

MAINE STATE LEGISLATURE

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**126TH MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL**

**126th Legislature
Legislative Council
Organizational Meeting**

**December 6, 2012
2:00 P.M.**

REVISED AGENDA

<u>Page</u>	<u>Item</u>	<u>Action</u>
	CALL TO ORDER	
	ROLL CALL	
	ELECTION OF OFFICERS FOR THE LEGISLATIVE COUNCIL OF THE 126TH LEGISLATURE	Election
1	ADOPTION OF LEGISLATIVE COUNCIL RULES OF PROCEDURE FOR 126th LEGISLATURE <ul style="list-style-type: none">Proposed Rules of Procedure for Legislative Council (attached)	Adoption
4	SUMMARY OF THE NOVEMBER 15, 2012 MEETING OF THE LEGISLATIVE COUNCIL	Acceptance
	OLD BUSINESS None	
	NEW BUSINESS	
9	Item #1: Summary of Legislative Council Authority and Duties	Information
25	Item #2: Establishment of Initial Salaries for Constitutional Officers and State Auditor	Decision
27	Item #3: Establishment of Initial Salaries for Clerk of the House and Secretary of the Senate	Decision
29	Item #4: Legislative Council Policy on Processing Closely Related Legislator Bill Requests (Ms. Gresser)	Decision
31	Item #5: Submission of Tobacco Prevention and Control Advisory Council's Annual Report 2012	Acceptance

ANNOUNCEMENTS AND REMARKS

ADJOURNMENT



126TH MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

[suggested rules of procedure]

MAINE LEGISLATIVE COUNCIL
126th LEGISLATURE

RULES OF PROCEDURE

December 6, 2012

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 of the Legislative Council.
2. **Chair:** At its organizational meeting, the Legislative Council shall elect a chair, who shall preside at all meetings of the council when he or she is present. The position of Legislative Council chair must alternate in succeeding biennial sessions between a member from the Senate and a member from the House of Representatives. Therefore, for the 126th Legislature, the chair must be a Representative.
3. **Vice Chair:** The Legislative Council shall elect a vice-chair who shall serve as chair in the absence of the chair. The vice-chair may not be a member of the same chamber of the Legislature as that of the chair.
4. **Quorum:** The Legislative Council may conduct business only when a quorum of members is present, which consists of six (6) members. Any action of the council requires the affirmative votes of not less than 6 members.
5. **Meetings:** The meeting schedule for the Legislative Council is determined by the call of the chair for the 126th Legislature or by a majority vote of the council. The council shall meet at least once per month, on a regularized schedule.
6. **Meeting Room and Location:** The official meeting location of the Legislative Council is the Legislative Council Chamber, Room 334, in the State House, and the chair shall convene all meetings there unless an alternative location is specified in the call of the meeting. The Office of the Executive Director is responsible for use and scheduling of activities of the Legislative Council Chamber. Meetings of the Legislative Council or its committees take precedence over all other functions in the Legislative Council Chamber.

The Legislative Council Chamber may not be used for press conferences or other media events; however, the chair of the Legislative Council or the Executive Director, if delegated by the chair, may authorize an exception when the chair determines that such use is appropriate and will not interfere with legislative activities.

7. **Meeting Notice:** The chair shall issue written calls for all regular and special meetings of the Legislative 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 Legislative 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 Legislative Council. Each committee must include at least three council members and must have representation from each of the two major political parties. At a minimum, the council shall establish Personnel and State House Facilities committees.
10. **Approval of Step Increases:** All step increases that require a vote of the Legislative Council during the 126th Legislature are approved for the term of this council if, after review, a majority of the Personnel Committee approves the step increases.
11. **Council Agenda and 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 Legislative Council.
12. **Order of Business:** The regular order of business of the Legislative 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 Legislative Council's agenda may be considered only by leave of the council's presiding officer or by a majority vote of the Legislative Council.

13. **Circulation of Ballots:** The chair and the vice-chair, jointly, may authorize a Legislative Council member to circulate a ballot for Legislative 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 and shall certify votes taken by ballot. Each member of the Legislative Council must be presented with the ballot and given an opportunity to vote on the ballot.

If a member is unable to vote on a ballot by virtue of his or her absence from the State House, the member may authorize the Executive Director to record and attest to his or her vote. Upon certification of the votes on a ballot, the executive director will report the results of the voting to the members of the Legislative Council. In addition, actions taken by Legislative Council ballot must be reported at the next or following regular meeting of the council.

14. **Roll Call Votes:** Votes requiring a roll-call shall be made by the executive director calling the roll, a showing of hands or by electronic tabulation as long as the matter being voted on, how each member voted and the results of the vote are accurately determined and recorded. The executive director shall announce the vote following a roll-call. All decisions of the Legislative Council regarding the introduction of bills or other measures must be by a roll-call vote.
15. **Statements to News Organizations:** Only the chair of the Legislative Council, executive director or persons specifically authorized by the chair may make official statements to news organizations or to the public on behalf of or representing the Legislative Council.
16. **Rules of Order:** The Legislative 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 Legislative 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 126th Legislative Council unless otherwise changed by law.
18. **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 or its executive director shall consult with the State House and Capitol Park Commission.

Adopted by the Legislative Council of the 126th Maine Legislature on December 6, 2012 at Augusta, Maine.

By:

David E. Boulter, Executive Director of the Legislative Council

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SEN. KEVIN L. RAYE
CHAIR

REP. ROBERT W. NUTTING
VICE-CHAIR

EXECUTIVE DIRECTOR
DAVID E. BOULTER



SEN. JONATHAN T. E. COURTNEY
SEN. BARRY J. HOBBINS
SEN. DEBRA D. PLOWMAN
SEN. JUSTIN L. ALFOND
REP. PHILIP A. CURTIS
REP. EMILY ANN CAIN
REP. ANDRE E. CUSHING III
REP. TERRY HAYES

125TH MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

MEETING SUMMARY
November 15, 2012

CALL TO ORDER

Legislative Council Chair, Senate President Raye called the November 15, 2012 Legislative Council meeting to order at 11:15 a.m. in the Legislative Council Chamber.

ROLL CALL

Senators: President Raye, Senator Plowman, Senator Hobbins and Senator Alfond

Absent: Senator Courtney

Representatives: Speaker Nutting, Representative Cain and Representative Hayes

Absent: Representatives Curtis and Cushing

Legislative Officers: Heather Priest, Clerk of the House
Joseph Carleton Jr., Secretary of the Senate
David E. Boulter, Executive Director
Dawna Lopatosky, Legislative Finance Director
Debra Olken, Human Resources Director
Marion Hylan Barr, Director, Office of Policy and Legal Analysis
Grant Pennoyer, Director, Office of Fiscal and Program Review
Suzanne Gresser, Revisor of Statutes
John Barden, Director, Law and Legislative Reference Library

Senate President Raye convened the meeting at 11:15 a.m. with a quorum of members present.

