

MAINE STATE LEGISLATURE

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LEGISLATIVE COUNCIL MEETING
Legislative Council Chamber

December 27, 1976

CALL TO ORDER

The meeting was called to order by the chairman, Sen. Jerrold Speers at 10:45 a.m.

ROLL CALL

Senators: Conley, Danton, Sewall, Speers

Representatives: Martin, Najarian, Palmer, Rolde

Staff: William Garside, Legislative Administrative Director
Ronald Lord, Legislative Finance Officer
David Silsby, Director, Legislative Research
Edith Hary, Law Librarian
Helen Ginder, Coordinator, Legislative Staff Assistants

Guests: Stephen Lakis, State Legislative Leaders Foundation
Roger Snow, Chairman, Temporary Compensation Review Board
Sen. David Huber, Rep. William Garsoe, Rep. Rodney Quinn
Rep. James Tierney, Rep. Lawrence Greenlaw

SECRETARY'S REPORT

MOTION

Sen. Conley: That the secretary's report be accepted as presented.

Motion duly seconded and carried unanimously.

STAFF REPORTS

William Garside, Legislative Administrative Director advised the Council that communication from the Clerk of the House indicated that service fees for document services for the first regular session of the 108th Legislature will be 10% greater than for the 107th Legislature.

MOTION

Rep. Martin: That the proposed schedule of document services fees as presented to the Council be approved.

Motion duly seconded and carried unanimously.

STAFF REPORTS

Legislative Admin. Director (cont'd)

The Legislative Administrative Director then recommended to the Council that the number of times an advertisement or legislative notice appears in the 8 daily newspapers be reduced from the several times that they appear to only one time for each notice. This would result in a savings of from \$40 to \$50 thousand dollars.

MOTION

Rep. Rolde: That the legislative notices be published once at some point prior to hearings, rather than follow the practice of publishing several times in each of the daily newspapers.

Discussion.

Motion seconded and carried unanimously.

The Council was then advised that the Ford Foundation grant for the state tax valuation study had been received that morning.

The final item of Mr. Garside's presentation concerned a request for salary increase for secretary, Rosa Prime.

MOTION

Rep. Rolde: That the request for salary increase for Rosa Prime to \$173.40 be granted effective retroactive to December 20, 1976.

Motion duly seconded and carried unanimously.

Ronald Lord, Legislative Finance Officer, presented copies of the status of General Fund to members and also reported that progress was being made concerning budget computer printouts.

Edith Hary, Law Librarian, stated that preparation was under way for distribution of copies of the Unannotated Revised Statutes (green sets) for each legislator. This will be the last time the green sets will be distributed in this manner.

David Silsby, Director, Legislative Research reported progress in preparing legislation for the upcoming session. He then advised the Council that the Joint Rules had been recodified to reflect the changes due to annual sessions and asked if in drafting amendments to the rules the amendments should be made to the recodified rules. He received an affirmative reply.

STAFF REPORTS

Director, Legislative Research (cont'd)

Another matter considered by the Council was Mr. Silsby's suggestion that the Errors and Inconsistencies be presented in two separate bills this session. This would allow the Judiciary Committee to consider conflict errors of the past sessions at the beginning of the session. The Title and Section program will reflect conflicts which are certain to appear as a result of newly enacted legislation. These new conflicts could be resolved by an additional Errors Bill at the end of the session.

MOTION

Rep. Martin: That the Errors and Inconsistencies be presented in two separate bills this session.

Discussion.

Motion duly seconded and carried unanimously.

Mr. Silsby advised members that he is working with the Clerk of the House and Secretary of the Senate in preparing more adaptable forms for expression of legislative sentiment.

Discussion concerning staffing of the Judiciary Committee was postponed until the Council can talk with the chairman of that committee to decide whether staffing should be done by the Legislative Staff Assistants Office or the Legislative Research Office.

COMMUNICATIONS

After review and discussion of communications it was voted to place them on file.

OLD BUSINESS - No old business.

