

MAINE STATE LEGISLATURE

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am
R. 0105

L.D. 428

DATE: 4/26/05

(Filing No. H-194)

STATE AND LOCAL GOVERNMENT

Minority

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
122ND LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H.P. 313, L.D. 428, Bill, "An Act To Require a Nonpartisan Legislature"

Amend the bill by striking out the title and substituting the following:

'Resolve, Authorizing a Study on the Impact of a Nonpartisan Legislature'

Further amend the bill by striking out everything after the title and before the summary and inserting in its place the following:

'Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, this resolve creates the Commission for a Nonpartisan Legislature in order to identify the potential positive results of having a nonpartisan Legislature; and

Whereas, the study must be initiated before the 90-day period expires in order that the study may be completed and a report submitted in time for submission to the next legislative session; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

COMMITTEE AMENDMENT

2 **Sec. 1. Commission established. Resolved:** That the Commission
for a Nonpartisan Legislature, referred to in this resolve as
"the commission," is established; and be it further

4 **Sec. 2. Commission membership. Resolved:** That the commission
6 consists of 9 members appointed as follows:

8 1. Two members of the Senate, appointed by the President of
the Senate, each of whom serves on the Joint Standing Committee
10 on State and Local Government;

12 2. Three members of the House of Representatives,
appointed by the Speaker of the House, each of whom serves on the
14 Joint Standing Committee on State and Local Government;

16 3. A representative of Maine municipal governments who has
expertise in municipal governing practices, appointed by the
18 President of the Senate;

20 4. A representative of the Commission on Governmental
Ethics and Election Practices who has expertise in campaign
22 finance, appointed by the President of the Senate;

24 5. A representative of the Department of the Secretary of
State, Bureau of Corporations, Elections and Commissions who has
26 expertise in elections, appointed by the Speaker of the House; and

28 6. A representative of a minor political party or
unenrolled politician who has expertise in public service outside
30 of the 2 major political parties, appointed by the Speaker of the
House; and be it further

32 **Sec. 3. Chairs. Resolved:** That the first-named Senate member
34 is the Senate chair of the commission and the first-named House
of Representatives member is the House chair of the commission;
36 and be it further

38 **Sec. 4. Appointments; convening of commission. Resolved:** That
all appointments must be made no later than 30 days following the
40 effective date of this resolve. The appointing authorities shall
notify the Executive Director of the Legislative Council once all
42 appointments have been completed. Within 15 days after
appointment of all members, the chairs shall call and convene the
44 first meeting of the commission, which must be no later than June
30, 2005; and be it further

46 **Sec. 5. Duties. Resolved:** That the commission shall examine
48 the possibilities for developing a nonpartisan Legislature by
holding 4 public hearings and public work sessions; and be it
50 further

2 **Sec. 6. Staff assistance. Resolved:** That the Legislative Council
shall provide necessary staffing services to the commission; and
4 be it further

6 **Sec. 7. Compensation. Resolved:** That the legislative members
of the commission are entitled to receive the legislative per
8 diem, as defined in the Maine Revised Statutes, Title 3, section
2, and reimbursement for travel and other necessary expenses
10 related to their attendance at authorized meetings of the
commission. Public members not otherwise compensated by their
12 employers or other entities that they represent are entitled to
receive reimbursement of necessary expenses and, upon a
14 demonstration of financial hardship, a per diem equal to the
legislative per diem for their attendance at authorized meetings
16 of the commission; and be it further

18 **Sec. 8. Report. Resolved:** That, no later than October 30,
2005, the commission shall submit a report that includes its
20 findings and recommendations, including suggested legislation,
for presentation to the Second Regular Session of the 122nd
22 Legislature. The commission is authorized to introduce
legislation related to its report to the Second Regular Session
24 of the 122nd Legislature at the time of submission of its report;
and be it further

26 **Sec. 9. Extension. Resolved:** That, if the commission requires
28 a limited extension of time to complete its study and make its
report, it may apply to the Legislative Council, which may grant
30 an extension; and be it further

32 **Sec. 10. Commission budget. Resolved:** That the chairs of the
commission, with assistance from the commission staff, shall
34 administer the commission's budget. Within 10 days after its
first meeting, the commission shall present a work plan and
36 proposed budget to the Legislative Council for its approval. The
commission may not incur expenses that would result in the
38 commission's exceeding its approved budget. Upon request from
the commission, the Executive Director of the Legislative Council
40 shall promptly provide the commission chairs and staff with a
status report on the commission budget, expenditures incurred and
42 paid and available funds.

44 **Emergency clause.** In view of the emergency cited in the
preamble, this resolve takes effect when approved.
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SUMMARY

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This is the minority report of the committee. The amendment replaces the concept draft with a resolve establishing the Commission for a Nonpartisan Legislature to conduct a study on the impact of a nonpartisan Legislature.

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FISCAL NOTE REQUIRED
(See attached)

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122nd MAINE LEGISLATURE

LD 428

LR 1519(02)

An Act to Require a Nonpartisan Legislature

Fiscal Note for Bill as Amended by Committee Amendment "A"

Committee: State and Local Government

Fiscal Note Required: Yes

Minority Report

Fiscal Note

Current Costs - Legislative Study

Legislative Study

The projected costs to fund the general operating expenses of the Commission for a Nonpartisan Legislature are \$6,030 in fiscal year 2005-06. The Legislature's Part I budget includes \$30,000 in fiscal year 2005-06 and \$20,000 in fiscal year 2006-07 for legislative studies. Whether the amounts are sufficient to fund all studies will depend on the number of studies authorized by the Legislative Council and the Legislature.

Fiscal Detail and Notes

The additional costs associated with participating on the commission can be absorbed by the Maine Commission on Governmental Ethics and Election Practices and the Department of the Secretary of State.