

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 318

S. P. 147

In Senate, January 21, 1981

Referred to the Committee on State Government. Sent down for concurrence and ordered printed.

MAY M. ROSS, Secretary of the Senate

Presented by Senator O'Leary of Oxford.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

AN ACT to Abolish the Legislative Council and Reestablish the Legislative Research Committee.

Be it enacted by the People of the State of Maine, as follows:

Sec. 1. 3 MRSA § 161, as amended by PL 1979, c. 127, § 5, is repealed and the following enacted in its place:

§ 161. Legislative Research Committee

A Legislative Research Committee, as heretofore, established, shall consist of 7 Senators to be appointed by the President of the Senate from the majority and minority parties in the Senate, approximately in proportion to their respective membership in the Senate, and 10 Representatives to be appointed by the Speaker of the House of Representatives from the majority and minority parties in the House, approximately in proportion to their respective membership in the House, during each first regular session. The President of the Senate and the Speaker of the House of Representatives shall be members ex officio. The committee shall elect a chairman who shall serve as such at the pleasure of the committee.

The Legislative Research Committee shall exercise such powers and duties as may be delegated by law or by rule of the Legislature. Any action by the committee shall require the affirmative vote of a majority of the members.

The Legislative Research Committee shall meet at least once monthly when the

Legislature is not in session and at such other times as the membership or the chairman deem necessary.

Sec. 2. 3 MRSA § 162, first ¶, as repealed and replaced by PL 1973, c. 590, § 4, is amended to read:

The Legislative Council Research Committee shall have the authority:

Sec. 3. 3 MRSA § 162, sub-§ 4, last sentence, as repealed and replaced by PL 1973, c. 590, § 4, is amended to read:

Each witness, other than a state officer or employee, shall receive for his attendance the fees and mileage provided for witnesses in civil cases in courts of record, which shall be audited and paid upon the presentation of proper vouchers sworn to by such witness and approved by the chairman of the council committee;

Sec. 4. 3 MRSA § 162, sub-§ 14, as repealed and replaced by PL 1973, c. 590, § 4, is amended to read:

14. Committee procedures. To establish published rules of procedure for the conduct of the business of the council committee;

Sec. 5. 3 MRSA § 162, sub-§ 15, as repealed and replaced by PL 1973, c. 590, § 4, is amended to read:

15. Other duties and responsibilities. To perform such other duties and responsibilities as may be assigned to the council committee from time to time by the 2 Houses; and

Sec. 6. 3 MRSA § 163, sub-§ 1, last sentence, as repealed and replaced by PL 1973, c. 590, § 5, is amended to read:

A perpetual inventory of all legislative property shall be maintained under the supervision of the Legislative Council Research Committee and an accounting thereof shall be made to the Legislature upon its request;

Sec. 7. 3 MRSA § 163, sub-§ 3, as repealed and replaced by PL 1973, c. 590, § 5, is amended to read:

3. Vehicle for requests. To act as a vehicle through which the several agencies, departments and offices of the Legislature may report to the council committee their budget requests, personnel and supply requirements and to assist the council committee in the orderly disposition of these requests;

Sec. 8. 3 MRSA § 163, sub-§§ 4-7, as repealed and replaced by PL 1973, c. 590, § 5, are amended to read:

4. Policy implementation. To be responsible for implementing policy resulting from decisions of the council committee;

5. Reports. To prepare such reports as are required of the council committee and maintain minutes of the regular meetings of the council committee;

6. Staff assistants. To appoint staff assistants to the Legislature, with the consent of the ~~council~~ **committee** who shall be chosen without reference to party affiliations and solely on the basis of fitness to perform the duties to be assigned to them; and

7. Other duties. To undertake such other duties as are assigned by the ~~council~~ **committee**.

Sec. 9. 3 MRSA § 164, sub-§ 2, as amended by PL 1973, c. 788, § 4, is further amended to read:

2. Reports. Prepare reports setting forth the political, social and economic effects of legislation enacted, or proposed to be enacted, in this State or elsewhere, when so directed by the Legislative ~~Council~~ **Research Committee** or by either or both branches of the Legislature;

Sec. 10. 3 MRSA § 164, sub-§ 12, as last amended by PL 1979, c. 396, § 7, is further amended to read:

12. Assistants. The director shall appoint, with the approval of the Legislative ~~Council~~ **Research Committee**, an assistant director for a term of 7 years from the date of his appointment and until his successor has been appointed and qualified, and such technical assistants, and shall appoint such clerical assistants as may be necessary to carry out this chapter.

