

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
LEGISLATIVE RESEARCH COMMITTEE

SUMMARY REPORT  
TO THE  
ONE HUNDRED AND SIXTH LEGISLATURE

VOLUME ONE

JANUARY, 1973



STATE OF MAINE

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Vice-Chairman

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C O N T E N T S

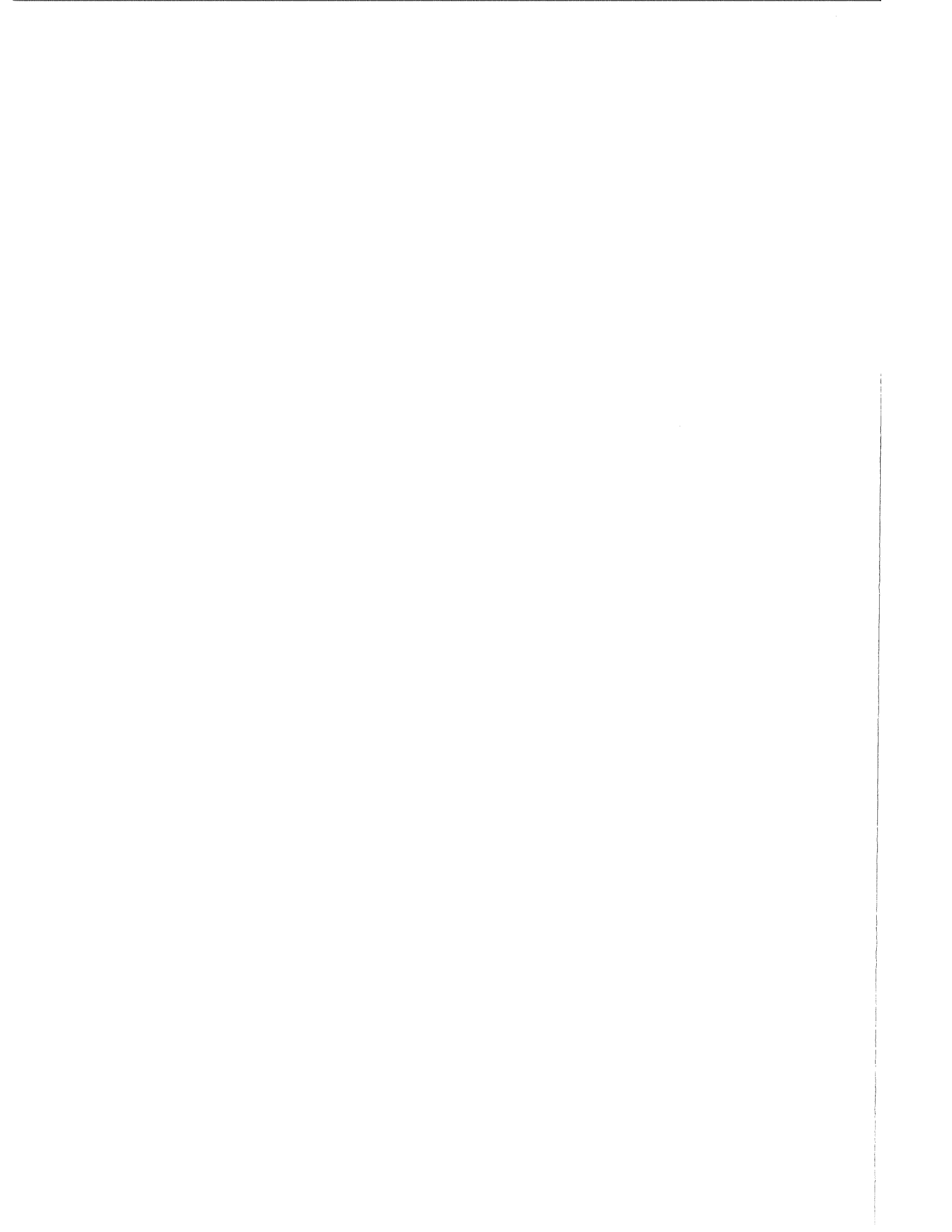
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STATE OF MAINE  
LEGISLATIVE RESEARCH COMMITTEE  
STATE HOUSE  
AUGUSTA, MAINE 04330

January 3, 1973

To the Members of the 106th Legislature:

The Legislative Research Committee hereby has the pleasure of submitting to you its report on activities for the past two years. This summary, designated as Volume I, deals with both assigned and unassigned studies and contains the findings and recommendations pursuant thereto.

