

MAINE STATE LEGISLATURE

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M I N U T E S

LEGISLATIVE COUNCIL MEETING
Legislative Council Chamber

August 15, 1973

CALL TO ORDER

The meeting was called to order at 10:20 a.m. by Chairman Simpson.

ROLL CALL

SENATORS: Berry, Brennan, Danton, MacLeod, Sewall

REPRESENTATIVES: Birt, Hewes, Martin, McTeague, Simpson

COMMITTEE CHAIRMEN: None present.

ACTING LEGISLATIVE ADMINISTRATIVE DIRECTOR: William H. Garside

LEGISLATIVE STAFF: Mrs. Suzanne Havens

SECRETARY'S REPORT

MOTION

Sen. Sewall: That the minutes be accepted as distributed.

Seconded: Rep. Martin

Motion carried unanimously.

COMMUNICATIONS

No communications.

COMMITTEE REPORTS

1. Legislative Administrative Director:

Has reviewed use of telephone credit cards and notices have been sent out in this regard.

2. Legislative Staff:

See attached reports submitted by Mrs. Suzanne Havens.

MOTION

Rep. Martin: that Nancy Ross be assigned work with the Legislative Staff when possible and her workload on research be assigned to her by Jon Doyle.

Seconded: Sen. MacLeod

MOTION

Rep. Hewes: that main motion be amended that her first priority be with the Public Lands Committee

Seconded: Rep. Martin

Motion as amended carried unanimously.

MOTION

Sen. Danton: that the Committee on Veterans and Retirement be authorized to contract with Robert Towne as a consultant in their study at a cost not to exceed \$15,000.

Seconded: Sen. Berry

Discussion.

Motion carried unanimously.

At 12:05 p.m. the Council recessed for lunch. They reconvened at 2:00 p.m. All the morning members were present.

MOTION

Sen. Danton: that the Committee Reports be accepted as presented.

Seconded: Rep. Hewes

Motion carried unanimously.

OLD BUSINESS

1. TABLED ITEMS

MOTION

Sen. Berry: the subject matter of H.P. 1534 not be considered for study.

Seconded: Rep. Martin

Motion carried unanimously.

MOTION

Rep. Hewes: that his motion of August 1 concerning the subject matter of H.P. 1629 (Acupuncture) be withdrawn.

Seconded: Sen. Sewall

Motion carried unanimously.

MOTION

Sen. Danton: that the subject matter of H.P. 1629 be referred to the Health & Institutional Services Committee for study.

Seconded: Sen. Sewall

Discussion.

Motion carried unanimously.

MOTION

Sen. Brennan: that the subject matter of H.P. 1629 be tabled pending a report from the Attorney General's office concerning the legality of the practice of acupuncture in the State of Maine.

Seconded: Rep. Hewes

Motion carried unanimously.

MOTION

Rep. Martin: that the mailing of the final computer printout by U.of M. not be considered due to the distribution of the Maine Legislative Service.

Seconded: Rep. McTeague

Motion carried unanimously.

2. STUDY ORDERS

MOTION

Rep. Birt: that the subject matter of H.P. 657 be tabled until a later Council meeting.

Seconded : Rep. Martin

Motion carried unanimously.

MOTION

Sen. Berry: that the Council take no action on the subject matter of H.P. 1598

Seconded: Sen. Brennan

Motion carried unanimously.

MOTION

Rep. Martin: that the subject matter of H.P. 1601 not be considered by the Legislative Council for further study.

Seconded: Sen. Berry

Motion carried unanimously.

MOTION

Rep. Martin: that the subject matter of S.P. 689 be referred to the Education Committee

Seconded: Sen. Sewall

Discussion

MOTION

Rep. Martin: that he withdraw his motion to refer the subject matter of S.P. 689 to the Education Committee

Seconded: Sen. Berry

Motion carried unanimously.

MOTION

Rep. Martin: that the subject matter of S.P. 689 not be considered for further study by the Council.

Seconded: Sen. Berry

Motion carried unanimously.

MOTION

Sen. Berry: that we do not study the subject matter of H.P. 1637

Seconded: Rep. Martin

Discussion.

Motion carried unanimously.

