

MAINE STATE LEGISLATURE

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REP. MARK W. EVES
CHAIR

SEN. JUSTIN L. ALFOND
VICE-CHAIR

EXECUTIVE DIRECTOR
DAVID E. BOULTER



SEN. SETH A. GOODALL
SEN. MICHAEL D. THIBODEAU
SEN. TROY D. JACKSON
SEN. ROGER J. KATZ
REP. SETH A. BERRY
REP. KENNETH W. FREDETTE
REP. JEFFREY M. MCCABE
REP. ALEXANDER R. WILLETTE

126TH MAINE STATE LEGISLATURE

LEGISLATIVE COUNCIL

**LEGISLATIVE COUNCIL
MEETING SUMMARY
December 6, 2012**

CALL TO ORDER

Senate President Alfond called the December 6, 2012 organizational meeting of the Legislative Council to order at 3:32 p.m. in the Legislative Council Chamber.

ROLL CALL

Senators: President Alfond, Senator Goodall, Senator Jackson, Senator Thibodeau and Senator Katz

Representatives: Speaker Eves, Representative Berry, Representative McCabe, Representative Fredette and Representative Willette

Legislative Officers: David E. Boulter, Executive Director of the Legislative Council
Dawna Lopatosky, Legislative Finance Director
Debra Olken, Human Resources Director
Marion Hylan Barr, Director, Office of Policy and Legal Analysis
Grant Pennoyer, Director, Office of Fiscal and Program Review
Suzanne Gresser, Revisor of Statutes
John Barden, Director, Law and Legislative Reference Library
Scott Clark, Director, Legislative Information Technology

Senate President Alfond convened the meeting at 3:32 p.m. with a quorum of members present.

Senate President Alfond, declaring that a quorum was present and pursuant to the Rules of Procedure adopted by the 125th Legislative Council and the Joint Rules adopted by the 126th Maine Legislature, called the first meeting of the 126th Legislative Council for the purpose of electing a Chair and a Vice-chair of the Legislative Council, 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, pursuant to

these Rules, the Chair for this new Legislative Council should be a Legislative Council member who serves in the House of Representatives.

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 126th Legislative Council should be a member who serves in the Maine Senate.

President Alfond stated that unless there was objection, the Legislative Council would continue its 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 Alfond opened the floor for nominations for Chair of the Legislative Council.

Nomination: That House Speaker Mark Eves of North Berwick serve as Chair of the Legislative Council for the 126th Legislature. (Nominated by Representative Berry, seconded by Senator Goodall).

Senate President Alfond asked if there were further nominations. Hearing none, President Alfond closed the nominations. The vote for Legislative Council Chair was taken. House Speaker Eves was elected to serve as Chair of the Legislative Council for the 126th Legislature. Unanimous (10-0).

House Speaker Eves then presided for the remainder of the meeting. Speaker Eves proceeded to open the floor for nominations for Vice-chair of the Legislative Council.

Nomination: That Senate President Alfond of Portland serve as Vice-chair of the Legislative Council for the 126th Legislature. (Nominated by Senator Goodall, seconded by Representative Berry).

Legislative Council Chair Eves asked if there were further nominations. Hearing none, Chair Eves closed the nominations. The vote for Legislative Council Vice-chair was taken. President Alfond was elected to serve as Vice-chair of the Legislative Council for the 126th Legislature. Unanimous (10-0).

ADOPTION OF RULES OF PROCEDURE

Proposed Rules of Procedure for Legislative Council Adoption

Executive Director David Boulter briefly explained each provision of the suggested *Rules of Procedure* for the Legislative Council of the 126th Legislature, which is based on the rules for the Legislative Council of the 125th Legislature.

Legislative Council Members briefly discussed various provisions of the proposed rules.

President Alfond then made a motion (see motion below), seconded by Senator Goodall. A discussion followed on the proposed revision noted in the motion and described below:

Rule 6. Meeting Room and Location: The official meeting location of the Legislative Council is the Legislative Council Chamber, Room 334, in the State House, and the chair shall convene all meetings there unless an alternative location is specified in the call of the

meeting. The ~~Office of the Executive Director~~ Chair is responsible for use and scheduling of activities of the Legislative Council Chamber. Meetings of the Legislative Council or its committees take precedence over all other functions in the Legislative Council Chamber.

The Legislative Council Chamber may not be used for press conferences or other media events; however, the chair of the Legislative Council or the Executive Director, if delegated by the chair, may authorize an exception when the chair determines that such use is appropriate and will not interfere with legislative activities.

A Legislative Council member asked the reason why the change in room scheduling coordinator was proposed. President Alfond responded by saying this provision was changed in the rules for the 125th Legislature and this change would return it to the way it was prior to the 125th Legislature.

Several Legislative Council members noted that the Legislative Council Chamber has typically been used as the caucus room for the minority party and they felt that scheduling of that room should remain with the Executive Director's office, a nonpartisan office, and there is no compelling reason to transfer the scheduling function to the Speaker's office. Legislative Council Chair Eves stated that the preference is for the chair to schedule the room as was done in the past.

Several members felt that the change would be a symbolic one, representing a change for the minority party, and keeping the room scheduling functions with the Executive Director's office would be symbolic in working together over the next 2 years.