The Committee was unfortunate in the loss of its original vice-chairman, the late Representative John E. Gill of South Portland. In his death on July 23, 1972, the State of Maine lost an able public servant. We of the Committee gratefully acknowledge our indebtedness to his ability and his contribution to the work of the Committee.

The Committee also wishes to acknowledge with appreciation the countless public and private individuals, organizations and agencies without whose assistance and cooperation the Committee would not have reached its conclusions.

The members of the Committee appreciate having been chosen to participate in this work and sincerely hope the results of many hours of work and devoted study transmitted here will prove beneficial to the members of the Legislature and ultimately to the citizens of the State of Maine.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "J. Sewall".

JOSEPH SEWALL, Chairman  
Legislative Research Committee



STATE OF MAINE  
LEGISLATIVE RESEARCH COMMITTEE

REPORT ON  
LEGISLATIVE RULES AND PROCEDURES  
AND  
CONVENING OF THE LEGISLATURE  
  
to the  
ONE HUNDRED AND SIXTH LEGISLATURE

JANUARY, 1973  
Legislative Research Committee  
Publication 106-4



SUBCOMMITTEE ON LEGISLATIVE RULES AND PROCEDURES  
AND  
CONVENING OF THE LEGISLATURE

CHAIRMAN - David J. Kennedy  
VICE CHAIRMAN - Kenneth P. MacLeod  
Richard N. Berry  
Gerard P. Conley  
John L. Martin

LEGISLATIVE RULES AND PROCEDURES

WHEREAS, the emerging needs of Maine's citizens require increasingly complex decisions by the Legislature; and

WHEREAS, the health, safety and welfare of Maine people can best be served by a Legislature whose structure and operations permit the best possible informed responses to these needs; and

WHEREAS, the ever-increasing burden of taxation on our citizens makes it essential that improved methods of budgeting and evaluation of programs be considered which can best guarantee the most prudent use of our tax dollars; and

WHEREAS, Maine citizens have every right to expect that the output of the Legislature be characterized by quality legislation and effective oversight of authorized programs; and

WHEREAS, the Legislative Research Committee has the duty of assisting the Legislature concerning such legislative problems under the provisions of the Revised Statutes, Title 3, section 163, subsection 4; now, therefore, be it

ORDERED, the House concurring, that the Legislative Research Committee shall be charged with reviewing and evaluating present legislative structure, staff, compensation, rules and procedures and with developing recommendations for changes and improvements in the functioning of the Legislature, including but not limited to:

1. Greater emphasis on pre-filing of bills.
2. Reevaluation of rules regarding introduction of bills.
3. Procedures for reference of bills.
4. Use of public hearings on every bill.
5. Present procedures of floor debates.
6. Committee procedures and staffing.
7. The role of the Legislature in continuing program evaluation.

The committee shall report its findings and recommendations to the next special or regular session of the Legislature.

SP 626	In Senate Chamber	House of Representatives
Katz	Read and Passed	Read and Passed
Kennebec	June 4, 1971	June 8, 1971
	Sent down for concurrence	In concurrence

## CONVENING THE LEGISLATURE

ORDERED, the House concurring, that the Legislative Research Committee is authorized and directed to study the various methods by which the Legislature may exercise its constitutional authority pursuant to Article IV, Part Third, Section 1 of the Constitution of Maine to convene upon the call of the President of the Senate and Speaker of the House, with the consent of a majority of the Members of the Legislature of each political party, all Members of the Legislature having first been polled; and be it further

ORDERED, that the Office of Attorney General be directed to provide such technical advice and assistance as the Committee deems necessary to carry out the purposes of this Order; and be it further

ORDERED, that the Committee report the results of its study together with any recommended legislation to the 106th Legislature; and be it further

ORDERED, that a copy of this Order be transmitted forthwith upon joint passage to the Attorney General's Office as notice of this assignment.

