

MAINE STATE LEGISLATURE

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SEN. BETH EDMONDS
CHAIR

REP. GLENN A. CUMMINGS
VICE-CHAIR

123RD MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

SEN. RICHARD W. ROSEN
REP. HANNAH M. PINGREE
REP. JOSHUA A. TARDY
REP. SEAN FAIRCLOTH
REP. ROBERT H. CROSTHWAITE

MEETING SUMMARY
December 7, 2006
APPROVED JANUARY 25, 2007

CALL TO ORDER

Senator Beth Edmonds, President of the Senate, called the Legislative Council meeting to order at 9:10 A.M. in the Legislative Council chamber pursuant to the Rules of Procedure.

ROLL CALL

Senators: President Beth Edmonds, Sen. Elizabeth Mitchell, Sen. John Martin, Sen. Carol Weston, Sen. Richard Rosen

Representatives: Speaker Glenn Cummings, Rep. Hannah Pingree, Rep. Sean Faircloth, Rep. Joshua Tardy, Rep. Robert Crosthwaite

Legislative Officers: Millie MacFarland, Clerk of the House
Joy O'Brien, Secretary of the Senate
Michael Cote, Assistant Clerk of the House
David E. Boulter, Executive Director of the Legislative Council
Rose Breton, Legislative Finance Director
Margaret Matheson, Revisor of Statutes
Patrick Norton, Director, Office of Policy & Legal Analysis
Grant Pennoyer, Director, Office of Fiscal and Program Review
Lynn Randall, State Law Librarian
Paul Mayotte, Director, Legislative Information Services

President Edmonds convened the meeting at 9:10 A.M. with a quorum of members present.

ELECTION OF OFFICERS

Presiding Officer President Edmonds explained that under the Rules of Procedure, the first order of business is the election of the chair and the vice-chair of the Legislative Council for the 123rd Legislature. President Edmonds then called for nominations for chair of the Legislative Council. Sen. Mitchell nominated President Edmonds. Rep. Cummings seconded the nomination of President Edmonds. No further nominations were made. Sen. Mitchell moved that nominations cease. Sen. Martin moved that one ballot be cast for President Edmonds for chair of the Legislative Council for the 123rd Legislature. Rep. Faircloth seconded the motion. **Motion passed, unanimous.**

The chair of the Legislative Council, President Edmonds called for nominations for vice-chair of the Legislative Council. Sen. Martin nominated Speaker Cummings. Rep. Pingree seconded the nomination of Speaker Cummings. No further nominations were made. Sen. Mitchell moved that nominations cease. Sen. Martin moved that one ballot be cast for Speaker Cummings for vice-chair of the Legislative Council for the 123rd Legislature. Sen. Mitchell seconded the motion. **Motion passed, unanimous.**

ADOPTION OF RULES OF PROCEDURE

Chair of the Legislative Council President Edmonds explained that the next order of business was to adopt rules of procedures for the Legislative Council. Executive Director David Boulter directed members' attention to Page 1 of the Legislative Council packet that contained suggested rules of procedure. He explained the suggested rules were modeled after the rules adopted by the Legislative Council for the 122nd Legislature. The members reviewed the suggested rules of procedure.

Sen. Martin noted that paragraph 17 of the proposed rules stated that Rule 2 (election of chair) and Rule 4 (quorum of members) may not be amended during the term of the 123rd Legislature. He stated that the rules could be amended if a subsequent law change authorized amendment. He suggested that Rule 17 be amended to reflect that circumstance.

Sen. Rosen asked whether the proposed rules of procedure are essentially the same as those adopted for the 122nd Legislature. Mr. Boulter responded that they are, with one notable exception. The suggested rules exclude a provision that requires the establishment of a Capital Area Advisory Committee. He explained that in the early part of this decade, the Legislative Council established a committee to facilitate local communications about activities in Capitol Park. However, for the last 2 legislatures, the committee was determined to be unnecessary since legislation governing activities in Capitol Park had subsequently been enacted. Therefore, the committee was not appointed or convened. That legislation is referenced in paragraph 18 (Decisions affecting Capitol Park) of the suggested rules of procedure. Furthermore, the Legislative Council adopted a Master Plan for Capitol Park in 2005 that established a plan for the design and build-out of the park. Mr. Boulter noted that elimination of the committee requirement from the rules does not diminish the importance of Legislative Council's continued oversight of Capitol Park.

Rep. Crosthwaite asked if the change would have any effect on the jurisdiction of the Joint Standing Committee on State and Local Government relating to Capitol Park. Mr. Boulter responded that it would not since under law the Legislative Council, not the committee, has jurisdiction over the State House and Grounds, including Capitol Park.