Legislative Council Chair Eves stated that he has no interest in controlling the Legislative Council Chamber in a way that would not allow for any party or group to use it as intended, and he gave his commitment that the room would be made available to the minority party. He noted that members have their own views and come from different perspectives. He then called for a vote on the motion.

Motion: That the Legislative Council adopt the proposed Rules of Procedure for the Legislative Council of the 126th Legislature, as amended by the noted change to Rule 6. Motion by President Alfond. Second by Senator Goodall. **Motion passed (6-4, with Senator Thibodeau, Senator Katz, Representative Fredette & Representative Willette opposed).**

[Note: A copy of the Rules of Procedure as adopted by the Legislative Council is attached.]

SUMMARY OF NOVEMBER 15, 2012 MEETING OF LEGISLATIVE COUNCIL

Motion: That the Meeting Summary of November 15, 2012 be accepted and placed on file. Motion by President Alfond. Second by Senator Goodall. **Motion passed (8-0-0-2, with Representatives Fredette and Willette absent).**

OLD BUSINESS

None

NEW BUSINESS**Item #1: Summary of Legislative Council Authority and Duties**

Mr. Boulter gave an overview of the authority and duties of the Legislative Council as set forth in Maine law. No action by the Legislative Council was required.

Item #2: Establishment of Initial Salaries for Constitutional Officers and the State Auditor

One of the initial decisions required of the Legislative Council once a new Legislature is convened is the assignment of the initial salary for newly elected Constitutional Officers and a newly elected State Auditor. State law prescribes the salary grade and the initial salary step for each official. All of the Constitutional Officers and the State Auditor were newly elected at the convening of the 126th Legislature, and as such, the Legislative Council must establish their initial salaries.

See motion under New Business Item #3.

Item #3: Establishment of Initial Salaries for Clerk of the House and Secretary of the Senate

Another initial decision required of the Legislative Council once a new Legislature is convened is establishing the initial salary for a newly elected Secretary of the Senate and a newly elected Clerk of the House. State law also prescribes the salary grade and the initial salary options for each of the Legislative officials. Both the Secretary of the Senate and the Clerk of the House were newly elected at the convening of the 126th Legislature, and as such, the Legislative Council must establish their initial salaries.

Motion: That the Legislative Council table New Business Items #2 and #3 to the next meeting of the Legislative Council. Motion by Senator Alford. Second by Representative Berry. **Motion passed unanimously (10-0).**

Item #4: Legislative Council Policy on Processing Closely-Related Legislator Bill Requests

Revisor Suzanne Gresser explained that in past sessions, the Legislative Council has 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 118th Legislature.

Joint Rule 206, Section 2 provides that:

For duplicate or closely related bills or resolves, the Legislative Council may establish a policy for combination of requests and the number of cosponsors permitted on combined requests.

Before the above language was adopted by the 118th and subsequent legislatures, every bill was simply processed and printed without regard to whether it was closely related to another. Since the advent of the rule, however, each Legislative Council has used its authority to direct that the Revisor's Office in some manner combine closely related bills in order to facilitate the efficient processing of bills.

When the 124th Legislature adopted a cloture deadline of mid-January, the process was modified slightly in order to allow the printing of some bills in advance of the later cloture deadline. The Legislative Council of the 124th Legislature directed the Revisor's Office to make reasonable efforts to identify duplicate bills as the office processed them before cloture and to notify sponsors as in the past, setting up primary and "mandatory" cosponsors. The Council recognized that by printing bills prior to cloture, a number of potential duplicates would not be identified and combined; however, the Council did not want to suspend the printing of bills until after the cloture date because it would not further the Legislature's goal of expeditious processing and printing of bills.

Because the cloture deadline of the 126th Legislature is January 18, 2013, in order to facilitate the expeditious processing of bills in the same manner as was done in the first regular sessions of the 124th and 125th legislatures, Ms. Gresser recommended that the Legislative Council adopt the process that was established by the 124th and 125th legislatures.

Motion: That the Legislative Council adopt the Policy on Processing of Closely-Related Legislator Bill Requests recommended by the Revisor for the 126th Legislature. Motion by Senator Alford. Second by Representative Berry. **Motion passed unanimously (10-0).**

Item #5: Submission of Tobacco Prevention and Control Advisory Council's Annual Report 2012

The Tobacco Prevention and Control Advisory Council submitted its Annual Report 2012 to the Legislative Council for acceptance.

Motion: That the Legislative Council accept the Annual Report 2012 from the Tobacco Prevention and Control Advisory Council and place it on file. Motion by Senator Alford. Second by Representative McCabe. **Motion passed unanimously (10-0).**

ANNOUNCEMENTS AND REMARKS

Legislative Council Chair Eves asked for clarification of the cloture date for filing legislator bill requests for the 1st regular session. Ms. Gresser explained that when the Legislature adopted the Joint Rules of the 126th Legislature on December 5, 2012, it established January 18, 2013 as the cloture date for legislators, codified in Joint Rule 202, and no further action is required. Speaker Eves advised Legislative Council members to make note of the deadline.

Legislative Council Chair Eves advised the members that a second Legislative Council meeting in December will be scheduled soon.

With no other business to consider or further announcements, the Legislative Council meeting was adjourned at 4:23 p.m.