NEW BUSINESS

Rep. Roger Snow, chairman of the Temporary Compensation Review Board reported that the Board had held hearings on 706 classified positions. Sixty-six percent resulted in upgrading, 12 were graded downward and 22% remained unchanged. Hearings on unclassified positions will be completed by the end of January. The cost result of findings by the Board thus far amounts to 1.5 million dollars to the State payroll. Chairman Snow reported that he will suggest to the Governor that the 500 classifications not appealed should be reviewed.

Stephen Lakis of the Legislative Resources Improvement Study appeared before the Council to continue his report of recommendations. His first recommendation was abolishment of the Reference of Bills Committee. After considerable discussion the following motion was voted.

NEW BUSINESS (Continued)

MOTION

Sen. Sewall: That we approve the abolishment of the Reference of Bills Committee and establish the referencing system as recommended by Stephen Lakis with the proviso that the Clerk of the House of Representatives and the Secretary of the Senate must meet in developing their references for bills, and if they meet in non-concurrence, the presiding officers of both Houses must meet to resolve the question of reference and a majority vote be allowed to change the reference on the floor of each House.

Motion seconded and carried by vote of 6 - 1 (Speers)

Maintenance and jurisdiction of the Joint Standing Committees was discussed at length.

MOTION

Rep. Palmer: That the number of Joint Standing Committees of the 107th Legislature be the same in the 108th Legislature with recommendations as to jurisdictions being made in the future.

Discussion.

Motion seconded and carried by vote of 6 - 1 (Najarian)

A suggestion that the Legislature go into recess for two weeks shortly after convening for purpose of allowing legislators time to work on their bills and committees to get their work underway was rejected.

The Council recessed for lunch at 12:30 and returned at 2:30.

In the afternoon session of the meeting Mr. Lakis continued his report of recommendations to the Council. A committee reporting deadline was discussed and changes to it recommended. At the conclusion of his report Mr. Lakis recommended that two additional professional staff persons be employed by each, the Legislative Staff Assistants Office and the Legislative Research Office.

Mr. Lakis agreed to resubmit his recommendations to the Council reflecting the changes agreed upon this date.

Prior to adjournment of the Council meeting the matter of confirmation of gubernatorial appointments procedure was discussed. A suggested procedure was presented by Speaker John Martin. It was suggested that each political party select an aide to do the indepth work on each nominee. After further discussion of the Speaker's suggestions, the members voted unanimously to have the legislative rules drafted which would put the recommendations into effect.

ADJOURNMENT

The Council adjourned at 4:30 p.m.

NEXT MEETING

The Legislative Council will meet on January 5, 1977 at 9:00 a.m. in the Legislative Council chamber.

JOINT RULES

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JOINT RULES

GENERAL PROVISIONS

1. Public Notice. The Clerk of the House shall cause the substance of the Joint Rules relating to pre-filing ~~(#6)~~ (#22) and cloture ~~(#8)~~ (#24, #25) to be published in all daily papers in the State at least twice monthly and in all weekly papers in the State at least once monthly for the two months immediately preceding the convening of the Legislature in any first regular session.

2. Printing. Whenever a document shall be printed under the Joint Rules governing the procedure following a favorable committee report, a sufficient number of copies shall be delivered to the Sergeant-at-Arms of each house for the members and officers thereof and the balance shall be delivered to the Document Clerk, who shall reserve sufficient copies for the departments and binding, twenty copies for the committee having the same under consideration, and shall be responsible for the equitable distribution of the remainder.

3. Consideration of Legislation. Every bill or resolve reported in either house by a committee shall be printed and distributed in both houses before having its first reading. Bills not already printed and new drafts shall be printed immediately after the reports are deposited in the office of the Secretary of the Senate or the Clerk of the House. The printed copies shall show by what committee the bill or resolve was reported.

When a bill, resolve, order or memorial shall pass one house, if rejected in the other house, it shall be returned by the Secretary or Clerk, as the case may be, for further consideration.

4. Debate and Amendment. No debate or amendment shall be permitted on any bill or resolve until such bill or resolve is before the Senate in the second reading or before the House in the second reading, provided the favorable report of the committee to which the bill or resolve has been referred has been accepted.

