

# MAINE STATE LEGISLATURE

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**121st LEGISLATIVE COUNCIL  
Organizational Meeting  
December 4, 2002**

**Agenda**

**Page**

**CALL TO ORDER**

**ROLL CALL**

**ELECTION OF OFFICERS FOR THE 121<sup>ST</sup> LEGISLATIVE  
COUNCIL**

- |   |  |             |
|---|--|-------------|
| 1 | • Relevant portions of Maine Statutes (attached for general reference) | Information |
|---|--|-------------|

**ADOPTION OF RULES OF PROCEDURE**

- |    |  |          |
|----|--|----------|
| 11 | • Proposed Rules of Procedure (attached) | Decision |
|----|--|----------|

**REPORTS FROM EXECUTIVE DIRECTOR AND COUNCIL  
STAFF OFFICES**

**REPORTS FROM COUNCIL COMMITTEES**

**OLD BUSINESS**

**NEW BUSINESS**

- |   |          |
|---|----------|
| Item #1: Establishment of Initial Salary of Legislative and Constitutional Officers<br>(as necessary) | Decision |
|---|----------|

**ANNOUNCEMENTS AND REMARKS**

**ADJOURNMENT**

Prev: [Chapter 5 §125](#)Next: [Chapter 7 §162](#)**Title 3: LEGISLATURE****Chapter 7: LEGISLATIVE COUNCIL**Download [Chapter 7](#)**Subchapter 1: GENERAL PROVISIONS**[Statute Search](#)[List of Titles](#)[Maine Law](#)[Disclaimer](#)[Revisor's Office](#)[Maine Legislature](#)**§161. Legislative Council**

There is established a Legislative Council to consist of 10 members, 5 of whom shall be members of the Senate and 5 of whom shall be members of the House of Representatives. They shall be the President of the Senate, the Speaker of the House of Representatives, the Floor Leaders and Assistants of the 2 major parties. Membership on the Legislative Council shall be by virtue of holding the above offices, and shall be during the term of the Legislature in which such offices are held. The Legislative Council shall elect a chairman from within its own membership. [1973, c. 590, § 3 (rpr).]

The Legislative Council shall exercise such powers and duties as may be delegated by law or by rule of the Legislature. Any action by the Legislative Council shall require the affirmative votes of a majority of the members. [1973, c. 590, § 3 (rpr).]

The Legislative Council shall meet at least once monthly when the Legislature is not in session and at such other times as the membership or the chairman deems necessary. [1979, c. 127, § 5 (rpr).]

**Section History:**

PL 1965, Ch. 425, §2-B (AMD).

PL 1973, Ch. 590, §3 (RPR).

PL 1979, Ch. 127, §5 (AMD).

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## **Title 3: LEGISLATURE**

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## **§162. Authority**

The Legislative Council shall have the authority: [1973, c. 590, §4 (rpr).]

**1. Legislative budgets.** To prepare and approve all legislative budgets; [1973, c. 590, §4 (rpr).]

**1-A. Budget requests.** To authorize the Executive Director of the Legislative Council to prepare and submit a tentative consolidated legislative budget request and other budget requests necessary for the operation of the legislative branch and other additional information, as requested, directly to the State Budget Officer on or before September 1st of the even-numbered years prior to review by the Legislative Council. The Legislative Council shall review the tentative budget submission developed by the executive director, altering, revising, increasing or decreasing the items as may be determined necessary. Upon final approval of the full legislative budget request, the Legislative Council shall submit a report to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs outlining any differences from the tentative legislative budget submission; [1997, c. 24, Pt. FF, §1 (new).]

**2. Legislative employee salary and benefit schedules.** To establish salary schedules for all employees of legislative agencies, departments and offices, except as otherwise provided by law, to develop relatively uniform salary schedules for House and Senate employees and officers and, notwithstanding any other provision of law, to establish benefit schedules for legislative employees. Every publication that states the salary of an employee or a position must also include a statement of the dollar value of the fringe benefit package provided; [1995, c. 37, §1 (amd).]

**3. Joint committees.** 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; [1973, c. 590, §4 (rpr).]

**4. Oaths, subpoenas and depositions.** To administer oaths, issue subpoenas, compel the attendance of witnesses and the production of any papers, books, accounts, documents and testimony, and to cause the deposition of witnesses, whether residing 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, 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; [1973, c. 590, §4 (rpr).]