MOTION

Rep. Birt: that the subject matter of H.P. 1638 be tabled until a later date.

Seconded: Sen. Berry

Motion carried unanimously.

MOTION

Rep. Birt: that the study be undertaken by the Appropriations Committee pertaining to the cost of L.D. 1994.

Seconded: Sen. Sewall

Discussion.

Motion carried unanimously.

MOTION

Sen. Berry: that the subject matter of S.P. 693 not be considered by the Legislative Council for further study.

Seconded: Rep. Martin

Motion carried unanimously.

MOTION

Sen. Brennan: that the subject matter of S.P. 696 not be considered for further study at this time.

Seconded: Sen. Berry

Motion carried unanimously.

MOTION

Sen. Berry: that the subject matter of H.P. 1643 not be considered for study.

Seconded: Sen. Danton

Motion carried unanimously.

3. Council Rules - see attached proposed rules submitted by Mrs. Suzanne Havens.

4. Joint Standing Committee Rules - see attached rules.
5. Modified Workweek for State Employees as proposed by Commissioner McGary:

Letter received from Nicholas Caraganis, Director of the State Personnel Department, in this regard was read by the Chairman and placed on file. No further action taken by the Council at this time.

NEW BUSINESS

MOTION

Sen. Berry: that Charlotte Carrie be paid \$75 salary for extra docket work.

Seconded: Sen. Danton

Motion carried unanimously.

MOTION

Sen. Berry: that we authorize the Chairman of the Council to send two staff people to the Eastern Regional Conference of Council of State Governments meeting at Bass River, Mass., September 11 - 14.

Seconded: Sen. Brennan

Motion carried unanimously.

ANNOUNCEMENTS AND REMARKS

1. Next meeting - August 29, 1973
- 2.

ADJOURNMENT

Meeting adjourned at 2:45 p.m.

RULES OF PROCEDURE FOR THE LEGISLATIVE COUNCIL

RULE 1. The Council shall select a chairman who shall preside at all meetings of the Council when present. The Council shall select a vice-chairman who shall act as chairman in the absence of the chairman. The vice-chairman shall not be a member of the same branch of the Legislature nor a member of the same political party as the chairman.

RULE 2. The Council shall conduct no business in the absence of a quorum, which shall consist of 6 members. Any affirmative action by the Council shall require the affirmative votes of not less than six members.

RULE 3. The regular monthly meeting of the Council shall convene on the third Wednesday of each month at 10:00 a.m. unless otherwise ordered by the chairman or vote of the Council.

RULE 4. The official meeting place of the Legislative Council shall be the Legislative Council Chamber, and all meetings shall be convened there unless a different place is specified in the call of the meeting.

RULE 5. The Chairman shall issue written calls for all regular and special meetings of the Council. The call shall give the date, time, place of the meeting and such other information as the chairman may direct.

- RULE 6. All meetings of the Council shall be public, except for executive sessions, and all final action shall be taken at a public meeting.
- RULE 7. Subcommittees of the Council shall be named by the chairman and shall consist of not less than three members. All subcommittees shall have representation from each political party.
- RULE 8. An accurate permanent public record of all meetings and proceedings of the Council shall be maintained.
- RULE 9. The regular order of business of the Council shall be:
- 1) Call to Order
 - 2) Roll Call
 - 3) Secretary's Report
 - 4) Communications
 - 5) Committee Reports
 - 6) Old Business
 - 7) New Business
 - 8) Announcements and Remarks
 - 9) Adjournment
- RULE 10. Official statements to the press or public on behalf of the Legislative Council shall be made only by the Chairman of the Council or persons authorized by the chairman .
- RULE 11. These rules, with the exception of Rule 2, may be altered or amended upon a two-thirds vote of the Council members present and voting but not less than six affirmative votes.

RULE 12. The proceedings of the Council shall be conducted in accordance with Robert's Rules of Order except as otherwise specified in the Council's own rules or by law.

JOINT STANDING COMMITTEE POLICY

The following is the policy which the Legislative Council has adopted in regard to the operation of Joint Standing Committees while the Legislature is not in session. The Council requests that this policy be followed closely by your committee.

