

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 1282

H.P. 953 House of Representatives, April 15, 1987
Reference to the Committee on State and Local Government
suggested and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative McHENRY of Madawaska.

Cosponsored by Senator TUTTLE of York and Representative
CARROLL of Gray.

STATE OF MAINE

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

1 AN ACT to Broaden the Duties of the
2 Commission on Governmental Ethics, Election
3 Practices and Legislative Matters to include
4 Legislative Bill Review to
5 Review Bills Proposed to the Second
6 Regular Session of the Legislature.
7

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

10 Sec. 1. 1 MRSA §1002, as amended by PL 1983, c.
11 812, §1, is further amended to read:

12 §1002. Commission on Governmental Ethics, Election
13 Practices and Legislative Matters

14 1. Membership. The Commission on Governmental
15 Ethics and, Election Practices and Legislative

1 Matters, established by Title 5; section ~~12004~~, sub-
2 section-8 chapter 379, called the "commission," shall
3 consist of 7 members to be appointed as follows:

4 A. The President of the Senate and the floor
5 leaders of the 2 major parties in the Senate
6 shall each appoint one member, with the concu-
7 rence of 2/3 vote of the Senate. Each such member
8 shall be appointed in January of each even-
9 numbered year, and shall serve a term of 2 years
10 from the date of appointment or until his succes-
11 sor is appointed and qualified.

12 B. The Speaker of the House and the floor lead-
13 ers of the 2 major parties in the House of Repre-
14 sentatives shall each appoint one member, with
15 the concurrence of 2/3 vote of the House of Repre-
16 sentatives. Each such member shall be appointed
17 in January of each even-numbered year, and shall
18 serve a term of 2 years from the date of appoint-
19 ment or until his successor is appointed and
20 qualified.

21 C. The 6 members so appointed shall, by an af-
22 firmative vote of at least 5 members, elect a 7th
23 member, who shall act as chairman, and who shall
24 serve a term of 2 years, or until his successor
25 is appointed and qualified.

26 The appropriate appointing authority shall appoint
27 members to vacancies on the commission as they shall
28 occur or upon expiration of terms. Any vacancy shall
29 be filled for the unexpired portion of the term in
30 which such vacancy occurs.

31 2. Qualifications. The members of the commission
32 shall be persons of recognized judgment, probity and
33 objectivity. No person shall be appointed to this
34 commission who is a member of the Legislature or who
35 was a member of the previous Legislature, or who was
36 a declared candidate for an elective county, state or
37 federal office within 2 years prior to the appoint-
38 ment, or who now holds an elective county, state or
39 federal office.

40 3. Oath. Each member shall, within 10 days of
41 his appointment, take an oath of office to faithfully

1 discharge the duties of a commissioner in the form
2 prescribed by the Constitution. Such oath shall be
3 subscribed to by the commissioner taking it, certified by the officer before whom it is taken and immediately filed in the Office of the Secretary of State.

7 4. Expenses. The members of the commission shall
8 be compensated according to Title 5, chapter 379.

9 5. Employees. The commission may employ such assistance as may be necessary to carry out its duties.

11 Sec. 2. 1 MRS c. 25, sub-c. III is enacted to
12 read:

13 SUBCHAPTER III

14 LEGISLATIVE MATTERS

15 §1031. Review applications for proposed legislation

16 The commission shall review applications for the
17 admission of legislative bills, after-deadline legislative bill applications and appeals for proposed legislation required by the Constitution of Maine to be approved by the Legislature for admission to the 2nd Regular Session.

22 1. Review process. The commission shall meet on
23 the first Wednesday of November in each odd-numbered
24 year and thereafter as necessary to review applications for proposed legislation as described in this subchapter. The Revisor of Statutes shall provide the commission with a list of all legislative bills proposed for consideration by the 2nd regular session. The list shall not include the name of the sponsor of the bill. The list shall contain the following:

32 A. The title of the proposed bill;

33 B. A comprehensive and accurate description of
34 the bill sufficient to understand the purpose of
35 the bill and its contents;

36 C. An explanation of the necessity for the bill;
37 and

1 D. The reason or reasons that require legisla-
2 tive consideration of the bill immediately and
3 not during the first regular session of the fol-
4 lowing Legislature.

5 2. Recommend approval or disapproval of proposed
6 bills. Following a review of the information as re-
7 quired by subsection 1, the commission shall recom-
8 mend approval or disapproval of submission of the
9 proposed bills to the 2nd regular session.