**5. Legislative improvements.** To assess ways and means to improve the legislative operation and to make improvements in the legislative organization, procedures, facilities and working conditions, and to make periodic reports to the Legislature concerning its findings. Changes in the organization of the legislative staff offices shall require the approval of two-thirds of the membership of the Legislative Council before they may take effect; [1985, c. 501, Pt. B, §1 (amd).]

**6. Appointment of directors and officers.** To appoint an Executive Director of the Legislative Council, a State Law Librarian and such other office directors as the council deems necessary. Each director shall be chosen without reference to party affiliations and solely on the grounds of fitness to perform the duties of his office; each to be appointed for a term of 3 years from the date of his appointment. Reappointment shall be based on performance in the office and shall be considered in accordance with policies and procedures established by the Legislative Council; [1985, c. 501, Pt. B, §2 (amd).]

**6-A. Transition.** Any person serving as Legislative Administrative Director, Director or Assistant Director of Legislative Research, Legislative Finance Officer or Assistant Legislative Finance Officer or Director or Assistant Director of Legislative Assistants, on September 19, 1985 may continue to so serve until the expiration of the term for which that person was appointed, unless that person resigns or vacates office before September 19, 1985; [RR 1997, c. 2, §4 (cor).]

**7. Legislative agency operating policy.** To establish operating policies for each legislative agency and office; [1973, c. 590, §4 (rpr).]

**8. Oversight of legislative appropriations and accounts.** To oversee the appropriations and other financial accounts of the Legislature and of all legislative agencies, departments and offices. Appropriations for carrying out the purposes of this chapter shall be made annually by the Legislature. All appropriations or allocations by the Legislature for specific studies to be carried out by the joint standing committees or joint select committees shall not lapse but shall be carried forward and expended for the purpose for which the appropriation or allocation was made. The balance of any appropriation or allocation for such studies that is not fully expended shall be refunded to the Legislature; [1973, c. 590, §4 (rpr).]

**8-A. Sale of publications.** If the Legislative Council determines it advisable

for the effective dissemination of statutory information or other information of general interest to the public, to fix the price, sell and deliver publications and materials produced by legislative agencies; [1991, c. 1 (new).]

9. [1975, c. 770, §4 (rp).]

**10. Intergovernmental, interstate and interlegislative organizations.** To coordinate and oversee intergovernmental relations programs on behalf of the Legislature, and to recommend to the Legislature participation by the Legislature and its members in interstate and inter-legislative organizations; and to apply for, receive and administer all grants and appropriations for these purposes; [1973, c. 590, §4 (rpr).]

**11. Legislative equipment and supplies.** To provide necessary furniture, stationery and other supplies and equipment for the use of the members, committees, agencies and offices of the Legislature; [1973, c. 590, §4 (rpr).]

**12-A. Reserve Fund for State House Preservation and Maintenance.** To administer the Reserve Fund for State House Preservation and Maintenance, established and maintained as provided in this subsection. The State Controller at the close of each fiscal year and at the request of the Legislative Council shall transfer from unexpended balances of General Fund appropriations to the Legislature to the Reserve Fund for State House Preservation and Maintenance available amounts up to \$250,000 a year until a maximum of \$1,500,000 is achieved. The State Controller is further authorized to transfer from the Reserve Fund for State House Preservation and Maintenance to the Blaine House Renovations and Repairs Fund the amounts recommended by the Legislative Council. The Reserve Fund for State House Preservation and Maintenance may also receive and accept allocations, appropriations, grants and contributions of money to be held, used or applied to carry out this subsection, subject to the conditions upon which these allocations, appropriations, grants and contributions are made. Expenditures from the Reserve Fund for State House Preservation and Maintenance are subject to legislative allocation, may be made only for major repairs and renovations to the State House, must be reviewed and recommended by the State House and Capitol Park Commission and must receive a majority vote of the Legislative Council. Funds allocated or appropriated to the Reserve Fund for State House Preservation and Maintenance may not lapse but must be carried forward; [2001, c. 358, Pt. E, §1 (amd).]

**13. Transfers within the legislative appropriation.** To approve any transfers within the legislative appropriation; [1975, c. 770, §5 (rpr).]

**14. Council procedures.** To establish published rules of procedure for the conduct of the business of the council; [1973, c. 590, §4 (rpr).]

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

Houses; [1989, c. 410, §2 (amd).]

**16. Funds from State, Federal Government and private sources.** To accept, use, expend and dispose on behalf of the State funds, equipment, supplies and materials from any agency of the United States, from any private foundation and from any other private source; [1991, c. 622, Pt. L, §1 (amd).]