SUMMARY OF OCTOBER 5, 2012 MEETING OF LEGISLATIVE COUNCIL

Motion: That the Meeting Summary of October 5, 2012 be accepted and placed on file. Motion by Senator Plowman. Second by Representative Cain. **Motion passed** (7-0-0-3, with Senator Courtney, Representatives Curtis and Cushing absent).

REPORTS FROM EXECUTIVE DIRECTOR AND COUNCIL OFFICES

Executive Director's Report

David Boulter, Executive Director, reported on the following:

Mr. Boulter expressed his appreciation to the Legislative Council for all of the great work that the council has done over the past 2 years. He noted that the council has accomplished a great deal, including managing accounts in tough economic times, creating thoughtful legislative policies and personnel policies, and authorizing improvement of the Grounds. Also on behalf of all of the staff, Mr. Boulter expressed his appreciation for the support given to the staff by the council members during the last two years.

President Raye expressed his appreciation of the excellent work done by the staff throughout the Legislature. President Raye also thanked Mr. Boulter for his leadership.

Fiscal Report

Grant Pennoyer, Director, Office of Fiscal and Program Review, reported on the following:

Revenue Update

Total General Fund Revenue - FY 2013 (\$'s in Millions)						
	Budget	Actual	Var.	% Var.	Prior Year	% Growth
October	\$244.2	\$245.0	\$0.9	0.4%	\$230.6	6.3%
FYTD	\$856.0	\$830.0	(\$26.0)	-3.0%	\$840.2	-1.2%

General Fund revenue was \$0.9 million (0.4%) above budget projections in October, but remained \$26.0 million under budget for the fiscal year through October. The Sales and Use Tax and Corporate Income Tax categories were the primary contributors to the negative variance for the fiscal year, falling \$13.1 million and \$14.5 million, respectively, below budget through October. Within the Individual Income Tax category, he noted another area of concern is withholding payments, which were under budget by \$5.6 million for the first four months.

Highway Fund Revenue Update

Total Highway Fund Revenue - FY 2013 (\$'s in Millions)						
	Budget	Actual	Var.	% Var.	Prior Year	% Growth
October	\$28.8	\$32.1	\$3.3	11.6%	\$29.0	10.7%
FYTD	\$90.4	\$95.7	\$5.3	5.9%	\$89.9	6.5%

Highway Fund revenue was \$3.3 million over budget in October and \$5.3 million over for the fiscal year-to-date (FYTD) through October. October's performance would have been below budget but for a significant one-time event that resulted in 179,000 titles for trailers generating net revenue of \$4.1 million to the Highway Fund.

Cash Update

The average balance in the cash pool in October was \$97.3 million less than a year ago. The expected improvement in the General Fund cash position over the course of FY 2013 has been offset by negative revenue variances and spending above projections, particularly in the MaineCare program. General Fund internal cash flow borrowing is \$98.9 million higher than a year ago. This is a concern and may affect the decision regarding external borrowing in FY 2013.

MaineCare Spending Update

Despite declining caseloads, MaineCare weekly cycle payments through the first 17 weeks of FY 2013 averaged \$45.6 million, which exceeds the average of last fiscal year of \$44.9 million. The FY 2013 MaineCare budget assumes a reduction of spending from FY 2012 levels.

Status of Legislative Studies and Committees

Marion Hylan Barr, Director, Office of Policy and Legal Analysis, reported on the following to supplement her written status report.

She reported that all the committees and commissions have either concluded their work and are preparing final reports or will be holding their final meetings soon. The exception is the Task Force on Prevention of Sexual Abuse of Children, the chairs of which have decided that they will not be convening the task force.

REPORTS FROM COUNCIL COMMITTEES

1. Personnel Committee

No report

2. State House Facilities Committee

No report

OLD BUSINESS

Item #1: Portrait of former U.S. Senator George J. Mitchell (Letter of No Objection)

A copy of a letter of no objection was received from former U.S. Senator George J. Mitchell regarding the commissioning and display of his portrait in the State House. No action of the Legislative Council was required.

NEW BUSINESS

Item #1: Legislative Council Actions Taken by Ballot Since October 5, 2012 Meeting

That the Legislative Council authorize a limited extension of the Task Force on the Prevention of Sexual Abuse of Children's reporting deadline from November 7, 2012 to December 4, 2012.

Motion by: Senator Kevin Raye

Second by: Representative Robert Nutting

Approved: November 15, 2012

Vote: 6-0-4-0 in favor

Item #2: Request for 2nd Off-site Meeting of Task Force on Franco-Americans

The legislatively-authorized study group, the Task Force on Franco-Americans, requested approval from the Legislative Council to hold an off-site meeting of the task force at the Franco-American Heritage Center in Lewiston on Wednesday, November 28, 2012. Funds for the increased costs would come from the task force's existing budget.

Motion: That the Legislative Council approve the request from the Task Force on Franco-Americans to hold a meeting at the Franco-American Heritage Center in Lewiston on Wednesday, November 28, 2012. Motion by Representative Nutting. Second by Senator Alfond. **Motion passed (7-0-0-3, with Senator Courtney, Representatives Curtis and Cushing absent).**

Item #3: Request to Install and Display Holiday Wreath on State House Grounds

Mr. Boulter drew Legislative Council members' attention to an email from Rep. Dianne Tilton in the council's packet that requested temporary installation of a large holiday wreath on the State House Grounds, either on the South lawn or in Capitol Park. According to Rep. Tilton, the wreath display is to commemorate the 30th anniversary of the Downeast Wreath Company of Harrington, Maine, owned by Mr. David Frasier. The wreath is proposed to be 65 +/- feet tall and will be decorated with lights and a bow. There will be no religious aspect to the display. There will be no advertising. A temporary support structure will have to be constructed to support the wreath. A council member asked if there was any prohibition of someone taking a photograph of the wreath (without advertising signs) and then using the photograph for advertising purposes. Mr. Boulter responded that he was unaware of any prohibition on that use.

