

MAINE STATE LEGISLATURE

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REP. JOHN RICHARDSON
CHAIR

SEN. BETH EDMONDS
VICE-CHAIR



SEN. MICHAEL F. BRENNAN
SEN. PAUL T. DAVIS, SR.
SEN. KENNETH T. GAGNON
SEN. CAROL WESTON
REP. GLENN A. CUMMINGS
REP. DAVID E. BOWLES
REP. ROBERT W. DUPLESSIE
REP. JOSHUA A. TARDY

122ND MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

DAVID E. BOULTER
EXECUTIVE DIRECTOR

MEETING SUMMARY
Organizational Meeting
December 2, 2004
Approved December 22, 2004

CALL TO ORDER

Pursuant to the Legislative Council's Rules of Procedure, Senate President Edmonds called the first meeting of the 122nd Legislative Council to order at 4:10 p.m. in the Legislative Council Chamber.

ROLL CALL

Senators:	President Edmonds, Sen. Brennan, Sen. Davis, Sen. Gagnon, Sen. Weston
Representatives:	Speaker Richardson, Rep. Cummings, Rep. Bowles, Rep. Duplessie, Rep. Tardy
Legislative Officers:	Joy O'Brien, Secretary of the Senate Millicent MacFarland, Clerk of the House Michael Cote, Assistant Clerk of the House David Boulter, Executive Director, Legislative Council Grant Pennoyer, Director, Office of Fiscal and Program Review David Elliott, Director, Office of Policy and Legal Analysis Margaret Matheson, Revisor of Statutes Lynn Randall, State Law Librarian Paul Mayotte, Director, Legislative Information Services

ELECTION OF OFFICERS FOR THE 122ND LEGISLATIVE COUNCIL

Senate President Edmonds, declaring that a quorum was present, called the meeting of the 122nd Legislative Council for the purpose of electing a Council Chair and Vice-Chair, adoption of rules of procedures and such other matters as may be properly before the Legislative Council.

The Council's Rules prescribe the following with regard to the election of Council Officers:

Rule # 2 provides that the position of Chair alternate in succeeding biennial sessions between a member from the Senate and a member from the House of Representatives. Thus, the Chair for the new Council would be a member from the House.

Rule #3 provides that the Vice-Chair not be a member of the same body of the Legislature as the Chair. Thus, the Vice-Chair for the 122nd Council would be a member of the Senate.

President Edmonds stated that unless there was objection, the Council would continue the long-standing practice of conducting the vote by a showing of hands. Upon the election of a chair, the chair will preside over the remainder of this meeting.

Hearing no objection, President Edmonds opened the floor for nominations for Chair of the Legislative Council.

Nomination: That John Richardson, of Brunswick to serve as Chair of the Legislative Council for the 122nd Legislature. (Nominated by Sen. Brennan, second by Rep. Bowles).

President Edmonds asked if there were further nominations. Hearing none, President Edmonds closed the nominations. The vote for Council Chair was taken. Speaker Richardson was elected to serve as Chair of the Legislative Council for the 122nd Legislature by unanimous vote of the Legislative Council.

President Edmonds then proceeded to open the floor for nominations Vice-Chair.

Nomination: That President Beth Edmonds to serve as Vice-Chair of the Legislative Council for the 122nd Legislature. (Nominated by Rep. Duplessie, second by Sen. Davis).

President Edmonds asked if there were further nominations. Hearing none, President Edmonds closed the nominations. The vote for Council Chair was taken. President Edmonds was elected to serve as Vice-Chair of the Legislative Council for the 122nd Legislature by unanimous vote of the Legislative Council.

Chair Richardson then presided for the remainder of the meeting.

ADOPTION OF RULES OF PROCEDURE

Proposed Rules of Procedure for Legislative Council Adoption

That the Legislative Council adopt the proposed Rules of Procedure for the Legislative Council (Motion by Sen. Gagnon, second by Rep. Cummings, unanimous).

Attached is a copy of the Rules of Procedure adopted by the Legislative Council.

REPORTS FROM EXECUTIVE DIRECTOR AND COUNCIL STAFF OFFICES

Executive Director Boulter congratulated and welcomed members of the 122nd Legislative Council.

Mr. Boulter reported that he has been working to secure a vendor to operate the State House café for the next 2 years. Unless the Legislative Council has objection, he plans to enter into a contract with a local vendor to operate the café. Legislative Council members expressed no objections to proceeding.

No Council action required.