**16-A. Intellectual property.** To use, manage or administer on behalf of the Legislature any copyright held by the Legislature or license to use copyrighted materials and to manage the copying, use and dissemination of copies of copyrighted materials in which the Legislature holds the copyright or a license; [1999, c. 1, §2 (new).]

**17. Approve plans to preserve and develop the State House and the immediate grounds.** To approve architectural, aesthetic and decorative alterations to the State House. The Legislative Council also has authority to preserve and develop the aesthetic and historical integrity of the State House and the immediate grounds. The exercise of this authority with respect to Capitol Park must be consistent with the plan for Capitol Park developed by the Olmsted Brothers firm in 1920 as revised by the Pressley firm in 1990. The Legislative Council has the power to enter into contracts and other powers necessary to implement this subsection and chapter 31; [2001, c. 468, §1 (amd).]

**18. Out-of-state travel report.** To submit to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs a quarterly report on out-of-state travel activity of the Legislature. The report must be submitted within 15 days after the end of each quarter and must include, for each individual who has been authorized to travel, the destination, purpose and cost by funding source of each trip; and [1997, c. 43, §2 (amd).]

**19. Legislative information available through the Internet.** To make the following information available through the Internet: legislative documents, committee hearing schedules, work session schedules, status of legislation, voting records of Legislators, the laws of Maine, study reports and reports of other study groups established by the Legislature and any other information designated by the Legislative Council. [1997, c. 43, §3 (new).]

#### Section History:

P&SL 1973,	Ch. 220,	§3 (AMD).
PL 1973,	Ch. 590,	§4 (RPR).
PL 1975,	Ch. 657,	§ (AMD).
PL 1975,	Ch. 770,	§3-5 (AMD).
PL 1979,	Ch. 541,	§A7,A8 (AMD).
PL 1981,	Ch. 702,	§R (AMD).

PL 1983, Ch. 2, §1 (AMD).  
PL 1983, Ch. 584, § (AMD).  
PL 1983, Ch. 824, §V (AMD).  
PL 1985, Ch. 501, §B1-3 (AMD).  
PL 1989, Ch. 410, §1-4 (AMD).  
PL 1991, Ch. 1, § (AMD).  
PL 1991, Ch. 622, §L1-3 (AMD).  
PL 1993, Ch. 415, §J1 (AMD).  
PL 1995, Ch. 37, §1 (AMD).  
PL 1997, Ch. 24, §FF1,2 (AMD).  
PL 1997, Ch. 43, §1-3 (AMD).  
PL 1997, Ch. 671, §1 (AMD).  
RR 1997, Ch. 2, §4 (COR).  
PL 1999, Ch. 1, §2 (AMD).  
PL 2001, Ch. 358, §E1 (AMD).  
PL 2001, Ch. 468, §1 (AMD).

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### **§162-A. Salaries subject to adjustment by Legislative Council**

Notwithstanding any other provisions of law, the salaries of the following legislative officials are at the salary ranges indicated in this section. Except as provided below, at the time of initial appointment the salary of each of these officials may be set at Step A or Step B, but no higher than Step B, of their respective ranges, except that any employees of the office of the Secretary of the Senate or the office of the Clerk of the House of Representatives at the time of initial appointment must have their salary set at a step within their respective salary range so that no loss of gross pay is experienced by those employees. The Legislative Council may adjust the salary of each official by one step for each year of continuous service after the initial appointment to office. [1993, c. 6, Pt. J, §1 (amd).]

The salary ranges shall be those established by the Legislative Council for legislative staff. No other state salary may be paid to these officials. [1987, c. 349, Pt. K, §1 (new).]

**1. Range 14.** The salaries of the following state officials and employees shall be within salary range 14:

Secretary of the Senate; and

Clerk of the House of Representatives.

[1987, c. 349, Pt. K, §1 (rpr).]

**2. Range 9.** [1993, c. 707, Pt. FF, §1 (rp).]

**3. Range 86.** [1983, c. 862, §4 (rp).]

**4. Range 88.** [1983, c. 862, §4 (rp).]

**5. Range 89.** [1983, c. 862, §4 (rp).]

#### **Section History:**

PL 1981, Ch. 702, §X11 (NEW).  
 PL 1983, Ch. 853, §3-5 (AMD).  
 PL 1983, Ch. 862, §2-4 (AMD).  
 PL 1987, Ch. 349, §K1 (RPR).  
 PL 1987, Ch. 769, §A2 (AMD).  
 PL 1993, Ch. 6, §J1 (AMD).