Motion: That the Legislative Council authorize the installation of a 65 foot tall, Maine-made balsam fir holiday wreath on the south lawn of the State House or in Capitol Park, such wreath to be donated, installed and removed by David Frasier of Downeast Wreath Company, Harrington, Maine without cost to the Legislature; further that the period of display to be from approximately December 1, 2012 through January 2, 2013; and further that the wreath decoration and display be secular and subject to approval of the Executive Director of the Legislative Council. Motion by Senator Plowman. Second by Representative Nutting. **Motion passed (7-0-0-3, with Senator Courtney, Representatives Curtis and Cushing absent).**

Item #4: Acceptance of 2012 Annual Report of Loring Development Authority of Maine

The Loring Development Authority of Maine submitted its 2012 Annual Report for acceptance by the Legislative Council.

Motion: That the Legislative Council accept the 2012 Annual Report of the Loring Development Authority of Maine and place it on file. Motion by Representative Cain. Second by Senator Alfond. **Motion passed (7-0-0-3, with Senator Courtney, Representatives Curtis and Cushing absent).**

ANNOUNCEMENTS AND REMARKS

President Raye expressed his thanks to the members of the Legislative Council as well as with the staff who have done so much to make the Legislature run well, including the nonpartisan Office Directors, the Secretary of the Senate and the Clerk of the House. To those members of the council who will be returning to the Legislature, President Raye wished them the very best going forward. President Raye said he felt blessed to have had the opportunity to work with each of the council members, and he wished them the best and that the next 2 years be characterized by the same spirit of friendship and cooperation that was experienced over the past 2 years.

The Legislative Council meeting was adjourned at 11:31 a.m. on a motion by Representative Hayes, seconded by Representative Nutting. **Motion passed (7-0-0-3, with Senator Courtney, Representatives Curtis and Cushing absent).**

Maine Revised Statute Title 3, Chapter 7: LEGISLATIVE COUNCIL

Table of Contents

Subchapter 1. GENERAL PROVISIONS.....	3
Section 161. LEGISLATIVE COUNCIL.....	3
Section 162. AUTHORITY.....	3
Section 162-A. SALARIES SUBJECT TO ADJUSTMENT BY LEGISLATIVE COUNCIL.....	7
Section 162-B. SALARIES OF CONSTITUTIONAL OFFICERS.....	8
Section 163. EXECUTIVE DIRECTOR OF THE LEGISLATIVE COUNCIL; DUTIES.....	9
Section 163-A. LEGISLATIVE STAFF SERVICES.....	10
Section 164. DIRECTOR OF LEGISLATIVE RESEARCH; FUNCTIONS AND DUTIES (REPEALED).....	12
Section 165. JOINT COMMITTEES, AUTHORITY.....	12
Section 166. DIRECTOR OF LEGISLATIVE ASSISTANTS (REPEALED).....	13
Section 167. LEGISLATIVE FINANCE OFFICER; DUTIES (REPEALED).....	13
Section 168. STAFF ASSISTANTS TO LEGISLATIVE LEADERSHIP.....	14
Section 168-A. LEGISLATIVE YOUTH ADVISORY COUNCIL (REPEALED).....	14
Section 168-B. LEGISLATIVE YOUTH ADVISORY COUNCIL.....	14
Section 169. CONSTITUENT SERVICE OFFICER; FUNCTIONS AND DUTIES (REPEALED).....	15
Section 170. PARTISAN EMPLOYEES; RESTRICTED ACTIVITIES.....	15
Section 170-A. USE OF LEGISLATIVE EQUIPMENT AND RESOURCES.....	16
Subchapter 2. LAW AND LEGISLATIVE REFERENCE LIBRARY.....	16
Section 171. DECLARATION OF POLICY.....	16
Section 172. STATE LAW LIBRARIAN (REPEALED).....	16
Section 172-A. STATE LAW LIBRARY; ADMINISTRATION.....	16
Section 173. STATE LAW LIBRARY; SERVICES.....	16
Section 174. ADMINISTRATIVE PROVISIONS (REPEALED).....	17

Subchapter 1: GENERAL PROVISIONS

3 §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

1965, c. 425, §§2-B (AMD) . 1973, c. 590, §3 (RPR) . 1979, c. 127, §5 (AMD) .

3 §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) .]

1-B. Office of Program Evaluation and Government Accountability budget. To present the budget request of the Office of Program Evaluation and Government Accountability to the State Budget Officer as provided in Title 5, section 1665. If the budget presented pursuant to subsection 1-A differs from the budget request submitted by the Office of Program Evaluation and Government Accountability pursuant to this subsection, the Legislative Council shall simultaneously submit a report to that office and to the State Budget Officer explaining why the Legislative Council's budget request differs from the budget request of the Office of Program Evaluation and Government Accountability.

[2001, c. 702, §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;

[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, including position control, of the Legislature and of all legislative agencies, departments and offices and to comply with provisions of Title 5, Part 4 determined by the Legislative Council as relevant and applicable to the legislative branch and necessary for maintaining proper accounting controls and reporting. Appropriations for carrying out the purposes of this chapter must be made annually by the Legislature. All appropriations or allocations by the Legislature, including appropriations or allocations for specific studies to be carried out by the joint standing committees or joint select committees, may not lapse but must 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 must be refunded to the Legislature;

[2005, c. 12, Pt. LL, §1 (AMD) .]

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, c. 220, §3 (AMD). 1973, c. 590, §4 (RPR). 1975, c. 657, (AMD). 1975, c. 770, §§3-5 (AMD). 1979, c. 541, §§A7,A8 (AMD). 1981, c. 702, §R (AMD). 1983, c. 2, §1 (AMD). 1983, c. 584, (AMD). 1983, c. 824, §V (AMD). 1985, c. 501, §§B1-3 (AMD). 1989, c. 410, §§1-4 (AMD). 1991, c. 1, (AMD). 1991, c. 622, §§L1-3 (AMD). 1993, c. 415, §J1 (AMD). 1995, c. 37, §1 (AMD). RR 1997, c. 2, §4 (COR). 1997, c. 24, §§FF1,2 (AMD). 1997, c. 43, §§1-3 (AMD). 1997, c. 671, §1 (AMD). 1999, c. 1, §2 (AMD). 2001, c. 358, §E1 (AMD). 2001, c. 468, §1 (AMD). 2001, c. 702, §1 (AMD). 2005, c. 12, §LL1 (AMD).

3 §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.

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

1981, c. 702, §X11 (NEW). 1983, c. 853, §§3-5 (AMD). 1983, c. 862, §§2-4 (AMD). 1987, c. 349, §K1 (RPR). 1987, c. 349, Pt. K, §1 (RPR). 1987, c. 769, §A2 (AMD). 1993, c. 6, §J1 (AMD). 1993, c. 707, §FF1 (AMD).