REPORTS FROM COUNCIL COMMITTEES

Item #1: Status Report by Search Committee for OPEGA Director Position

Sen. Gagnon reported that the Legislative Council's Search Committee met several times during the past month to view applicant resumes and select candidates for interview. Six candidates were selected for interview which interviews were held in November. The Search Committee plans to vote to authorize the Executive Director to offer the position of OPEGA director to the top candidate, subject to a successful negotiation of terms and conditions of employment and subject to ratification of appointment by the full Legislative Council. The goal is to present the Search Committee's recommendations at a Legislative Council meeting on December 15th or 22nd.

Legislative Council members will be provided the resume and related information on the Search Committee's recommendation.

No Council action required at this time.

OLD BUSINESS

None.

NEW BUSINESS

Item #1: Establishment of Initial Salary of Constitutional Officers and State Auditor

Motion: That the initial salaries for Secretary of State Matthew Dunlap and State Treasurer David G. Lemoine be set at Salary Grade 88, Step 3, an annual salary of \$64,064; and further, that the initial salary for State Auditor Neria R. Douglass be set at Salary Grade 89, Step 5, an annual salary of \$75,442. Such salaries are to take effect as of December 1, 2004. (Motion by President Edmonds, second by Sen. Gagnon, unanimous).

The Legislative Council then directed the Personnel Committee to undertake a review of the initial salaries prescribed by law for the Constitutional Officers and the State Auditor.

Item #2: Policy on Processing Duplicate Bill Requests by Legislators

Motion: That the Legislative Council adopt the procedures for processing duplicate bill requests by Legislators as described in the Revisor of Statutes' proposal of December 2, 2004. (Motion by President Edmonds, second by Rep. Duplessie, unanimous).

Item #3: Proposals to Conduct Legislative Policy Forums

Motion: That the Legislative Council establish a subcommittee for the purposes of working with the interested groups and Legislative Council staff to organize a policy forum for Legislators to be held in early 2005. Once developed, the policy forum

program and schedule must be presented to the Legislative Council for its review. (Motion by Sen. Edmonds, second by Sen. Davis, motion passed 9 – 0 - 1). Sen. Brennan abstained from the vote.

Item #4: Submission of Study Report

Health Care System and Health Care Security Board (report and letter from Sen. John L. Martin, Senate Chair and Rep. Marilyn E. Canavan, House Chair)

Motion: That the Health Care System and Health Care Security Board Study Report be accepted and placed on file. (Motion by Sen. Edmonds, second by Rep. Tardy, unanimous)

ANNOUNCEMENTS AND REMARKS

Rep. Bowles raised the issues of Council motions being prepared in advance of Council meetings but not distributed to all members of the Legislative Council. General discussion then followed. Chair Richardson indicated that he would take the matter under advisement to see if an appropriate procedure, protective of each member's prerogative, could be developed.

No Legislative Council action was taken.

ADJOURNMENT

The Legislative Council meeting was adjourned at 5:10 p.m. on the motion of Rep. Bowles, seconded by Rep. Tardy, unanimous).

**MAINE LEGISLATIVE COUNCIL
122nd LEGISLATURE**

**RULES OF PROCEDURE
Adopted by the Legislative Council
December 2, 2004**

1. **Organizational Meeting:** The President of the Senate shall call the biennial organizational meeting of the Legislative Council into session in December following the convening of the new Legislature and shall preside until the election of the Chair.
2. **Chair:** At its organizational meeting, the Council shall elect a Chair, who shall preside at all meetings of the Council when present. The position of Chair must alternate in succeeding biennial sessions between a member from the Senate and a member from the House of Representatives. Therefore, for the 122nd Legislature, the Chair must be a member from the House.
3. **Vice Chair:** The Council shall elect a Vice Chair who shall act as Chair in the absence of the Chair. The Vice Chair may not be a member of the same chamber of the Legislature as that of the Chair.
4. **Quorum:** The Council may conduct business only when a quorum of members is present, which consists of six members. Any action of the Council requires the affirmative votes of not less than 6 members.
5. **Meetings:** The Council's meeting schedule is determined by majority vote of the Council or by call of the Chair for the 122nd Legislature. The Council shall meet at least once per month, on a regularized schedule.
6. **Meeting Location:** The official meeting location of the Legislative Council is the Legislative Council Chamber in the State House, and the Chair shall convene all meetings there unless an alternative location is specified in the call of the meeting.
7. **Meeting Notice:** The Chair shall issue written calls for all regular and special meetings of the Council. The call must give the date, time, and place of the meeting and such other information as the Chair directs.
8. **Public Meetings:** All meetings of the Council are public meetings except for executive sessions; The Council may not take any final action in an executive session.
9. **Council Committees:** The Chair shall make all appointments to committees established by the Council. The committees must include at least three members and must have representation from each of the two major political parties. At a minimum, the Council shall establish Personnel and State House Facilities committees.