By virtue of R.S., T. 3, § 162, the Legislative Council is given the authority, when the Legislature is not in session, "...to assign bills, resolves, and studies for consideration by the joint standing committees and joint select committees of the Legislature, to request reports, studies and legislation from said joint standing committees and to convene meetings of said joint standing committees and joint select committees and to exercise supervision over them."

I. No Joint Standing Committee or Joint Select Committee shall undertake any study or other work without the approval of the Legislative Council, nor shall any assigned study or other work be carried beyond the limit established by the Legislative Council in the original assignment, except with the approval of the Council.

II. In order to conduct committee business as expeditiously as possible, the following provisions should be observed:

A. Committee Chairmen should do any necessary advance planning for the work of the committee, including arrangements for staff assistance and assignment of preliminary research to staff, in order that the entire committee need not be involved until it is necessary.

- B. Arrangements for staffing and research should be made through Jon Doyle and/or Suzanne Havens. (Use incoming WATS line number 1-800-452-8795, ext. 2486)
- C. No outside financial obligations should be undertaken without the approval of the Council.
- D. Planning should be such that when the entire committee convenes in Augusta, a full work schedule can be followed. Chairmen should make every effort to see that full committee meetings are not scheduled until a study is at the stage where the committee members will be able to spend a full day or days of attendance in Augusta considering committee business.
- E. A written report of the activities of the committee, including the records of all actions taken and those in attendance, should be submitted to the Council at its monthly meeting on the 3rd Wednesday of each month. (Please send reports to the Legislative Council, c/o Legislative Research Office, State House, Augusta, Maine 04330)
- F. The committee clerk from the regular session should be used if possible. Time sheets for the clerks may be obtained from the Legislative Finance Office.
- G. Expense vouchers for committee members may be obtained from the Legislative Finance Office.
- H. The Council, as a matter of policy, encourages the recording of public hearings in order that a record may be maintained for future use. Arrangements for recording should be made with the

Legislative Finance Office. Transcripts of the hearings are not to be made. The tapes are to be used for backup use only.

I. If neither the Senate Chairman nor the House Chairman of a committee can be present at a committee meeting, the chairmanship shall alternate between the members from each house in order of their appointment to the committee.

J. Committee chairmen are authorized to appoint subcommittees as necessary. Both political parties must be represented on each subcommittee.

K. Arrangements for hearing rooms should be made with the Legislative Finance Office.

III. For your information, the following statutory provision is included:

R.S.,T. 3, § 165. Joint committees, authority

The Legislature may by rule establish such joint standing committees and joint select committees as it deems necessary. Such committees shall have the authority, both when the Legislature is in session and when it is not in session:

1. To collect information concerning the government and general welfare of the State as related to assignments received from the Council;
2. 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, 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;

3. A majority of the members of a committee shall constitute a quorum, and a majority thereof shall have the authority to act in any matter falling within the jurisdiction of the committee. A committee may hold either public or private hearings and may hold executive sessions, excluding all except members of the committee;

4. Each state department shall furnish to a committee such documents, material or information as may be requested by a committee;

5. A committee shall keep minutes of matters considered and votes taken at its meetings and shall make reports to the Legislature on all matters which come before the committee, the actions taken thereon, and the progress made in relation thereto;

6. Reports of a committee may be made from time to time to members of the Legislature and to the public;

7. When the duties assigned to a committee so require, the Legislature may grant to it the power to administer oaths, issue subpoena, accounts, documents and testimony, and to cause the deposition of witnesses, whether within or without the State, to be taken in the manner prescribed by law for taking depositions in civil actions in the Superior Court. In case of disobedience on

the part of any person to comply with any subpoena issued in behalf of a committee, or on the refusal of any witness to testify to any matters regarding which he may be lawfully interrogated, it shall be the duty of the Superior Court of any county, on application of a member of a committee, to compel obedience by proceedings for contempt, as in the case of disobedience of the requirements of a subpoena issued from such court or a refusal to testify therein. Each witness, other than a state officer or employee, who appears before a committee by its order or subpoena 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 witnesses and approved by the chairman of the committee.

8. Members of a committee that meet when the Legislature is not in session shall be paid \$25 for every day's attendance on days when committee meetings are held and shall be reimbursed for their actual expenses with the exception of mileage which shall be paid at the same rate received by state employees.