3 §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); 1989, c. 596, Pt. C, §8 (AMD); 1989, c. 600, Pt. B, §§9, 10 (AMD); 1989, 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); 1989, c. 596, Pt. C, §8 (AMD); 1989, c. 600, Pt. B, §§9, 10 (AMD); 1989, c. 878, Pt. D, §§14, 15 (AMD).]

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

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

SECTION HISTORY

1983, c. 862, §§5,6 (NEW). 1989, c. 501, §§07,22 (AMD). 1989, c. 596, §C8 (AMD). 1991, c. 824, §§B13,14 (AFF).

3 §163. EXECUTIVE DIRECTOR OF THE LEGISLATIVE COUNCIL; DUTIES

The duties of the Executive Director of the Legislative Council are: [2003, c. 673, Pt. QQQ, §1 (AMD) .]

1. Executive officers. To act as executive officer of the Legislature when it is not in session and unless the Legislature otherwise orders, the Executive Director shall, with the cooperation of the Secretary of the Senate and the Clerk of the House of Representatives have custody of all legislative property and material, arrange for necessary supplies and equipment through the State Bureau of Purchases, arrange for necessary services, make all arrangements for incoming sessions of the Legislature, have general oversight of chambers and rooms occupied by the Legislature and permit state departments to use legislative property. The Executive Director may sell, in accordance with procedures established by the Legislative Council, unneeded legislative equipment and materials and, with the approval of the President of the Senate and the Speaker of the House of Representatives, dispose of obsolete or unusable equipment and materials through the Bureau of General Services' surplus property program. Proceeds from the sale of unneeded equipment and materials must be credited to the legislative account. The Executive Director has the authority to enter into contracts authorized by the Legislative Council and shall approve accounts and vouchers for payment. A perpetual inventory of all legislative property must be maintained under the supervision of the Legislative Council and an accounting of the inventory must be made to the Legislature upon its request.

[2003, c. 673, Pt. QQQ, §2 (AMD) .]

2. Supervision. To assign, direct and supervise, subject to the control of the council, the activities of the legislative staff offices. The Executive Director shall have no supervisory authority with respect to any persons employed pursuant to chapter 1 or section 168 of this title;

[1985, c. 501, Pt. B, §4 (AMD) .]

2-A. Appointment of legislative staff. To appoint, upon recommendation of the appropriate office director and subject to the approval of the Legislative Council, qualified persons to legislative staff positions based solely on their ability to perform their duties and without regard to party affiliation. The general duties and compensation of these positions shall be established under the direction of the council and in accordance with organizational and performance objectives established by the council. These legislative staff positions shall be unclassified and not subject to the civil service law.

[1985, c. 785, Pt. B, §4 (AMD) .]

3. Vehicle for requests. To act as a vehicle through which the several agencies, departments and offices of the Legislature may report to the council their budget requests, personnel and supply requirements and to assist the council in the orderly disposition of these requests.

[1973, c. 590, §5 (RPR) .]

4. Policy implementation. To be responsible for implementing policy resulting from decisions of the council.

[1973, c. 590, §5 (RPR) .]

5. Reports. To prepare such reports as are required of the council and maintain minutes of the regular meetings of the council.

[1983, c. 590, §5 (RPR) .]

6. Staff assistants.

[1983, c. 2, §3 (RP) .]

7. Other duties. To undertake such other duties as are assigned by the council.

Revision: subsections 1-4 should end ";", subsection 5 should end "; and"

[1973, c. 590, §5 (RPR) .]

SECTION HISTORY

1965, c. 341, §§1,2 (AMD). 1965, c. 412, §4 (AMD). 1965, c. 425, §§2-D (AMD). 1965, c. 465, (AMD). 1967, c. 357, (AMD). 1967, c. 476, §§1,2 (AMD). 1969, c. 8, §2 (AMD). 1969, c. 504, §§2,3 (AMD). 1969, c. 527, (AMD). 1971, c. 298, (AMD). 1973, c. 14, §3 (AMD). 1973, c. 590, §5 (RPR). 1973, c. 625, §7 (AMD). 1973, c. 788, §3 (AMD). 1983, c. 2, §§2,3 (AMD). 1985, c. 501, §B4 (AMD). 1985, c. 785, §B4 (AMD). 1989, c. 410, §5 (AMD). 2003, c. 673, §§QQQ1,2 (AMD).

3 §163-A. LEGISLATIVE STAFF SERVICES

Legislative staff shall provide the following services under the direction of the Executive Director:

[1985, c. 501, Pt. B, §5 (NEW) .]

1. Bill drafting. To furnish to the members of the Legislature the assistance of expert draftsman qualified to aid the Legislature in the preparation of bills for introduction into the Legislature;

[1985, c. 501, Pt. B, §5 (NEW) .]

2. Revision. Upon request, to assist any agency appointed to revise the statutes of the State or any portion of the statutes and, at the direction of such agency, to consolidate, revise and clarify the statutes of the State;

[1985, c. 501, Pt. B, §5 (NEW) .]

2-A. Engrossing. To engross all bills passed by the Legislature;

[1987, c. 816, Pt. KK, §2 (NEW) .]

3. Session laws. To prepare and index for printing as promptly as possible, after the adjournment of each session, the session laws, which compilation shall include all Acts and resolves which the Legislature has adopted during the session and which have received the approval of the Governor, when such approval is necessary, and any other material of a general nature that the Executive Director may determine;

[1985, c. 501, Pt. B, §5 (NEW) .]

4. Copy of public laws. After each session of the Legislature, to cause the public laws enacted at that session to be printed on good paper and in suitable type and to distribute the same within the State to all citizens making a request for those laws;

[1985, c. 501, Pt. B, §5 (NEW) .]

5. Pocket supplements. After each session of the Legislature, to cause to be published cumulative pocket supplements of the volumes of the Revised Statutes, and any replacement or recompiled volumes, which shall contain an accurate transcription of all public laws, the material contained in the next preceding

pocket supplement, complete and accurate annotations to the statutes, appendix and other material accumulated since the publication of the next preceding pocket supplement and a cumulative index of that material;

[1985, c. 501, Pt. B, §5 (NEW) .]

6. Continuing revision. After each session of the Legislature, to prepare a report inserting in their proper places in the Revised Statutes public laws enacted since the last revision of the statutes and, after each subsequent session of the Legislature, to prepare a report supplementing the report so that those reports and supplements shall form the basis of the next revision of the statutes;

[1985, c. 501, Pt. B, §5 (NEW) .]

