of Title 28, and rarely a week goes by when some lawyer in this Department complains to me that portions of the Title are largely unworkable. Worse still is the fact that, from time to time, we are called upon to litigate what various inscrutable portions of the Title may mean, and this ties up the courts and our resources for significant amounts of time in what is essentially a needless and wasteful enterprise.

In short, Title 28 is a badly written and frequently amended patchwork of often conflicting provisions, and the

Department of the Attorney General is in complete support of whatever can be done by the Legislature at this time to recodify this Title.

Sincerely,

A handwritten signature in cursive script, appearing to read "John E. Larouche".

JOHN E. LAROUCHE  
Deputy Attorney General

JEL/ec

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



HOUSE

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ALBERTA M. WENTWORTH, WELLS  
ELEANOR M. MURPHY, BERWICK  
JOHN E. MASTERMAN, MILO  
ROLAND S. SALSBURY, JR., BAR HARBOR  
ROY I. NICKERSON, TURNER

STATE OF MAINE  
ONE HUNDRED AND TWELFTH LEGISLATURE  
COMMITTEE ON LOCAL AND COUNTY GOVERNMENT

April 14, 1986

Rep. John N. Diamond, Chair  
Legislative Council  
State House  
Augusta, Maine 04333


Dear Representative Diamond,


We would like to renew our request for an extension of the study to revise Title 30. We have attempted to continue work on the present draft of the recodification since we received your response to our earlier request, but have made little progress due to our other legislative demands during these last hectic days of the session.

Attached is a copy of our study request. The Local and County Government Committee is unanimous in our belief that it would be a mistake to enact only a recodification of Title 30 without first addressing the substantive issues identified in the recodification. Such an action would prevent the accomplishment of many of the goals of the recodification and leave several important substantive problems unresolved. If we are to accomplish our goal of making the county and local government statutes easier to understand and use, we must perform both substantive and recodification revisions.

We hope that you act favorably upon our request, allowing the Local and County Government Committee to make Title 30 more understandable and complete. Thank you.

Sincerely,

  
Sen. John L. Tuttle  
Senate Chair

  
Rep. Edward A. McHenry  
House Chair

1. Committee or legislator.

Local and County Government Committee

2. Subject of Study.

Revision of Title 30

3. Priority number.

Priority--one

4. Completion Date.

First regular session of the 113th Legislature

5. Analysis of the problem.

Title 30 has become very confusing to work with due to the multitude of amendments made to it since it was last recodified in 1964. These amendments have resulting in poor organization of the title as well as conflicting and ambiguous language. Also, the addition of home rule for municipalities is not always accurately reflected in pre-home rule statutes.

6. Reason for study.

A first draft of the recodification has been completed but needs further review and redrafting. We particularly feel that much work remains to be done on the substantive issues that were identified during our review of the recodification. This work can only be properly accomplished with a detailed study conducted over several months with the assistance of municipal officers and attorneys who are intimately familiar with many of these substantive problems in Title 30.

7. Members of Subcommittee.

Due to the large scope of the study, we would like to divide the work into 4 subcommittees of 5 persons each, with 3 meetings for each subcommittee. We understand that this request is unusual, but believe that the scope of the study requires it.

SENATE

JEAN B. CHALMERS, DISTRICT 21, CHAIR  
LARRY M. BROWN, DISTRICT 7  
MELVIN A. SHUTE, DISTRICT 14

WILLIAM T. GLIDDEN, LEGISLATIVE ASSISTANT  
JANET BRIGGS, COMMITTEE CLERK



HOUSE

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SPRINGS, CHAIR  
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PETER J. MANNING, PORTLAND  
JAMES MITCHELL, FREEPORT  
JAMES REED COLES, HARPSWELL  
RICHARD P. RUHLIN, BREWER  
MAYNARD G. CONNERS, FRANKLIN  
ROLAND S. SALSBURY, JR., BAR HARBOR  
GUY G. SCARPINO, ST. GEORGE  
SALLY R. RICE, STONINGTON

STATE OF MAINE  
ONE HUNDRED AND TWELFTH LEGISLATURE  
COMMITTEE ON MARINE RESOURCES

April 4, 1986

Rep. John Diamond  
Chair, Legislative Council  
Maine Legislature  
Augusta, Maine

Dear Representative Diamond:

The Joint Standing Committee on Marine Resources respectfully requests permission from the Legislative Council to form a special study committee examining the mussel industry and conservation issues. This is the committee's first study priority. We propose a study subcommittee of five members for this topic. The subcommittee would hold three meetings along the coast to collect public input and two further meetings in Augusta to develop the study findings and recommendations.

