

# MAINE STATE LEGISLATURE

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REP. HANNAH M. PINGREE  
CHAIR

SEN. ELIZABETH H. MITCHELL  
VICE-CHAIR

EXECUTIVE DIRECTOR  
DAVID E. BOULTER

124<sup>TH</sup> MAINE STATE LEGISLATURE  
LEGISLATIVE COUNCIL

SEN. PHILIP L. BARTLETT II  
SEN. KEVIN L. RAYE  
SEN. LISA T. MARRACHE  
SEN. JONATHAN T. E. COURTNEY  
REP. JOHN F. PIOTTI  
REP. JOSHUA A. TARDY  
REP. SETH A. BERRY  
REP. PHILIP A. CURTIS

MEETING SUMMARY  
December 4, 2008  
APPROVED JANUARY 22, 2009

**CALL TO ORDER**

Pursuant to the Legislative Council's Rules of Procedure, Senate President Mitchell called the first meeting of the 124<sup>th</sup> Legislative Council to order at 3:32 p.m. in the Legislative Council Chamber.

**ROLL CALL**

Senators: President Elizabeth Mitchell, Sen. Phillip Bartlett, Sen. Lisa Marrache, Sen. Kevin Raye, Sen. Jonathan Courtney

Representatives: Speaker Hannah Pingree, Rep. John Piotti, Rep. Seth Berry

Absent: Rep. Joshua Tardy, Rep. Philip Curtis

Legislative Officers: Joy O'Brien, Secretary of the Senate  
Millicent MacFarland, Clerk of the House  
Michael Cote, Assistant Clerk of the House  
David E. Boulter, Executive Director of the Legislative Council  
Rose Breton, Legislative Finance Director  
Debra Olken, Human Resources Director  
Patrick Norton, Director, Office of Policy & Legal Analysis  
Grant Pennoyer, Director, Office of Fiscal and Program Review  
Margaret Matheson, Revisor of Statutes  
Paul Mayotte, Director, Legislative Information Services  
John Barden, Director, Law and Legislative Reference Library  
Beth Ashcroft, Director, Office of Program Evaluation and Government Accountability

Senate President Mitchell convened the meeting at 3:33 P.M. with a quorum of members present.

## **ELECTION OF OFFICERS FOR THE 124<sup>th</sup> LEGISLATIVE COUNCIL**

Senate President Mitchell, declaring that a quorum was present, called the first meeting of the 124<sup>th</sup> Legislative Council for the purpose of electing a Council Chair and Vice-Chair, adoption of rules of procedures and such other matters of the Legislative Council.

The Legislative Council's Rules of Procedure prescribe the following with regard to the election of Legislative 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 124<sup>th</sup> Council would be a member from the Senate.

President Mitchell 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, Senate President Mitchell opened the floor for nominations for Chair of the Legislative Council.

**Nomination:** That Speaker Hannah Pingree, of North Haven serve as Chair of the Legislative Council for the 124<sup>th</sup> Legislature. (Nominated by Senator Bartlett, second by Senator Raye)

Senate President Mitchell asked if there were further nominations. Hearing none, Senate President Mitchell closed the nominations. Senator Raye moved that one ballot be cast for Speaker Pingree for chair. The vote for Council Chair was taken. Speaker Pingree was elected to serve as Chair of the Legislative Council for the 124<sup>th</sup> Legislature by unanimous vote of the Legislative Council.

Chair Hannah Pingree then presided for the remainder of the meeting. Chair Pingree then proceeded to open the floor for nominations for Vice-Chair.

**Nomination:** That Senate President Elizabeth Mitchell to serve as Vice-Chair of the Legislative Council for the 124<sup>th</sup> Legislature. (Nominated by Senator Raye, second by Representative Piotti)

Chair Hannah Pingree asked if there were further nominations. Hearing none, Chair Pingree closed the nominations. The vote for Council Vice-Chair was taken. Senate President Mitchell was elected to serve as Vice-Chair of the Legislative Council for the 124<sup>th</sup> Legislature by unanimous vote of the Legislative Council.