7. Committee assistance. To provide research, analysis and bill drafting assistance for joint standing or select committees, including, but not limited to, the Joint Standing Committee on Appropriations and Financial Affairs, the Joint Standing Committee on Audit and Program Review and other legislative agencies;

[1985, c. 501, Pt. B, §5 (NEW) .]

8. Reports and legislation. To prepare narrative reports on matters referred to joint standing committees for review or study and prepare legislation to be introduced pursuant to those reports;

[1985, c. 501, Pt. B, §5 (NEW) .]

9. Research services. To provide a comprehensive research service for Legislators, legislative joint standing or select committees and commissions and the Legislative Council;

[1985, c. 501, Pt. B, §5 (NEW) .]

10. Collection of fiscal information. To collect and assemble factual information concerning the fiscal affairs of the State for the use of the Joint Standing Committee on Appropriations and Financial Affairs of the Legislature in formulating its proposals for appropriations and to collect and assemble fiscal information concerning other revenue funds for the use of any joint standing committee in formulating proposals for allocation acts;

[1985, c. 501, Pt. B, §5 (NEW) .]

11. Appropriation requests. To examine all requests for appropriations made by the various agencies of State Government and attend any hearings necessary to obtain complete information;

[1985, c. 501, Pt. B, §5 (NEW) .]

12. Statement of costs. To prepare statements pertaining to the existence of cost or the amount of cost to municipalities or counties for implementing or complying with a proposed law. The statement of cost shall be made within the limits of information provided to the office designated by the Legislative Council as having responsibility for financial analysis. The statements shall be furnished to the appropriate committee for the information of its members and for inclusion in bills which receive an ought to pass report when reported by the committee. A statement shall not be necessary for any bill which has no cost to municipalities or counties; and

[1985, c. 501, Pt. B, §5 (NEW) .]

13. Other duties. To undertake such other duties as are assigned by the Executive Director.

[1985, c. 501, Pt. B, §5 (NEW) .]

SECTION HISTORY

1985, c. 501, §B5 (NEW). 1987, c. 816, §KK2 (AMD).

3 §164. DIRECTOR OF LEGISLATIVE RESEARCH; FUNCTIONS AND DUTIES
(REPEALED)

SECTION HISTORY

1969, c. 8, §1 (AMD). 1971, c. 480, §4 (AMD). 1973, c. 46, (AMD).
P&SL 1973, c. 220, §4 (AMD). 1973, c. 590, §§6,7 (AMD). 1973, c. 788,
§4 (AMD). 1979, c. 396, §7 (AMD). 1983, c. 2, §4 (AMD). 1985, c. 501,
§B6 (RP).

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: [1973, c. 590, §8 (NEW) .]

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

[1973, c. 590, §8 (NEW) .]

2. Information and reports provided. 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;

[1973, c. 590, §8 (NEW) .]

3. Quorum. 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;

[1973, c. 590, §8 (NEW) .]

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

[1973, c. 590, §8 (NEW) .]

5. Minutes. 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;

[1973, c. 590, §8 (NEW) .]

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

[1973, c. 590, §8 (NEW) .]

7. Other subpoenas, etc. When the duties assigned to a committee so require, the Legislature may grant to it the power 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. When the Legislature grants this power to a joint standing committee or joint select committee, such committee shall function as an investigating committee and shall be subject to the provisions of chapter 21. No appropriation or allocation may be made for a specific study unless the Legislative Council has first approved a budget adopted by the joint standing committee which is to conduct the study. No appropriation or allocation may be made for the operation of any joint select committee unless the Legislative Council has first approved a budget adopted by the joint select committee. 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 witness and approved by the chairman of the committee;

[1985, c. 377, §1 (AMD) .]

8.

[1975, c. 750, §2 (RP) .]

SECTION HISTORY

1973, c. 590, §8 (NEW). 1975, c. 593, §§1,2 (AMD). 1975, c. 623, §3 (AMD). 1975, c. 750, §2 (AMD). 1975, c. 770, §6 (AMD). 1985, c. 377, §1 (AMD).

3 §166. DIRECTOR OF LEGISLATIVE ASSISTANTS

(REPEALED)

SECTION HISTORY

1973, c. 590, §9 (NEW). 1975, c. 770, §7 (AMD). 1983, c. 2, §5 (RPR). 1985, c. 501, §B7 (RP).

3 §167. LEGISLATIVE FINANCE OFFICER; DUTIES

(REPEALED)

SECTION HISTORY

P&SL 1973, c. 220, §5 (AMD). 1973, c. 590, §10 (NEW). 1979, c. 406, (AMD). 1979, c. 541, §A9 (AMD). 1983, c. 2, §6 (AMD). 1985, c. 501, §B8 (RP).

3 §168. STAFF ASSISTANTS TO LEGISLATIVE LEADERSHIP

The President of the Senate, the Majority and Minority Floor Leaders of the Senate, the Speaker of the House of Representatives, and the Majority and Minority Floor Leaders of the House of Representatives shall each have the authority to appoint, at his discretion, a personal staff assistant, or more than one assistant if their aggregate salary does not exceed that of the single personal staff assistant, when the Legislature is in session and at such other times as might be necessary, with the approval of the Legislative Council. [1983, c. 2, Pt. H, (AMD).]

SECTION HISTORY

1973, c. 590, §11 (NEW). 1975, c. 623, §§3-A (AMD). 1975, c. 770, §8 (AMD). 1977, c. 564, §§11-A (AMD). 1983, c. 32, §H (AMD).

3 §168-A. LEGISLATIVE YOUTH ADVISORY COUNCIL

(REPEALED)

SECTION HISTORY

2001, c. 439, §PPPP1 (NEW). 2001, c. 439, §PPPP4 (AFF). 2003, c. 20, §§F2,3 (AMD). 2003, c. 481, §§1,2 (AMD). 2003, c. 689, §B6 (REV). 2005, c. 414, §§1,2 (AMD). 2005, c. 616, §§A1,B1-4 (AMD). 2007, c. 679, §§1, 2 (AMD). 2009, c. 623, §1 (RP).

3 §168-B. LEGISLATIVE YOUTH ADVISORY COUNCIL

The Legislative Youth Advisory Council, referred to in this section as "the council," is created to advise the Legislature on policy matters related to youth. [2009, c. 623, §2 (NEW).]

1. Membership. The council consists of 20 members appointed in accordance with this subsection. In appointing members, the appointing authorities shall strive to ensure a balance among members in terms of statewide geographic distribution and gender. All appointments are for the duration of the legislative term for which the members are appointed and expire upon the convening of the next Legislature. Members may be reappointed to subsequent terms on the council as long as they are eligible at the time of their reappointment.