This subject arose when the committee considered two bills restricting mussel harvesting, LD1904 and LD2130. After receiving much conflicting testimony from various segments of the fishing industry, the committee with the support of all interested parties decided not to impose any new regulatory requirements. Rather, the committee voted to request a study modeled on its previous effort in 1983 on soft-shell clam conservation.

We hope you will act favorably on this request. Thank you for your attention to this matter.

Sincerely,

Sen. Jean Chalmers  
Senate Chair

Rep. Nat Crowley  
House Chair

cc: Sally Diamond  
Helen Ginder

5643

April 15, 1986

1. Committee or legislator

Joint Standing Committee on State Government

2. Subject of Study

Legislative Veto of Executive Branch Rules

3. Priority number

This is the only study proposed for the State Government Committee

4. Completion date

Report to the First Regular Session of the 113th Legislature

5. Analysis of the problem

Currently executive branch agencies adopt rules to implement programs enacted by the Legislature. Agency rules can have a significant impact upon the implementation of the legislatively developed programs.

In order to provide for greater consistency between state agency rules and legislative intent a legislative "veto" over rules has been proposed in LD 2228. A legislative veto, raises significant questions with respect to the effect of the proposal and with respect to the implementation of the rules.

6. Reason for study

The reason for the study is LD 2228 which proposes a legislative veto and a committee veto of rules

7. Members of Subcommittee

Five members of the State Government Committee will be a subcommittee to study this issue.

8. The Committee requests 2 subcommittee meetings and 1 full committee meeting.

SENATE

CHARLES G. DOW, DISTRICT 18, CHAIR  
EDGAR E. ERWIN, DISTRICT 8  
MELVIN A. SHUTE, DISTRICT 14

CHRISTOS GIANOPOULOS, LEGISLATIVE ANALYST  
JOAN COLFORD, COMMITTEE CLERK



HOUSE

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FRED W. MOHOLLAND, PRINCETON  
ROGER M. POULIOT, LEWISTON  
FREDERICK F. SOUCY, KITTERY  
JEFFERY N. MILLS, BETHEL  
DONALD A. STROUT, CORINTH  
ORLAND G. MCPHERSON, ELIOT  
PAMELA L. CAHILL, WOOLWICH  
DANIEL J. CALLAHAN, MECHANIC FALLS

STATE OF MAINE  
ONE HUNDRED AND TWELFTH LEGISLATURE  
COMMITTEE ON TRANSPORTATION

April 17, 1986

To: Rep. *J. P. Diamond*, Chair, Legislative Council  
From: Sen. *Charles Dow* and Rep. Theriault

Subj: Committee Study-Transportation

Members of Study Committee

Sen. Charles Dow  
Rep. Raynold Theriault  
Rep. Fred W. Moholland  
Rep. Donald Strout  
Rep. Pamela Cahil

The Committee requests 3 subcommittee meetings and 1 full committee meeting.

April 15, 1986

1. COMMITTEE OR LEGISLATOR

Joint Standing Committee on Transportation

2. SUBJECT OF STUDY

The extent of subsidization within the major commercial modes of transportation which carry freight

3. PRIORITY NUMBER

4. COMPLETION DATE

Next session

5. ANALYSIS OF THE PROBLEM

A lot of attention has been directed recently to the condition of the truck and rail industries and their competitive position in the Maine economy since the deregulation of the trucking industry. A strong contention is made by the railroads that the trucking industry is being supported unfairly by a public infrastructure which puts rail in a less competitive position. The trucking industry contends that the railroads have long been supported by favorable government treatment. In any event, the health of our basic transportation industries is essential to the life of Maine's economy and more information is needed to identify sources and amounts of subsidy. Information on this issue of subsidy will enable state government to develop an even-handed policy, allowing for healthy competition between the various transportation modes.