10. **Approval of Step Increases:** All step increases that require a vote of the 122nd Legislative Council are approved for the term of this Council if, after review, a majority of the Personnel Committee approves a step increase.
11. **Council Agenda and Records:** The Executive Director of the Legislative Council shall prepare, in consultation with the chair, meeting notices and a Council agenda in advance of each meeting. The executive director shall also maintain an accurate, permanent public record of all meetings, proceedings and votes of the Council.
12. **Order of Business:** The regular order of business of the Council is:
 1. Call to Order
 2. Roll Call
 3. Summary of Previous Council Meeting
 4. Executive Director's Report
 5. Reports from Council Committees
 6. Old Business
 7. New Business
 8. Announcements and Remarks
 9. Adjournment

Items not on the Council agenda may be considered only by leave of the Council's presiding officer or by a majority vote of the Council.

13. **Circulation of Ballots:** The Chair and the Vice Chair, jointly, may authorize a Council member to circulate a ballot for Council action when they determine that the matter to be voted on must be decided before the next regular meeting of the Council. The executive director shall prepare all ballots authorized for circulation among Council members. A reasonable effort shall be made to provide each member an opportunity to vote on the ballot. Actions taken by Council ballot must be reported at the next or following regular meeting of the Council.
14. **Roll Call Votes:** Votes requiring a roll-call may be made by the executive director calling the roll, by a showing of hands or by electronic tabulation as long as the matter being voted on, how each member voted and the results of the vote are accurately determined and recorded. The executive director shall announce the vote following a roll-call. All decisions of the Council regarding the introduction of bills or other measures must be by a roll-call vote.
15. **Statements to News Organizations:** Only the Council Chair, executive director or persons specifically authorized by the Chair may make official statements to news organizations or to the public on behalf of the Legislative Council.
16. **Rules of Order:** The Council's presiding officer shall conduct the proceedings of the Council in accordance with Robert's Rules of Order except as otherwise specified in the Council's own rules or by law.

17. **Amendments to Rules:** The Council may amend these rules, with the exception of Rules 2 and 4, upon a two-thirds vote of the Council members present and voting, provided that a vote to amend is by at least six affirmative votes. Rules 2 and 4 may not be amended during the term of the 122nd Legislative Council.
18. **Capital Area Advisory Committee:** The Council establishes a Capital Area Advisory Committee ("Advisory Committee") to: facilitate communication between the Maine Legislature, the City of Augusta and area residents; and advise the Legislative Council on proposed actions relating to Capitol Park. The Advisory Committee is made up of 9 members as follows:
- a. Two members of the Legislative Council, appointed by the Chair. One member must be a member of the Senate and one member must be a member of the House of Representatives. The members may not be from the same political party;
 - b. The Chair of the State House and Capitol Park Commission or the Chair's designee;
 - c. Two legislators whose legislative districts include the City of Augusta or proximate communities, appointed by the Chair;
 - d. Two members of the public who reside in the City of Augusta, appointed by the Mayor of Augusta; and
 - e. Two members of the public who reside in Kennebec County, appointed by the Chair of the Kennebec County legislative delegation.

Members are appointed for a term coterminous with the Council. The Council Chair shall appoint a chair from among the Advisory Committee members.

Meetings of the Advisory Committee may be called by the Chair of the Advisory Committee or by a majority of the Advisory Committee. All meetings of the Advisory Committee are public meetings. Notice of meetings must include written notice to the Kennebec County legislative delegation and to the Executive Director of the Legislative Council.

19. **Decisions Affecting Capitol Park:** Any action affecting Capitol Park, be it a temporary or permanent alteration or change in use, must be approved by a majority of the Council, consistent with these rules and 3 MRSA §162 (17). Prior to a final decision on any proposal affecting Capitol Park, the Council or its executive director shall consult with the State House and Capitol Park Commission.

Adopted by the Legislative Council of the 122nd Maine Legislature on December 2, 2004 in Augusta, Maine.

Attested: David E. Boulter
Executive Director, Legislative Council