10 A. The commission shall base its decision on the
11 provisions of the Constitution of Maine, Article
12 IV, Part Third, Section 1, as these provisions
13 relate to the business of the 2nd regular ses-
14 sion.

15 B. The commission may recommend for approval,
16 with conditions, a proposed bill to be submitted
17 to the 2nd regular session of the Legislature.
18 These conditions shall be recommended only to
19 make the proposed bill comply with the require-
20 ments of the Constitution of Maine, Article IV,
21 Part Third, Section 1.

22 C. Any proposed legislative bill that is not
23 recommended by the commission to be submitted to
24 the 2nd regular session shall not be submitted,
25 except as provided in section 1033.

26 §1032. Appeal of decision

27 1. Appeal to commission. Any legislative bill,
28 for which the commission recommends disapproval for
29 submission to the 2nd regular session of the Legisla-
30 ture, may be reviewed by the commission upon request
31 of the sponsor through the Revisor of Statutes. The
32 Revisor of Statutes shall not provide the name of the
33 sponsor of the proposed legislative bill and the
34 sponsor shall not attend the review session. The
35 sponsor, through the Revisor of Statutes, shall pro-
36 vide the commission with:

37 A. Written comments and arguments that respond
38 to the written reasons provided to the sponsor by
39 the commission for the initial rejection of the
40 proposed bill for submission to the 2nd regular
41 session; and

1 B. Any other materials and information deemed
2 necessary by the sponsor or the commission to re-
3 consider the decision denying acceptance of the
4 legislative bill for consideration by the Legis-
5 lature.

6 2. Appeal to Legislature. Any legislative bill,
7 not recommended for consideration by the Legislature
8 following appeal to the commission, may be appealed
9 to the Legislature. The appeal shall be made through
10 the Revisor of Statutes who shall forward the title
11 and brief description of the bill to the Clerk of the
12 House and the Secretary of the Senate. The Clerk of
13 the House and Secretary of the Senate shall provide
14 notice of the appeal to the members of their respec-
15 tive Houses.

16 A. All appeals shall be submitted to the Legis-
17 lature on the same day during the first week of
18 the 2nd regular session.

19 B. All after-deadline appeals shall be submitted
20 to the Legislature no earlier than 3 days follow-
21 ing notice to the sponsor by the Clerk of the
22 House and the Secretary of the Senate.

23 C. The appeal must be approved by a 2/3 vote of
24 the members of each House of the Legislature in
25 order for the bill to be submitted to the 2nd
26 regular session.

27 §1033. Confidentiality

28 The sponsor of a proposed legislative bill, the
29 Revisor of Statutes and any other person shall not
30 act in any way to provide the commission with any in-
31 formation that identifies the sponsor of any proposed
32 bill. It shall be deemed unethical for any Legisla-
33 tor, the Revisor of Statutes or any other person to
34 reveal the identity of the sponsor of any proposed
35 legislation or to try to influence the decision of
36 the commission in any way.

37 §1034. Assistance

38 The Revisor of Statutes shall provide the assist-
39 ance necessary for the commission to undertake its

1 tasks, including secretarial assistance, materials
2 and supplies and any other reasonable assistance.

3 §1035. Rules

4 The commission shall adopt rules and procedures
5 as may be necessary for the orderly and efficient im-
6 plementation of its duties. These rules and proce-
7 dures shall not be subject to the provisions of the
8 Maine Administrative Procedure Act, Title 5, chapter
9 375.

10 STATEMENT OF FACT

11 This bill amends the duties and responsibilities
12 of the Commission of Governmental Ethics and Election
13 Practices to include review of bills submitted to the
14 2nd regular session of the Legislature. The commis-
15 sion, established as the Commission of Governmental
16 Ethics, Election Practices and Legislative Matters
17 replaces the Legislative Council as the bill review-
18 ing committee for 2nd regular session bills.

19 According to this bill, the commission will rec-
20 ommend approval or disapproval. Any bills for which
21 the commission recommends disapproval may be appealed
22 to both houses of the Legislature for approval. A
23 2/3 vote of approval in each house is required to
24 submit a bill to the Legislature.

25 The names of the sponsors of legislation to be
26 submitted to the 2nd regular session shall be kept
27 confidential. The Revisor of Statutes will maintain
28 records of the bills and their sponsors. The Revisor
29 of Statutes may not divulge the name of the sponsor
30 of any proposed legislation.

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