6. REASON FOR STUDY

Recent questions about the role of state government in assisting the railroad industry have uncovered many more issues related to subsidy which need to be researched.

7. MEMBERS

5 members

6 meetings.

CG/elk/5787

SENATE

JOHN E. BALDACCI, DISTRICT 10, CHAIR  
THOMAS H. ANDREWS, DISTRICT 30  
CHARLES W. WEBSTER, DISTRICT 4

HAVEN WHITESIDE, LEGISLATIVE ANALYST  
JANE W. LEONARD, COMMITTEE CLERK



HOUSE

HARRY L. VOSE, EASTPORT, CHAIR  
HARLAN BAKER, PORTLAND  
EDWARD A. MCHENRY, MADAWASKA  
HERBERT E. CLARK, MILLINOCKET  
ALEXANDER RICHARD, MADISON  
NORMAN E. WEYMOUTH, WEST GARDINER  
EUGENE J. PARADIS, OLD TOWN  
RALPH M. WILLEY, HAMPDEN  
EARL G. NICHOLSON, SOUTH PORTLAND  
MARY C. WEBSTER, CAPE ELIZABETH

STATE OF MAINE  
ONE HUNDRED AND TWELFTH LEGISLATURE  
COMMITTEE ON UTILITIES

14 April 1986

TO: John N. Diamond, Chair  
Legislative Council

FROM: Joint Standing Committee on Utilities  
Sen. *John E. Baldacci* & Rep. Harry L. Vose, Chairs *A.S.V. JB*

SUBJECT: Study Request

1. Utilities Committee
2. Subject: Electric Power Transmission & Purchases
3. Priority #1
4. Completion Date: December 3, 1986
5. Analysis of Problem. Electricity costs less in some other states. As a result, some Maine industries are suffering from competition. New sources have become available: cogenerators, small power producers, and out-of-state purchases. the problem is connecting the generation sources with the users, and the relationship of both to the existing electric utilities.
6. Reason for Study. As required by LD 2327, the study is to explore the issues surrounding purchase of power from out-of-state ; in-state access to power being transmitted through the state; and transmission of power between unaffiliated enterprises, as well as the relation between competition, deregulation, and electric power transmission for electric utilities.
7. Funding is requested for 3 meetings of a 3-person subcommittee, plus 1 meeting of the full committee.

5768M

SENATE

THOMAS H. ANDREWS, DISTRICT 30, CHAIR  
NANCY RANDALL CLARK, DISTRICT 26  
MARY-ELLEN MAYBURY, DISTRICT 11

LARS RYDELL, LEGISLATIVE ANALYST  
EDWARD ROBINSON, COMMITTEE CLERK



HOUSE

DANIEL B. HICKEY, AUGUSTA, CHAIR  
FRANCIS J. PERRY, MEXICO  
JOHN McSWEENEY, OLD ORCHARD  
ALEXANDER RICHARD, MADISON  
JOHN JALBERT, LISBON  
DANA P. STEVENSON, UNITY  
JEAN T. DELLERT, GARDINER  
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

April 16, 1986

Honorable John N. Diamond  
Chairman, Legislative Council  
State House  
Augusta, ME 04333

Dear Rep. Diamond:

On behalf of the Aging, Retirement and Veterans' Committee's subcommittee on Health Insurance, I am pleased to present to the Legislature its final report. The report does not propose any legislation. The report clarifies the issues concerning health insurance for retired teachers and retired state employees, and it directs various parties to develop cooperative agreements which address the issues.

Sincerely,

A handwritten signature in cursive script, appearing to read 'N. Paul Gauvreau'.

Rep. N. Paul Gauvreau  
Chairman, Subcommittee

5806