SP 670	In Senate Chamber	House of Representatives
Berry	Read and Passed	Read and Passed
Cumberland	June 21, 1971	June 22, 1971
	Sent down for concurrence	In concurrence



LEGISLATIVE RULES AND PROCEDURES  
and  
CONVENING OF THE LEGISLATURE

This study involves two separate topics which have been combined because of their relationship and ease of handling.

First, in regard to the Legislative Rules and Procedures, the Legislative Research Committee was charged by joint order of the 105th Legislature, Senate Paper 626 with a review and evaluation of present legislative structure, staff, compensation, rules and procedures for the purpose of developing recommendations for change and improvement in the functioning of the Legislature. Later, at the first special legislative session, a special joint interim committee received similar authorization under House Paper 1600 to study and evaluate the Maine Legislature utilizing the research staff and services of Eagleton Institute of Politics of Rutgers University.

LEGISLATIVE STRUCTURE, STAFF AND COMPENSATION

In view of this development and the expectation in the near future of sound recommendations respecting legislative structure, staff and compensation as a result of the coexisting study, such areas have been purposely omitted from this report with the following exception:

PROFESSIONAL CONTRACTURAL EMPLOYEES

During the regular legislative session funds were provided in the amount of \$60,000 to the Legislature under chapter 117 of the Private and Special Laws of 1971 for future employment of

professional contractual employees for the following 5 joint standing committees of the Legislature:

Education  
Natural Resources  
State Government  
Judiciary and  
Legal Affairs

After reviewing this legislation the Committee came to the conclusion that the language was restrictive in limiting such staff assistance to the above committees. The Committee therefore recommended revision of the law to include all of the joint standing committees of the Legislature, thereby giving greater flexibility in designating use of the funds. A Committee bill was prepared and passed under chapter 178 of the Private and Special Laws of 1971 to carry out this objective.

#### CONSENT CALENDAR

One of the techniques which the Committee considered to minimize necessary routine procedures of the Legislature, was to speed up consideration of noncontroversial legislation by use of a consent calendar.

The Council of State Governments has long advocated the process: "A consent calendar is similar in intent to an electric roll call in that it saves time where a regular procedure is concerned. All legislative bodies are faced with the necessity of passing judgment upon many pieces of legislation, most of which are noncontroversial. These are, in many cases, inescapable but at the same instance they are very time consuming. Legislative bodies in at least eleven states have adopted a device commonly referred to as a "consent calendar" or an "uncontested bills calendar" which enables them to dispose of

these routine matters in a relatively short period of time; six states use the procedure in both houses. California has used this procedure for some years without serious problem; Illinois, Missouri and Virginia are other states which have used this procedure successfully. The procedure varies, but essentially it is to list on such a calendar, several days in advance of consideration, the bills that will be acted upon. If a member objects to having a bill listed on the so-called consent calendar, it is removed and placed on the regular calendar. When the consent calendar is brought before the house after adequate notice, one approach is to have only one vote taken on all the bills listed, but for the journal to reflect that roll call was taken on each bill listed."

Following study and review of this proposal the Committee finds merit in adopting consent calendar procedures under the joint rules. The Committee therefore, submits an appropriate rule for your consideration and recommends its early adoption:

ORDERED, the Senate concurring, that the Joint Rules be amended by adding 3 new Joint Rules to read as follows:

28. Uncontested bills or resolves. Each standing committee may report an uncontested bill or resolve out of committee with the recommendation that it be placed on the consent calendar. The Secretary of the Senate and the Clerk of the House shall provide to each committee chairman appropriate forms for such report. As used in this rule, "uncontested bill or resolve" means any bill or resolve,

except a revenue measure, which: (a) receives an ought to pass recommendation from the committee to which it is referred, by unanimous vote of the members present provided a quorum exists; and (b) has no opposition expressed by any member present at the committee meeting with respect to the bill or resolve.

29. Consent calendar. Following their second reading, all bills and resolves certified by the committee chairman as uncontested bills or resolves shall be placed by the Secretary of the Senate or the Clerk of the House on the consent calendar, and shall be known as "consent calendar bills or resolves." Any consent calendar bill or resolve which is amended from the floor shall cease to be a consent calendar bill or resolve and shall be replaced on the second reading file. Upon objection of any member to the placement or retention of any bill or resolve on the consent calendar, such bill or resolve shall cease to be a consent calendar bill or resolve and shall be removed for second reading file. No consent calendar bill or resolve shall be considered for engrossment until the second legislative day following the day of its placement on the consent calendar.