5. Rejection of Bills. When any measure shall be finally rejected, it shall not be revived except by reconsideration; and no measure containing the same subject matter shall be introduced during the session unless three days' notice is given to the house of which the mover is a member. No measure shall be recalled from the legislative files except by joint order approved by a vote of two-thirds of both houses.

6. Enactment of Bills. Every bill that shall have passed both houses to be enacted and all resolutions having the force of law, that shall have finally passed both houses, shall be presented by the Secretary of the Senate to the Governor for his approval; and the Secretary of the Senate shall enter on the journal of the Senate the day on which such bills or resolutions are so presented to the Governor.

7. Responsibility for Legislative Papers. All endorsements on papers while on their passage between the two houses shall be under the signature of the Secretary of the Senate or the Clerk of the House, respectively; but after the final passage of bills and resolves, they shall be signed by the presiding officer of each house.

8. Conventions. No business shall be transacted in convention of the two houses unless by unanimous consent, except such as may be agreed upon before the convention is formed.

9. Communications. Whenever a message shall be sent from the Senate to the House, it shall be announced at the door by the Sergeant-at-Arms of the Senate, and it shall be communicated respectfully to the Chair by the bearer of it. In like manner messages from the House shall be communicated to the Senate, the Sergeant-at-Arms of the House announcing them at the door of the Senate.

10. Rules. No joint rule or order shall be suspended without the consent of two-thirds of the members present in each house.

11. Members. No member shall be permitted to vote on any question in either branch of the Legislature or in committee whose private right, distinct from public interest, is immediately involved.

12. Employees. The salaries of all officers and employees of the Legislature shall be established by the President of the Senate and Speaker of the House and the Majority Floor Leaders of both the House and Senate. The Secretary of the Senate is authorized and directed to certify vouchers of said officers and employees of the House, in conformance with this Rule, to the State Controller and said salaries shall be paid at such intervals as the President of the Senate, the Speaker of the House and the Majority Floor Leaders of both the House and the Senate may determine.

13. 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.

In such event, they shall notify all members of the respective branches, in writing or by the most efficient means necessary, that in their judgment it is necessary for the Legislature to convene, stating the necessity for such convention and direct the members of the respective branches to assemble at the State House in Augusta at an hour and on a date to be specified by them in said notice. The notice shall bear the signature of the President of the Senate and Speaker of the House.

When members of the respective branches are so assembled pursuant to said notice, they shall first take up the question of the necessity of convening in special session and shall vote upon the question of whether to give their consent to the issuance of a call by the President of the Senate and Speaker of the House for the convention of the Legislature in special session.

If any member of the respective branches of the Legislature shall not appear pursuant to the notice of the President of the Senate and Speaker of the House for reasons of physical inability to attend or otherwise, the President of the Senate and the Speaker of the House shall direct the Secretary of the Senate or the Clerk of the House as appropriate to poll the member by the most efficient means possible or shall accept the member's proxy on the question.

If the member cannot be polled or does not respond, he shall be deemed not to have consented to the convening of the Legislature.

If a majority of the members of the Legislature of each political party consent to convene and it appears that all members of the Legislature have been polled on the question, the President of the Senate and the Speaker of the House shall issue their call for the convening of the Legislature in special session, directing the Secretary of the Senate and the Clerk of the House to give notice of the call to members of the respective branches by the most efficient means necessary. The call shall bear the signature of the President of the Senate and the Speaker of the House and state the date and time of such convening.

When the Legislature is assembled pursuant to the call of the President of the Senate and the Speaker of the House, the Legislature shall complete its organization as a special session and proceed to the consideration of matters properly before it.