Motion by Sen. Martin to adopt the suggested Rules of Procedure, with an amendment to Paragraph 17 allowing paragraphs 2 and 4 to be amended if changed by law, second by Rep. Tardy. **Motion passed, unanimous.**

SUMMARY OF NOVEMBER 16, 2006 MEETING OF LEGISLATIVE COUNCIL

Motion by Rep. Tardy to accept the meeting summary of the November 16, 2006 Legislative Council meeting, second by Rep. Faircloth. **Motion passed, unanimous.**

REPORTS FROM EXECUTIVE DIRECTOR AND COUNCIL OFFICES

The Executive Director and other council directors did not make a report this month because of the limited purpose, organizational nature of the meeting.

OLD BUSINESS

ITEM 1: REVIEW OF CURRENT STUDY COMMITTEE PROCESS AND RECOMMENDATIONS THAT A SUBCOMMITTEE OF THE LEGISLATIVE COUNCIL BE CONVENED TO REVIEW THE STUDY COMMITTEE PROCESS

Legislative Council Chair, President Edmonds asked council staff to describe the issue and recommendation. OPLA Director Norton drew Legislative Council members' attention to an October 2006 memo regarding a recommendation to form a subcommittee of the Legislative Council to review the current legislative study committee process. This would be the first comprehensive review of the process since 1998 when the Legislative Council undertook a similar study and made a series of recommendations for improvement that would allow the legislature to fully direct the course of its own studies. Mr. Norton explained that the recommendations were implemented and for the next several legislatures there was notable improvement in the process. More recently, some of the earlier issues and practices have re-emerged, and the Legislative Council of the 122nd Legislature felt it was an appropriate time to review the process again and address any issues found to be problematic. It so recommended to this Legislative Council.

Sen. Mitchell supported the recommendation for a review of the study committee process. She stated that she was aware of problems with the current process that could be addressed by the review. By way of example, she described a current study on early childhood special education where the enabling legislation did not provide sufficient parameters to keep the task force focused and on task and schedule. Since the legislation did not set a limit to the number of authorized meetings, the task force met many, many times creating additional legislative expenses without Legislative Council oversight or control. She indicated that the task force was so problematic that she and Rep. Norton as co-chairs of the Joint Standing Committee on Education and Cultural Affairs wrote a memo to the study task force chair urging the task force to redirect its energies to completing the study. She concluded by saying that study legislation should provide very clear direction to study committees. Mr. Norton commented that Sen. Mitchell's example was an excellent one since there are a number of areas in this study legislation that deviates from the 1998 recommendations for improvement.

Rep. Pingree asked for some examples of the parameters recommended in the 1998 report. Mr. Norton explained that the underlying goal was allow the Legislature to control and direct the course of its own studies. To do so, it should have a majority of legislators as members, chairs should be legislators, presiding officers should appoint all members, nonpartisan staff should staff legislative studies, studies should be created by joint order rather than by resolve so they do not require gubernatorial approval and may commence sooner than 90 days following adjournment sine die. Rep. Faircloth suggested that any new study procedures need to be enforced if they are to be effective.

Sen. Mitchell suggested that it is time to re-evaluate the current study committee process, for the Legislature to adopt appropriate changes for this legislative session, and to educate committee chairs on the study process.

Sen. Martin also supported the recommendation for review of the process, and gave an example of the need for improved procedures. He briefly described the current study on solid waste which he chairs. The Department of Environmental Protection staffs the commission, rather than nonpartisan staff, and has a conflict of interest as staff since they want to advocate for certain recommendations that affect the department or the solid waste program. He also indicated that there are (now) former legislators serving on the commission in legislative roles.

Legislative Council Chair, President Edmonds concluded the discussion by noting that the comments all point out the need to undertake a review and make changes that will improve the study committee process. She suggested that a subcommittee be established with members appointed by the chair of the Legislative Council to review information, current procedures and the process, and to develop recommendations for consideration by the full Legislative Council.

Motion by Rep. Tardy to establish a subcommittee of the Legislative Council to review the study committee process, second by Sen. Mitchell. **Motion passed, unanimous.**

There was no other Old Business.

NEW BUSINESS

ITEM 1: ESTABLISHMENT OF INITIAL SALARIES AND STEP INCREASES FOR CONSTITUTIONAL OFFICERS AND STATE AUDITOR

Executive Director Boulter explained that one of the responsibilities of the Legislative Council is to establish initial salaries for the Constitutional Officers and the State Auditor and to consider and approve annual step increases for them as appropriate. Since the Constitutional Officers and the State Auditor were re-elected to their positions, setting initial salaries for them is unnecessary. Step increases would apply, however. Under the Legislative Council's Rules of Procedure, the review and approval of step increases are delegated to the Legislative Council's Personnel Committee. No action by the Legislative Council is required at this time.