PL 1993, Ch. 707, §FF1 (AMD).

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Prev: [Chapter 7 §162-A](#)Next: [Chapter 7 §163](#)[Download Chapter 7](#)**Title 3: LEGISLATURE****Chapter 7: LEGISLATIVE COUNCIL****Subchapter 1: GENERAL PROVISIONS**[Statute Search](#)[List of Titles](#)[Maine Law](#)[Disclaimer](#)[Revisor's Office](#)[Maine Legislature](#)**§162-B. Salaries of constitutional officers**

Notwithstanding any other provisions of law, the salaries of the following state officials shall be at the salary ranges indicated in this section. At the time of initial appointment, the salary of the Secretary of State and the Treasurer of State shall be set at the Step C of the official's respective range. At the time of initial appointment, the salaries of the Attorney General and the State Auditor shall be set at Step E of their salary ranges. The Legislative Council may adjust the salary of each official by one step for each year of continuous service after the initial appointment to office. [1989, c. 501, Pt. O, §§7,22 (amd); c. 596, Pt. C, §8 (amd); c. 600, Pt. B, §§9, 10 (amd); c. 878, Pt. D, §§14, 15 (amd).]

The salary ranges shall be as provided by law for confidential employees who take the salary increase option instead of state payment of retirement contribution. No other state salary may be paid. These officials are not eligible for state payment of employee retirement contributions. [1983, c. 862, §§5, 6 (new).]

**1. Range 88.** The salary of the following state officials and employees shall be within salary range 88, but shall not be less than Step C in that range:

A. Secretary of State; and [1989, c. 501, Pt. O, §§7,22 (amd); c. 596, Pt. C, §8 (amd); c. 600, Pt. B, §§9, 10 (amd); c. 878, Pt. D, §§14, 15 (amd).]

B. Treasurer of State. [1989, c. 501, Pt. O, §§7,22 (amd); c. 596, Pt. C, §8 (amd); c. 600, Pt. B, §§9, 10 (amd); c. 878, Pt. D, §§14, 15 (amd).]  
[1989, c. 501, Pt. O, §§7,22 (amd); c. 596, Pt. C, §8 (amd); c. 600, Pt. B, §§9, 10 (amd); c. 878, Pt. D, §§14, 15 (amd).]

**2. Range 89.** The salary of the State Auditor shall be within salary range 89, but shall not be less than Step E in that range. [1989, c. 501, Pt. O, §§7,22 (amd); c. 596, Pt. C, §8 (amd); c. 600, Pt. B, §§9, 10 (amd); c. 878, Pt. D, §§14, 15 (amd).]

**3. Range 91.** The salary of the Attorney General shall be within salary range 91, but shall not be less than Step E in that range. [1989, c. 501, Pt. O, §§7,22 (amd); c. 596, Pt. C, §8 (amd); c. 600, Pt. B, §§9, 10 (amd); c. 878, Pt. D, §§14, 15 (amd).]

Section History:

PL 1983, Ch. 862, §5,6 (NEW).  
PL 1989, Ch. 501, §07,022 (AMD).  
PL 1989, Ch. 596, §C8 (AMD).  
PL 1991, Ch. 824, §B13,14 (AFF).

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## MAINE LEGISLATIVE COUNCIL 121st LEGISLATURE

### RULES OF PROCEDURE

1. **Organizational Meeting:** The President of the Senate shall call the biennial organizational meeting of the Legislative Council into session in December following the convening of the new Legislature and shall preside until the election of the Chair.
2. **Chair:** At its organizational meeting, the Council shall elect a Chair, who shall preside at all meetings of the Council when present. The position of Chair must alternate in succeeding biennial sessions between a member from the Senate and a member from the House. Therefore, for the 121<sup>st</sup> Legislature, the Chair must be a member from the Senate.
3. **Vice Chair:** The Council shall elect a Vice Chair who shall act as Chair in the absence of the Chair. The Vice Chair may not be a member of the same house of the Legislature as that of the Chair.
4. **Quorum:** The Council may conduct business only when a quorum of members is present, which consists of six members. Any action of the Council requires the affirmative votes of not less than 6 members.
5. **Meetings:** The Council's meeting schedule is determined by majority vote of the Council or by call of the Chair. The Council shall meet no less than once per month.
6. **Meeting Location:** The official meeting location of the Legislative Council is the Legislative Council Chambers, and the Chair shall convene all meetings there unless an alternative location is specified in the call of the meeting.
7. **Meeting Notice:** The Chair shall issue written calls for all regular and special meetings of the Council. The call must give the date, time, and place of the meeting and such other information as the Chair directs.
8. **Public Meetings:** All meetings of the Council are public meetings except for executive sessions; The Council may not take any final action in an executive session.
9. **Council Committees:** The Chair shall make all appointments to committees established by the Council. The committees must include at least three members and must have representation from each of the two major political parties. At a minimum, the Council shall establish Personnel and Legislative Space committees.