30. Consideration of bills and resolves on consent calendar. Bills or resolves on the consent calendar are not debatable, except that the President of the Senate or the Speaker of the House shall allow a reasonable time for questions from the floor and shall permit the proponents of such bills or resolves to answer such questions. The consent calendar

shall be considered as the last order of business for the day. Immediately prior to consideration of bills and resolves on the consent calendar, the President of the Senate or the Speaker of the House shall call to the attention of the members the fact that the next vote will be a single vote on passage of all bills and resolves on the consent calendar to be engrossed.

#### MEMORIALS, ORDERS AND RESOLUTIONS

Another technique considered by the Committee as a means of improving the legislative process was to minimize the proliferation of memorials, orders and congratulatory resolutions. After consultation with concerned members of the Legislature, the Committee reached a consensus that the sheer volume of such communications could be reduced substantially both in the time-consuming process of drafting and legislative consideration if prior approval were required by a majority of the Committee on Reference of Bills.

Accordingly, the Committee submits the following amendment to the Joint Rules with a recommendation that the Committee on Reference of Bills use the authority to discourage superfluous use of such documents:

ORDERED, the Senate concurring, that the Joint Rules be amended by amending Joint Rule 11 to read as follows:

11. Memorials, orders and resolutions. No memorial or order or resolution shall be in order for drafting or for introduction unless approved by a majority of the Committee on Reference of Bills.

### CONVENING OF THE LEGISLATURE

The second area designated for Committee study deals with the mechanics of the Legislature convening itself as directed under Joint Order, Senate Paper 670 of the 105th Legislature.

With the adoption of a constitutional amendment in 1970, providing for convening of the Legislature at such times as the Legislature deems necessary under Article IV, Part Third, Section 1 of the Constitution of Maine, concern arose over the use of legislative rule for prescribing the procedure as opposed to a statute as well as the actual mechanical procedure determined for use by the Legislature in exercising its constitutional authority.

Since the procedure for calling the Legislature into session is an internal affair of the Legislature and one which can be easily accomplished by rule, the Committee feels it is adequate and appropriate to continue the practice under the joint rules rather than by statute.

Therefore, the Committee recommends continuance of this procedure by Joint Rule No. 27 as amended to read as follows:

ORDERED, the Senate concurring, that the Joint Rules be amended by repealing Rule 27 and inserting in place thereof the following:

27. Special sessions. The President of the Senate and the Speaker of the House, during a recess of the Legislature, if they deem it necessary that the Legislature be convened in special session pursuant to Article IV, Part Third, Section

1 of the Constitution of Maine, shall first poll all members of the Legislature in order to determine whether their call should be issued.

1. Method of polling. In such event, acting jointly, they shall direct the executive officer of the Legislature to notify all members of the Legislature, by registered or certified mail, return receipt requested, with instructions to deliver to addressee only, that in their judgment it is necessary for the Legislature to convene, stating the necessity for such convention. The notice shall bear the facsimile signatures of the President of the Senate and the Speaker of the House, state the proposed date of convening, and shall require each member to respond in writing to the executive officer of the Legislature, giving his decision as to whether it is necessary for the Legislature to so convene. The Speaker of the House and the President of the Senate shall prepare a written ballot for this purpose in such form as they shall determine for the use of members of the Legislature. Notices shall be returned by each member within five days after their receipt. If any member shall not return his notice within the limited time, he shall be deemed to have consented to the necessity for the convention of the Legislature.

2. Decision of the members. If a majority of the members of the Legislature of both major political parties agree that it is necessary to convene the Legislature, the President of the Senate and the Speaker of the House, acting

jointly, shall issue their call for the convening of the  
Legislature, specifying the date of such convening and file  
it with the Secretary of State with a copy to the Secretary  
of the Senate and the Clerk of the House. The Secretary  
of the Senate and the Clerk of the House, at least ten  
days before the date specified in the call for the convention  
of the Legislature shall notify all members of their  
respective branches to assemble at the State House, in Augusta,  
at 10:00 in the forenoon on said date. When so assembled,  
the Legislature shall complete its organization as a special  
session and proceed to the consideration of matters properly  
before it.