ITEM 2: LEGISLATIVE COUNCIL POLICY ON PROCESSING DUPLICATE BILL REQUESTS FILED BY LEGISLATORS

Executive Director Boulter indicated that at the beginning of each legislative biennium, the Legislative Council considers a policy to minimize the number of duplicate bills that are introduced in the legislature session. He then asked Revisor of Statutes Margaret Matheson to summarize her recommendations for handling duplicate bill requests that are filed by legislators.

Revisor Matheson explained that the Revisor's office is usually given the task of identifying bill requests that are duplicates or have sufficient similarities that they can be combined into a single bill. She recommended that the Legislative Council adopt the procedures proposed in her memo found in the council packet that is essentially the same process that has been in place for past sessions. Under the procedure, the first legislator filing a bill request with sufficient information to fully draft the bill becomes the prime sponsor of the legislation. Subsequent filers of bill

requests determined to be duplicative of the first request become mandatory sponsors, i.e., they must be listed as co-sponsors of the legislation if they so choose. Duplicate bill requests are not drafted. In response to a question about the number of allowed sponsors for duplicate bill requests, Ms. Matheson indicated that any mandatory co-sponsors are in addition to the full complement of bill sponsors otherwise allowed by the joint rules. This process acknowledges all legislator sponsors of the bill but minimizes duplicate bills having to be drafted, printed and considered by the Legislature.

Speaker Cummings asked Ms. Matheson what is the cost to produce a bill. She replied that the direct cost is about \$300 per bill on average. Speaker Cummings noted that the Joint Select Committee on Joint Rules developed several recommendations in 2000 designed to limit the number of bills being introduced. He asked if the committee report remains available for review by the Legislative Council. Ms. Matheson stated that as staff to the select committee, the Clerk of the House and the Secretary of the Senate may have copies, but in any event, copies should be available in the Law & Legislative Reference Library. Speaker Cummings indicated that it would be helpful for the report to be distributed to Legislative Council members.

Sen. Martin asked how many bills have been pre-filed this session. Ms. Matheson answered that 1,049 bills requests were filed. He then asked how many "concept draft" bills were filed last session. Ms. Matheson checked with her staff and reported that 130 concept drafts were filed. Sen. Martin commented that the Joint Rules committee may want to consider requiring the sponsor of a concept draft to present more detailed information by the time of the public hearing on the bill in order for a concept draft to be further considered. Without additional details, committees often do not know what a sponsor intends to be enacted or required. Sen. Mitchell agreed, saying that concept drafts have a value in conveying broad ideas such as school district consolidations, but perhaps concept drafts are a better committee tool than a legislator tool. The rules committee can address issues to improve effectiveness. Rep. Faircloth stated that concept drafting requirements must be specific enough so that legislation can eventually be drafted in a manner suitable for enactment. If the concept bill is too unspecific, it wastes the committee's time trying to identify what is actually being requested.

Legislative Council Chair, President Edmonds asked if anyone was prepared to make a motion to adopt a policy on processing duplicate bill requests.

Motion by Rep. Pingree to adopt the proposed policy on processing duplicate bill requests, second by Rep. Faircloth. **Motion passed, unanimous.**

President Edmonds noted that the members to the Joint Select Committee on Joint Rules will be appointed soon and can address the various issues raised about bill filings.

**ITEM 3: FINAL REPORT OF THE TASK FORCE TO STUDY CERVICAL
CANCER PREVENTION, DETECTION AND EDUCATION**

Executive Director Boulter indicated that Item #3 is acceptance of the final report of the task force.

Motion by Sen. Mitchell to accept the final report of the Task Force to Study Cervical Cancer Prevention, Detection and Education and place it on file, second by Sen. Weston. **Motion passed, unanimous.**

ITEM 4: FINAL REPORT OF THE COMMISSION TO ARRANGE FOR A MONUMENT HONORING WOMEN VETERANS OF MAINE

Executive Director Boulter indicated that Item #4 is acceptance of the final report of the commission. Sen. Mitchell urged Legislative Council members to look at the design for the women veterans' memorial that is proposed to be constructed at a new memorial park on the east side of the Kennebec River. The memorial will be built using private funds.

Motion by Sen. Mitchell to accept the final report of the Commission To Arrange For A Monument Honoring Women Veterans Of Maine and place it on file, second by Sen. Weston. **Motion passed, unanimous.**

ANNOUNCEMENT AND REMARKS

Legislative Council Chair, President Edmonds thanked the members for their support and stated that she looked forward to working with everyone.

ADJOURNMENT

The Legislative Council meeting was adjourned at 9:43 A.M. Motion by Sen. Mitchell, second by Speaker Cummings, **Motion passed, unanimous.**