10. **Approval of Step Increases:** All step increases that require a vote of the 121<sup>st</sup> Legislative Council are approved for the term of this Council if, after review, a majority of the Personnel Committee approves a step increase.
11. **Council Records:** The Executive Director of the Legislative Council shall prepare, in consultation with the chair, meeting notices and a Council agenda in advance of each meeting. The executive director shall also maintain an accurate, permanent public record of all meetings, proceedings and votes of the Council.
12. **Order of Business:** The regular order of business of the Council is:
1. Call to Order
  2. Roll Call
  3. Summary of Previous Council Meeting
  4. Executive Director's Report
  5. Reports from Council Committees
  6. Old Business
  7. New Business
  8. Announcements and Remarks
  9. Adjournment
- Items not on the Council agenda may be considered only by leave of the Council's presiding officer or by a majority vote of the Council.
13. **Circulation of Ballots:** The Chair and the Vice-chair, jointly, may authorize a Council member to circulate a ballot for Council action when they determine that the matter to be voted on must be decided before the next regular meeting of the Council. The executive director shall prepare all ballots authorized for circulation among Council members. A reasonable effort shall be made to provide each member an opportunity to vote on the ballot. Actions taken by Council ballot must be reported at the next of following regular meeting of the Council.
14. **Roll Call Votes:** Votes requiring a roll-call may be made by the executive director calling the roll, by a showing of hands or by electronic tabulation as long as the matter being voted on, how each member voted and the result of the vote are accurately determined and recorded. All decisions of the Council regarding the introduction of bills or other measures must be by a roll call vote.
15. **Statements to News Organizations:** Only the Council Chair, executive director or persons authorized by the Chair may make official statements to news organizations or to the public on behalf of the Legislative Council.
16. **Rules of Order:** The Council's presiding officer shall conduct the proceedings of the Council in accordance with Robert's Rules of Order except as otherwise specified in the Council's own rules or by law.

17. **Amendments to Rules:** The Council may amend these rules, with the exception of Rules 2 and 4, upon a two-thirds vote of the Council members present and voting, provided that a vote to amend is by at least six affirmative votes. Rules 2 and 4 may not be amended during the term of the 121<sup>st</sup> Legislative Council.

18. **Capital Area Advisory Committee:** The Council establishes a Capital Area Advisory Committee ("Advisory Committee") to: facilitate communication between the Maine Legislature, the City of Augusta and area residents; and advise the Legislative Council on proposed actions relating to Capitol Park. The Advisory Committee is made up of 9 members as follows:

- a. Two members of the Legislative Council, appointed by the Chair. One member must be a member of the Senate and one member must be a member of the House of Representatives. The members may not be from the same political party;
- b. The Chair of the State House and Capitol Park Commission or the Chair's designee;
- c. Two legislators whose legislative districts include the City of Augusta or proximate communities, appointed by the Chair;
- d. Two members of the public who reside in the City of Augusta, appointed by the Mayor of Augusta; and
- e. Two members of the public who reside in Kennebec County, appointed by the Chair of the Kennebec County legislative delegation.

Members are appointed for a term coterminous with the Council. The Council Chair shall appoint a chair from among the Advisory Committee members.

Meetings of the Advisory Committee may be called by the Chair of the Advisory Committee or by a majority of the Advisory Committee. All meetings of the Advisory Committee are public meetings. Notice of meetings must include written notice to the Kennebec County legislative delegation and to the Executive Director of the Legislative Council.

19. **Decisions Affecting Capitol Park:** Any action affecting Capitol Park, be it a temporary or permanent alteration or change in use, must be approved by a majority of the Council, consistent with these rules and 3 MRSA § 162 (17). Prior to a final decision on any proposal affecting Capitol Park, the Council shall seek the advice and recommendation of the Advisory Committee.

Adopted by the 121<sup>st</sup> Legislative Council on December 4, 2002 in Augusta, Maine.

By: \_\_\_\_\_