A. The President of the Senate shall appoint the following 10 members:

- (1) Two members of the Senate representing the 2 largest political parties in the Senate; and
- (2) Eight youths who have attained 15 years of age and who are enrolled in programs that lead to a secondary school diploma or certificate of attendance or a general equivalency diploma or are enrolled in equivalent instruction programs under Title 20#A, chapter 211, subchapter 1#A. The youth members must be appointed from names recommended for appointment by the 2 appointed members of the Senate. [2009, c. 623, §2 (NEW).]

B. The Speaker of the House shall appoint the following 10 members:

- (1) Two members of the House of Representatives representing the 2 largest political parties in the House; and
- (2) Eight youths who have attained 15 years of age and who are enrolled in programs that lead to a secondary school diploma or certificate of attendance or a general equivalency diploma or are enrolled in equivalent instruction programs under Title 20#A, chapter 211, subchapter 1#A. The youth members must be appointed from names recommended for appointment by the 2 appointed members of the House of Representatives. [2009, c. 623, §2 (NEW).]

[2009, c. 623, §2 (NEW) .]

2. Chairs. The first appointed Senate member is the Senate chair of the council and the first appointed House member is the House chair of the council.

[2009, c. 623, §2 (NEW) .]

3. Compensation. Members of the council who are Legislators are entitled to the legislative per diem and to reimbursement of reasonable expenses incurred in attending meetings of the council. Youth members of the council are entitled to reimbursement of reasonable expenses incurred in attending meetings of the council only upon a demonstration of financial hardship.

[2009, c. 623, §2 (NEW) .]

4. Meetings. The council may hold 2 meetings in each calendar year in a location in the State chosen by the chairs. There is no quorum requirement for the meetings. Legislative members shall encourage the use of social networking media during and between meetings to facilitate communication and participation of council members and others interested in the council's work. The legislative members shall encourage the participation of youth members in the legislative process by providing opportunities during the legislative session for youth members to shadow legislative members, attend hearings and work sessions of legislative committees and testify before the committees on legislation of interest to youth. Shadowing and participatory activities are not considered meetings of the council.

[2009, c. 623, §2 (NEW) .]

5. Report. The council shall submit a biennial report to the Legislative Council no later than the 2nd Friday in February of even-numbered years, beginning in 2012. The report may include recommendations on policy issues before the Legislature pertaining to youth and may include recommended legislation.

[2009, c. 623, §2 (NEW) .]

6. Staff. The Legislative Council may authorize staff support for the council for meetings held during the legislative interim.

[2009, c. 623, §2 (NEW) .]

SECTION HISTORY

2009, c. 623, §2 (NEW) .

3 §169. CONSTITUENT SERVICE OFFICER; FUNCTIONS AND DUTIES *(REPEALED)*

SECTION HISTORY

1973, c. 590, §12 (NEW) . 1985, c. 501, §B9 (RP) .

3 §170. PARTISAN EMPLOYEES; RESTRICTED ACTIVITIES

Partisan legislative employees who assume active roles in campaigns shall either limit their activities to evenings and weekends or take leave to pursue these activities if they occur during the Legislature's regular business day, which is 8 a.m. to 5 p.m. This includes fund raising for campaign efforts as well as other activities that are directly related to election or reelection efforts. [1995, c. 100, §1 (NEW) .]

SECTION HISTORY

1995, c. 100, §1 (NEW) .

3 §170-A. USE OF LEGISLATIVE EQUIPMENT AND RESOURCES

Legislative employees are prohibited from at any time using the computer system, telephones, copying machines and other legislative equipment for work related to campaigns. [1995, c. 100, §1 (NEW) .]

SECTION HISTORY

1995, c. 100, §1 (NEW) .

Subchapter 2: LAW AND LEGISLATIVE REFERENCE LIBRARY

3 §171. DECLARATION OF POLICY

The Legislature declares that it is the policy of the State to provide a law and legislative reference library adequate to the informational needs of the Legislature, other branches of State Government and the citizens of Maine. [1971, c. 480, §1 (NEW) .]

SECTION HISTORY

1971, c. 480, §1 (NEW) .

3 §172. STATE LAW LIBRARIAN

(REPEALED)

SECTION HISTORY

1971, c. 480, §1 (NEW) . P&SL 1973, c. 220, §6 (AMD) . 1973, c. 590, §13 (AMD) . 1975, c. 770, §9 (RP) .

3 §172-A. STATE LAW LIBRARY; ADMINISTRATION

The Executive Director of the Legislative Council shall assign, direct and supervise, subject to the control of the council, the activities of the State law and legislative reference library. [1985, c. 501, Pt. B, §10 (NEW) .]

SECTION HISTORY

1985, c. 501, §B10 (NEW) .

3 §173. STATE LAW LIBRARY; SERVICES

The State Law Library shall provide the following services: [1985, c. 501, Pt. B, §11 (AMD) .]

1. **Legislative reference service.** Provide a comprehensive reference service on legislative problems for all members of the Legislature and its committees, equally and impartially, and to the limits of its staff and facilities. Such reference services shall be available also to public officials and to citizens generally.

Collect, index and make available in the most suitable form information relative to governmental subjects which will aid the Legislature, other public officials and citizens to perform their duties in an enlightened manner.

[1971, c. 480, §1 (NEW) .]

2. **Law library.** Provide a law library for the use of all agencies of State Government, the judiciary, attorneys and citizens of Maine.

[1985, c. 501, Pt. B, §11 (AMD) .]

3. Distribution, sale and exchange of law books. Copies of the Revised Statutes, supplements thereto and session laws shall be delivered by the printer to the State Law Librarian for distribution and sale in accordance with prices, policies and procedures established by the Legislative Council. All proceeds from such sales shall be deposited to the credit of the General Fund.

A.

Copies shall be sent, on an exchange basis, to the Library of Congress, secretary of the Maine State Bar Association, the Supreme Court Library of Canada and to each state or territorial library in the United States.

One copy of the laws passed by each session of the Legislature shall be given to each Member thereof, the Secretary of the Senate, the Assistant Secretary of the Senate, the Clerk of the House and the Assistant Clerk of the House. [1985, c. 501, Pt. B, §11 (RP).]

Revision note: Paragraph A repealed, but these 2 paragraphs are blocked paragraphs of A. (see PL1985, c. 501, Pt. B, § 11).