Sec. 11. 3 MRSA § 165, sub-§§ 1 and 2, as enacted by PL 1973, c. 590, § 8, are amended to read:

1. Collect information. To collect information concerning the government and general welfare of the State as related to assignments received from the ~~council~~ **committee**;

2. Information and reports provided. To assist the Legislature in the proper performance of its constitutional functions by providing its members with impartial and accurate information and reports concerning the legislative problems which are assigned by the Legislative ~~Council~~ **Research Committee** which information may be obtained by independent studies or by cooperation with and information from similar agencies in other states as to the practice of other states in dealing with similar problems;

Sec. 12. 3 MRSA § 166, first ¶, as enacted by PL 1973, c. 590, § 9, is amended to read:

The Legislative Administrative Director shall, under the control of the Legislative ~~Council~~ **Research Committee**, assign the staff assistants to assist the joint standing or select committees, to work as directed by the committee chairmen, and to **perform** such other legislative tasks as the Legislative ~~Council~~ **Research Committee** and the administrative director may deem appropriate.

Sec. 13. 3 MRSA § 167, sub-§ 4, as enacted by PL 1973, c. 590, § 10, is amended to read:

4. Reports. To report in such manner as shall be directed by the Legislative Council Research Committee as to any matters which may be of assistance to the committee or the Legislature in forming an independent judgment in the determination of any fiscal matters.

Sec. 14. 3 MRSA § 167, next to last ¶, first sentence, as last amended by PL 1979, c. 541, Part A, § 9, is further amended to read:

The Legislative Finance Officer shall appoint, with the approval of the Legislative Council Research Committee, an assistant legislative finance officer to assist the Legislative Finance Officer in carrying out his duties.

Sec. 15. 3 MRSA § 168, as last amended by PL 1977, c. 564, § 11-A, is further amended to read:

§ 168. Staff assistants to legislative leadership

The President of the Senate, the Majority and Minority Floor Leaders of the Senate, the Speaker of the House of Representatives, and the Majority and Minority Floor Leaders of the House of Representatives shall each have the authority to appoint, at his discretion, a personal staff assistant, or more than one assistant if their aggregate salary does not exceed that of the single personal staff assistant, when the Legislature is in session and at such other times, with the approval of the Legislative Council Research Committee, as he deems necessary. The Legislative Council Research Committee shall determine the salaries of said staff assistants.

Sec. 16. 3 MRSA § 169, sub-§ 1, as enacted by PL 1973, c. 590, § 12, is amended to read:

1. Factual information. Collect such factual information as may be directed by the Legislative Council Research Committee or by any member of the Legislature to the extent possible;

Sec. 17. 3 MRSA § 169, sub-§ 2, last sentence, as enacted by PL 1973, c. 590, § 12, is amended to read:

Such inquiry or complaint shall be investigated, processed and answered in accordance with procedures which may be established by the Legislative Council Research Committee;

Sec. 18. 3 MRSA § 169, sub-§ 4, as enacted by PL 1973, c. 590, § 12, is repealed.

Sec. 19. 3 MRSA § 169, as enacted by PL 1973, c. 590, § 12, is amended by adding at the end a new paragraph to read:

Additional duties may be assigned to the constituent service officer by the Legislative Research Committee. The constituent service officer may employ research associates and secretarial assistance, subject to the Legislative Research Committee, if necessary, to carry out this chapter.

Sec. 20. 3 MRSA § 174, last ¶, as amended by PL 1979, c. 396, § 8, is further amended to read:

The State Law Librarian shall appoint, with the approval of the Legislative Council Research Committee, a deputy law librarian for a term of 7 years from the date of his appointment and until his successor has been appointed and qualified, and employ such assistants as may be necessary to carry out this subchapter.

Sec. 21. Transition clause. The incumbent Legislative Administrative Director, Director of Legislative Research, Assistant Director of Legislative Research, Legislative Finance Officer, Assistant Legislative Finance Officer, Legislative Law Librarian and Assistant Legislative Law Librarian shall serve out the remaining portions of their terms under the Legislative Research Committee.

Sec. 22. Revision clause. Wherever the name "Legislative Council" appears in the Revised Statutes, it shall mean "Legislative Research Committee."

STATEMENT OF FACT

The purpose of this bill is to abolish the Legislative Council and reestablish the Legislative Research Committee.