## **ADOPTION OF RULES OF PROCEDURE**

### **Proposed Rules of Procedure for Legislative Council Adoption**

Executive Director David Boulter briefly summarized the suggested Rules of Procedure for the Legislative Council that are modeled from past rules and procedures.

A discussion followed, and members suggested revising the proposed rules as follows:

Rule 6. Meeting Room and Location: Last sentence to be amended as follows: “The Legislative Council Chamber may not be used for press conferences or other media events; however, the Chair of the Legislative Council may authorize an exception when the Chair determines that such use is appropriate and not interfere with legislative activities.”

Rule 13. Circulation of Ballots: Amend the third through fifth sentences as follows: “Each member of the Legislative Council must be presented with the ballot and given the opportunity to vote on the ballot. Upon certification of the votes on a ballot, the executive director will report the results of the voting to the Chair of the Legislative Council. In addition, actions taken by Legislative Council ballot must be reported at the next or following regular meeting of the Legislative Council.”

Rule 14. Roll Call Votes: Amend by striking the words, “by a showing of hands” in the first sentence.

**Motion:** That the Legislative Council adopt the proposed Rules of Procedure for the Legislative Council as amended by the three noted changes. Motion by Senator Bartlett. Second by Senator Courtney. **Motion passed unanimous (8-0).** [Representative Tardy and Representative Curtis absent]

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

## **SUMMARY OF DECEMBER 2, 2008 MEETING OF LEGISLATIVE COUNCIL**

**Motion:** That the Meeting Summary of December 2, 2008 be accepted and placed on file. Motion by Senator Bartlett. Second by Senator Raye. **Motion passed unanimous (8-0).** [Representative Tardy and Representative Curtis absent]

## **REPORTS FROM EXECUTIVE DIRECTOR AND COUNCIL OFFICES**

### **Executive Director’s Report**

Executive Director David Boulter congratulated the members on their re-election and welcomed them as members of the 124<sup>th</sup> Legislative Council. Mr. Boulter reminded the Legislative Council that the nonpartisan offices are available for assistance at any time and encouraged them to feel comfortable calling upon nonpartisan staff as questions or needs arise.

### **Fiscal Report**

(No Report)

### **Information Technology Report**

(No Report)

### **Status of Legislative Studies**

(No Report)

## REPORTS FROM COUNCIL COMMITTEES

(No Reports)

## OLD BUSINESS

(No Old Business)

## NEW BUSINESS

### **ITEM #1: Summary of Legislative Council Authority and Duties**

The council packet included information about the responsibilities and authority of the Legislative Council for member's reference. No Legislative Council action was required.

### **ITEM #2: Establishment of Initial Salary of Constitutional Officer Attorney General**

Because the Secretary of State, State Treasurer and State Auditor have been re-elected to their positions, it is unnecessary for the Legislative Council to establish initial salaries for them. Step increases for them, however, require Legislative Council approval, and will be presented for Legislative Council decision at a later date.

The Attorney General was newly elected at the convening of the 124<sup>th</sup> Legislature, and pursuant to law, the Legislative Council must establish the initial salary for the Attorney General.

Pursuant to law, the salary for the Attorney General must be within Salary Grade 91, and assigned to at least Step E (step 5). The starting salary of the Attorney General requires the approval of the Legislative Council in accordance with the salary grade and step provided in 3MRSA §162-B (Grade 91, Step 5).

**Motion:** To approve the initial salary of the Attorney General at Grade 91 Step 5. Motion by Senator Marrache. Second by Senator Raye. **Motion passed unanimous (8-0).** [Representative Tardy and Representative Curtis absent]

### **ITEM #3: Policy on Processing Closely Related Legislator Bill Requests**

Revisor Margaret Matheson explained that in past sessions, the Legislative Council had established a policy whereby the Office of the Revisor of Statutes was directed to combine legislator bill requests for duplicate or closely related bills (Joint Rule 206). This provision of Joint Rule 206 has existed since the 118<sup>th</sup> Legislature. She noted that 568 legislator bill requests had been filed, and the cloture date is January 16, 2009. Drafting of bills is ongoing, so some bills may be drafted and not combined with other duplicate or closely related bills because they will have been finalized before the similar bills are filed. Ms. Matheson presented two options for Legislative Council consideration:

1. Adopt a policy on processing closely related bill requests by Legislators, similar to the policy used for the 123<sup>rd</sup> Legislature, including:
  - combining similar requests into a single measure
  - identifying the bill sponsor who first filed complete request as the primary sponsor
  - providing later filers of similar bill requests with the opportunity to sign onto the measure as mandatory co-sponsors; the primary sponsor would be allowed to obtain the full complement of co-sponsors authorized by Joint Rule 206.
  - allowing a later filer to have his or her request fully drafted if the filer demonstrates convincingly to the Revisor that the request is in fact not a duplicate or closely related measure; or
2. Not adopted a duplicate bill policy for 124<sup>th</sup> Legislature, and instead simply draft and process bill requests without regard to other duplicate or closely related bill requests.

The Legislative Council generally agreed that option #2 would result in inefficiencies in drafting bills and committee work.

Several Legislative Council members noted that many years ago, sponsors of legislation could seek “Leave to Withdraw” legislation that they no longer wished to pursue. That option no longer exists; however, members can ask committees to vote “ought not to pass” on proposed legislation that is no longer needed (this may be done before a public hearing is scheduled or held).

**Motion:** To adopt the closely related bill processing policy as outlined by the Revisor’s memorandum. Motion by Senator Bartlett. Second by Senator Marrache. **Motion passed unanimous (7-0).** [Senator Courtney, Representative Tardy and Representative Curtis absent]

**ITEM #4: Request by Maine Indian Tribal-State Commission for Orientation Program for 124<sup>th</sup> Legislature to Address Tribal-State Relations**

By letter dated November 21, 2008, *The Maine Indian Tribal-State Commission* requested that the Legislative Council authorize an orientation program for the 124<sup>th</sup> Legislature to address tribal-state relations for incoming Legislators.

Legislative Council members generally agreed that the request should be placed on the agenda for the next Legislative Council meeting, and in the meantime the members will review the request. No vote was taken.

**ITEM #5: Final Report of the Criminal Justice & Public Safety Committee Study of Sex Offender Registration Laws**

**Motion:** To accept the *Final Report of the Criminal Justice & Public Safety Committee Study of Sex Offender Registration Laws* and place it on file. Motion by Senator Bartlett. Second by Representative Berry. **Motion passed unanimous (7-0).** [Senator Courtney, Representative Tardy and Representative Curtis absent]

**ITEM #6: Final Report of the Commission to Study the Protection of Farms and Farmland**

**Motion:** To accept the *Final Report of the Commission to Study the Protection of Farms and Farmland* and place it on file. Motion by Senator Bartlett. Second by President Mitchell. **Motion passed unanimous (7-0).** [Senator Courtney, Representative Tardy and Representative Curtis absent]

**ITEM #7: Legislative Council Decision that Maine Host the 2010 CSG/ERC Annual Meeting in Portland**

Executive Director Boulter explained that the Legislative Council of the 123<sup>rd</sup> Legislature voted to accept the invitation of the Council of State Governments, Eastern Regional Council to hold the annual meeting of CSG-ERG in Portland, Maine in 2010. Hosting the annual meeting carries a large number of responsibilities and activities, requiring about 18 months of advanced planning, including hosting a dinner at the 2009 annual meeting in Vermont. In addition to logistics and activity planning, substantial fund-raising is required. CSG has established a protocol for segregating and accounting for funds raised. The last Legislative Council agreed to form a planning subcommittee and hire an event planner/coordinator to assist the Legislative Council and staff in organizing the event.

Senator Bartlett and Representative Nancy Smith were elected last summer as Vice-chairs of CSG-ERC by CSG membership.

The Legislative Council agreed to establish a subcommittee. Legislative Council Chair Pingree invited interested Legislative Council members to speak with her about serving on the subcommittee, and thanked Senator Bartlett for agreeing to chair the subcommittee.

**ANNOUNCEMENTS AND REMARKS**

**ADJOURNMENT**

Motion to adjourn by Representative Piotti. Second by President Mitchell. **Motion passed unanimous (8-0).** [Representative Tardy and Representative Curtis absent]

The Legislative Council meeting was adjourned at 4:33 P.M.