B. [1985, c. 501, Pt. B, §11 (RP).]

C. [1985, c. 501, Pt. B, §11 (RP).]

The State Law Librarian may, in his discretion, sell surplus copies of volumes entrusted to him or use them for exchange purposes to increase the usefulness of the library. Proceeds from all sales shall be deposited to the credit of the General Fund.

[1985, c. 501, Pt. B, §11 (AMD) .]

SECTION HISTORY

1971, c. 480, §1 (NEW). P&SL 1975, c. 147, §H1 (AMD). 1975, c. 771, §§12-14 (AMD). 1977, c. 506, §§1-3 (AMD). 1981, c. 48, §2 (AMD). 1985, c. 501, §B11 (AMD).

3 §174. ADMINISTRATIVE PROVISIONS

(REPEALED)

SECTION HISTORY

1971, c. 480, §1 (NEW). 1975, c. 770, §10 (RPR). 1979, c. 396, §8 (AMD). 1983, c. 2, §7 (AMD). 1985, c. 501, §B12 (RP).

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126TH MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

MEMO

To: Members of the Legislative Council
126th Maine Legislature

From: *D.B.*
David E. Boulter, Executive Director
Legislative Council

Date: December 6, 2012

Re: Assignment of initial salaries for Constitutional Officers and State Auditor

One of the initial decisions required of the Legislative Council once a new Legislature is convened is the assignment of the initial salary for newly elected Constitutional Officers and the State Auditor. State law prescribes the salary grade and the initial salary step for each official. Following the initial appointment of the Constitutional Officers and the State Auditor, the Legislative Council is authorized to adjust the salary of each official by one step for each year of continuous service. See below.

"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.

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." 3 MRSA §162-B.

The Secretary of State was newly elected at the convening of the 126th Legislature, and as such, the Legislative Council must establish the initial salary for the Secretary of State upon him or her taking office. Pursuant to law, at the time of initial appointment, the salary of the Secretary of State must be set at Step C (Step 3) within Salary Grade 88. Effective January 1, 2011, the salary for Grade 88 Step 3 is \$69,264.00.

The State Treasurer was newly elected at the convening of the 126th Legislature, and as such, the Legislative Council must establish the initial salary for the State Treasurer upon him or her taking office. Pursuant to law, at the time of initial appointment, the salary of the State Treasurer must also be set at Step C (Step 3) within Salary Grade 88. Effective January 1, 2011, the salary for Grade 88 Step 3 is \$69,264.00.

The Attorney General was newly elected at the convening of the 126th Legislature, and as such, the Legislative Council must establish the initial salary for the Attorney General upon him or her taking office. Pursuant to law, at the time of initial appointment, the salary of the Attorney General must be set at Step E (Step 5) within Salary Grade 91. Effective January 1, 2011, the salary for Grade 91, Step 5 is \$92,248.00.

The State Auditor was newly elected at the convening of the 126th Legislature, and as such, the Legislative Council must establish the initial salary for the State Auditor upon him or her taking office. Pursuant to law, at the time of initial appointment, the salary of the State Auditor must be set at Step E (Step 5) within Salary Grade 89. Effective January 1, 2011, the salary for Grade 89, Step 5 is \$81,556.80.

Note that the Constitutional Officers and the State Auditor are considered "confidential employees" of State Government but are not entitled to State payment of retirement contributions of 6.5%. They may, however, participate in the State retirement system, and they are paid a 5% salary premium over the above stated grade and step.



126TH MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

MEMO

To: Members of the Legislative Council
126th Maine Legislature

From: *D. B.*
David E. Boulter, Executive Director
Legislative Council

Date: December 6, 2012

Re: Assignment of initial salaries for Secretary of the Senate and the Clerk of the House of Representatives

Another initial decision required of the Legislative Council once a new Legislature is convened is the establishment of the initial salary for a newly elected Secretary of the Senate and a newly elected Clerk of the House. State law prescribes the salary grade and the initial salary options for each of those Legislative officials. Following the initial appointment of the legislative officials, the Legislative Council is authorized to adjust the salary of each official by one step for each year of continuous service. 3 MRSA §162-A:

"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[Step 1] or Step B[Step 2], 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.

The salary ranges shall be those established by the Legislative Council for Legislative staff. No other state salary may be paid to these officials.

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.*

Memo to Legislative Council
Re: Assignment of Initial Salaries
December 6, 2012
Page 2

Both the Secretary of the Senate and the Clerk of the House were newly elected at the convening of the 126th Legislature on December 5, 2012, and as such, the Legislative Council must establish the initial salaries.

Pursuant to law, the initial salary for both the Secretary of the Senate and the Clerk of the House must be either of the following within salary grade 14:

- Step 1: \$76,627.20 (annual); or
- Step 2: \$83,532.80 (annual).

G:\Council\126th Legislative Council\Agenda\December 6 2012 - organization\Clerk & Secretary initial salaries memo 12-6-12.doc



SUZANNE M. GRESSER
REVISOR

MAINE STATE LEGISLATURE
OFFICE OF THE REVISOR OF STATUTES
STATE HOUSE STATION 7
AUGUSTA, MAINE 04333-0007
(207) 287-1650
FAX: (207) 287-6468

Date: December 6, 2012

To: Members of the Legislative Council of the 126th Legislature

From: Suzanne M. Gresser, Revisor *SMG*

RE: Proposed policy on processing duplicate bill request filings

Beginning in the 116th Legislature, the Joint Rules have contained the following language:

For duplicate or closely related bills or resolves, the Legislative Council may establish a policy for combination of requests and the number of cosponsors permitted on combined requests.

The Legislative Council of the 116th Legislature and each subsequent Legislative Council established a policy directing the Office of the Revisor of Statutes to identify and combine bill requests that appear to be closely related. Although past Legislative Councils recognized that it is impossible to identify all of the closely related bills due to a variety of factors such as the early printing of some bills, variations in indexing, and evolution of specific content as a bill progresses through the drafting process, past Legislative Councils have determined that, in order to facilitate the efficient scheduling and consideration of bills by the joint standing committees, it is beneficial to the legislative process to identify and consolidate similar bills whenever possible.

The identification and consolidation process that has been used in the past when cloture is set in mid-December is as follows:

- Upon filing, each bill request is indexed according to subject matter.
- The bill titles were reviewed after cloture in an attempt to identify bills that were closely related. If the proposed solutions to the same issue were sufficiently similar, the requests were combined into one measure. In making assessments to identify duplicates, the process normally took 2

weeks following cloture to review and assess all the requests and most duplicates were identified prior to the Legislature's return in January.