LEGISLATIVE COMMITTEES

14. Joint Standing Committees. There shall be no more than 22 Joint Standing Committees which shall be appointed as follows at the commencement of the first regular session, viz:

- On Agriculture
- On Appropriations and Financial Affairs
- On Business Legislation
- On Education
- On Election Laws
- On Energy
- On Fisheries and Wildlife
- On Health and Institutional Services
- On Human Resources
- On Judiciary
- On Labor
- On Legal Affairs
- On Liquor Control
- On Local and County Government
- On Marine Resources
- On Natural Resources
- On Performance Audit
- On Public Utilities
- On State Government
- On Taxation
- On Transportation
- On Veterans and Retirement

Membership. Each of said committees shall consist of three on the part of the Senate and not less than seven nor more than ten on the part of the House. The first named Senate member shall be the Senate chairman. The first named House member shall be the House chairman. The Senate chairman shall preside and in his absence, the House chairman shall preside and, thereafter, as the need may arise, the chairmanship shall alternate between the members from each house in the order of their appointment to the committee. These committees may report by bill or otherwise.

Committee Procedure. The hiring of all committee staff is to be mutually agreeable to both the Senate and House chairmen; if not agreeable, it shall be decided by the President of the Senate and Speaker of the House.

Scheduling of bills to be heard and bills to be considered in public and executive sessions shall be arranged by the Senate chairman with the agreement of the House chairman; if agreement is not reached, the committee, by majority vote, shall decide.

The presiding chairman shall decide all questions of order, subject to appeal to the committee. The chairman's ruling shall stand unless overruled by a majority vote of the committee membership.

Appropriations and Financial Affairs. The Senate chairman of the Committee on Appropriations and Financial Affairs shall appoint from said committee such subcommittees as the said committee shall direct, such subcommittees to consist of not less than three members. Such subcommittees shall report their findings and recommendations to the full committee.

15. Reference of Bills. There shall also be appointed a Joint Standing Committee on Reference of Bills to consist of the following: The President of the Senate, the Senate Majority Leader, the Senate Assistant Majority Leader, the Senate Minority Leader and the Senate Assistant Minority Leader; the Speaker of the House, the House Majority Leader, the House Assistant Majority Leader, the House Minority Leader and the House Assistant Minority Leader.

It shall be the duty of the Committee to suggest the reference to appropriate committees of all bills, resolves and petitions offered in either house, and to recommend the printing of documents before reference to committees, in their discretion suggesting the number of copies to be printed.

16. Joint Select Committees. Joint select committees shall consist of three on the part of the Senate and seven on the part of the House, unless the order creating the same shall provide a different number.

Whenever a select committee shall be appointed by either house and be joined by the other, it shall be the duty of the Secretary of the Senate, or the Clerk of the House, as the case may be, to transmit one to the other the names of the members so joined, in order that they may be entered upon the journal of each house.

17. Conference Committees. Committees of conference shall consist of three members on the part of each house, representing its vote, and their report, agreed to by a majority of each committee or unable to agree, shall be made within 10 legislative days to the branch asking the conference, and may be either accepted or rejected, but no other action shall be had except through another committee or conference. If after 10 legislative days no report is made by the Conference Committee, the President of Senate and the Speaker of the House may appoint a new committee.

18. Inquiries and Reports. Orders directing inquiry in relation to an existing statute shall state the subject matter of such statute and also the title and section to which the inquiry is directed.

In presenting a report upon any matter referred to a committee, such report shall set forth the subject referred, and the substance shall also be briefly endorsed on the back of the same.

If a committee responds to an order directing inquiry upon any matter by presenting a report recommending legislation, such legislation shall be introduced when the report is transmitted to the Legislature. Such legislation shall bear the designation of the committee reporting.

19. Reference of Fiscal Matters to Committees. The several clerks of the committees to which are referred bills, resolves or orders involving the appropriation or expenditure of money shall forthwith upon receipt of such bills, transmit a copy thereof carrying endorsement of reference, to the Committee on Appropriations and Financial Affairs for its information.

20. Reports of Committees. All bills and resolves must be referred to committee during any first regular session shall be reported from committees by 1 p.m. on the last Friday of April or by such later time as may be fixed by the Joint Standing Committee on Reference of Bills.

21. Ought not to pass reports. Any bill or resolve, which bears a unanimous ought not to pass notation by the committee to which it has been referred, shall upon notification of such action to both houses be placed in the legislative files. No further action shall be taken following such disposition unless such bill or resolve is recalled for reconsideration by a vote of two-thirds of both houses.

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22. Pre-filing. Any member-elect may file bills and resolves with the Clerk of the House for introduction within forty-five days prior to the convening of any first regular session. The Clerk shall number and print such measures in advance after which they become the property of the Legislature and may not be withdrawn by the sponsor. The Clerk shall deliver them to the appropriate branch of the Legislature immediately upon its convening.

23. Departmental Bills. No bill or resolve shall be introduced on behalf of any state department, agency, or commission, except the Governor, after the sixth legislative day of any first regular session. Bills or resolves pre-filed or filed on behalf of such executive officers may bear the designation of the title "President of the Senate" or "Speaker of the House" if not presented by a member-elect or member.

24. Cloture. First Regular Session. During any first regular session all other requests for bills and resolves shall be submitted to the Director of Legislative Research not later than 1 p.m. of the fourth Friday following the convening of the session and such measures, in complete final form, shall be introduced in the appropriate house not later than 1 p.m. of the sixth Tuesday following.

Exception. This Rule shall not apply to bills or resolves reported by any joint committee in the regular course of business, nor to such bills and resolves as are intended only to facilitate the business of the Legislature.

25. Cloture. Second Regular Session. The Joint Standing Committee on Reference of Bills shall establish procedures for introduction of legislation into any second regular session. These procedures shall ensure compliance with the requirements of Maine Constitution, Article IV, Part 3, §1.

26. Filing after cloture. Any bill or resolve to be introduced after the cloture date must be presented to the Clerk of the House, or the Secretary of the Senate, who shall transmit the same to the Joint Committee on Reference of Bills. The Committee will ascertain from the sponsor the facts supporting introduction notwithstanding cloture and, if a majority of the Committee approves, the bill or resolve shall appear on the calendar of the appropriate house, duly noted as having been approved by a majority of the Committee and the document shall be received.

27. Cosponsorship. With the approval of a majority of the committee on Reference of Bills, a presenter of legislation may authorize up to three additional members of the same House to cosponsor a bill or resolve. Orders, resolutions and memorials may be cosponsored in the same manner as bills and resolves.

28. Requirements for drafting. All requests for bills and resolves, filed with the Director of Legislative Research pursuant to ~~Joint-Rules-8-and-10~~, shall be considered as received for drafting provided such bills and resolves shall be properly titled and accompanied by sufficient information and data required for their preparation.

29. Fiscal Notes. Every bill or resolve effecting loss of revenue or requiring an appropriation shall be accompanied by a written statement as to the amount involved.

30. Statement of Fact. All bills and resolves shall upon introduction and later amendment thereof, be accompanied by a written statement of fact indicating intent.

31. Form. All bills and resolves shall be corrected as to matters of form by the Director of Legislative Research before printing.

32. Errors. Mistakes in bills and resolves, merely clerical, may be corrected upon suggestion without motion to amend.

33. Use of Copies. The Director of Legislative Research shall not accept any request for drafting of bills or resolves from material submitted in any generation or reproduction or other than the original, unless in his discretion it is not practicable to obtain such material in any other manner.

34. Expressions of Legislative Sentiment. All requests for expressions of legislative sentiment shall be presented in such manner as standardized by the Legislature.

35. Memorials. No memorial shall be in order for introduction unless approved by a majority of the Committee on Reference of Bills.

36. Claims against the State. A claim of an amount of \$2,000 or less shall be in order for introduction only after claim has been first disapproved or partially approved for payment under the Revised Statutes, Title 5, section 1510. ~~No A claim against the-State of an amount greater than \$2,000 shall be order for introduction unless only in the form of a bill or resolve authorizing a suit against the State. Claims-against-the-State-of-an-amount of-\$2,000-or-less-shall-be-submitted-to-the-Executive-Council-for its-consideration-under-the-provisions-of-Title-5, section-1510.~~

37. Measures rejected at any first regular session. No measure which has been introduced and finally rejected in the any first regular ~~biennial~~ session shall not be introduced at any second regular or any special session of the same Legislature except by vote of two-thirds of both houses.