- The sponsor who filed the first complete request was the primary sponsor of the measure.
- The identified later filers were given the opportunity to sign onto the measure as mandatory cosponsors; the primary sponsor was also allowed to obtain the full complement of cosponsors authorized by Joint Rule 206.
- If a later filer demonstrated that the bill request he or she filed was not closely related, then his or her request was fully drafted according to the sponsor's direction.

When the 124th and 125th Legislatures adopted a cloture deadline of mid-January and early January, respectively, the process was modified slightly in order to allow the printing of some bills in advance of the later cloture deadline. The Legislative Council of both Legislatures directed the Revisor's Office to make reasonable efforts to identify duplicate bills as the office processed them before cloture and to notify sponsors as in the past, setting up primary and mandatory cosponsors. The Councils recognized that by printing bills prior to cloture, a number of potential duplicates would not be identified and combined; however, the Council did not want to suspend the printing of bills until after the cloture date because it would not further the Legislature's goal of expeditious processing and printing of bills.

Because the cloture deadline of the 126th Legislature is in January, in order to facilitate the efficient consideration of bills in the same manner as was done in the First Regular Session of the 124th and 125th Legislatures, I recommend that the Legislative Council adopt the process that was established by the 124th and 125th Legislatures.

I would be happy to answer any questions or provide any additional information.
Thank you.

December 1, 2012

EXECUTIVE DIRECTOR'S
OFFICE

2012 DEC 3 P 3:04

Hon. Kevin Raye, Senate President
Office of the Senate President
3 State House Station
Augusta, Maine 04333

Hon. Robert Nutting
Office of the Speaker of the House
2 State House Station
Augusta, Maine 04333

Dear President Raye and Speaker Nutting,

Please find the attached annual report of the Tobacco Prevention and Control Advisory Council. This report is being delivered to you in accordance with MRSA Title22, § 272, section 2.

Should you have any questions about the report or require more information, please do not hesitate to contact the Tobacco Prevention and Control Advisory Council or the staff at the Partnership for a Tobacco-free Maine, Maine Center for Disease Control, Maine Department of Health and Human Services.

Sincerely,



Tina Harnett Pettingill, MPH, CPC

CC: David Boulter; Executive Director of the Legislative Council

Tobacco Prevention & Control Advisory Council's Annual Report 2012

The Partnership For A Tobacco-Free Maine (PTM) is Maine's state tobacco, prevention and control program. PTM is a comprehensive program that works in multiple goal areas: to prevent youth from smoking, to assist people to quit their use of tobacco and to protect people from secondhand smoke while identifying and assisting those people most affected by tobacco use and exposure.

Executive Summary

The Partnership For A Tobacco-Free Maine (PTM) has achieved significant milestones this calendar year as a result of a sustained, collaborative and comprehensive approach.

Achievements:

In an ongoing effort to reduce tobacco smoke exposure in the home, Maine became the first state in the nation to require protection of tenants in new units. The Maine State Housing Authority, now called MaineHousing, by a vote of its Board of Directors, approved the 2013 Qualified Allocation Plan which will now include a threshold requirement that all projects funded through its Low Income Housing Tax Credit (LIHTC) program must be 100% smoke free. Signed by Governor LePage on October 25, 2012, Maine is the first state in the nation to require this.

The Maine Tobacco HelpLine annualized treatment reach during this calendar year was 3.73 %. This is especially significant when statistically state tobacco cessation quit lines have an average reach of only 1 - 2 %. The training component of the Maine Tobacco HelpLine hosts an annual Intensive Tobacco Treatment Training and Conference; the spring 2012 event was attended by 136 participants. Recognizing that those with mental health and behavioral health issues have higher rates of tobacco use and addiction than the general population, the theme of this year's event focused on the link between mental health and tobacco use and how best to provide effective treatment counseling and related nicotine replacement therapy to this specific population.

As part of our ongoing effort to provide training in tobacco treatment to all Mainers, The Maine Helpers Program (based on the University of Arizona College of Medicine program) was launched during 2012. Three Helpers Train-the-Trainer sessions were conducted with 42 professionals trained and certified. This resulted in 14 Helpers Training held and a total of 103 new "Helpers" trained throughout the state to provide supportive and empathetic assistance to friends, family and co-workers who are struggling to end their addiction to tobacco products.

Recognizing that preventing youth from ever starting to use tobacco must be a priority, PTM has established community level guidelines for recreation providers of all types to assist them in their efforts to provide smoke-free and tobacco-free outdoor recreation settings for families to enjoy. As 2012 comes to a close, eighty-six (86) community recreation tobacco-free outdoor policies are in place across the state which supplement the comprehensive smoke-free laws in the State by decreasing secondhand smoke exposure, encouraging youth from never starting to use tobacco products, and by providing a tobacco-free environment that supports tobacco-free living.

Maine has developed and maintained a respected, comprehensive program that has its foundation in Maine's strong indoor smoking laws protecting all of its residents from secondhand smoke in public places and workplaces, in its effective tobacco treatment training and services, as well as, in its commitment to provide strong prevention programs that encourage Maine's youth to avoid tobacco use and to enjoy a smoke-free and tobacco-free life.

Ongoing challenges:

Despite these achievements, youth in Maine still succumb to tobacco addiction. According to the 2011 Youth Behavioral Risk Survey (YBRS), 15.2% of Maine high school students report smoking in the past month. This translates into approximately 12,670 students. More alarming is the rise in use of "other tobacco products" among Maine youth. For example, between 2001 and 2011, there has been an increase of 24.19% in the use of smokeless tobacco among Maine high school age youth, predominantly among boys. With the new spitless products there is recent evidence to suggest an increase in girl's use, which while not statistically significant, is of concern.

The fact that steep drops in youth smoking/tobacco use have stalled nationally and in Maine is of deep concern. As noted in the August 10, 2012 MMWR¹, tobacco use continues to be the leading cause of preventable death and disease in the United States, with nearly 443,000 deaths occurring annually because of smoking and exposure to secondhand tobacco smoke. According to national statistics, 80% of youth who smoke will continue their use into adulthood and one-half of these will die up to 13 years earlier than their non-smoking peers. Since 90% of youth begin their use prior to age 18, and 99% of current tobacco users began prior to age 26 it is vital that Maine concentrate its efforts on proven strategies to prevent youth from ever starting.

The 2011 Maine Integrated Youth Health Survey (MIYHS) includes some troubling data on youth tobacco use; for example, 67% of high school youth report that it would be "sort of easy" or "very easy" to get cigarettes if they

¹ Morbidity and Mortality Weekly Report, Volume 61 / Number 31: August 10, 2012.

wanted some, including getting them from friends, family, stealing as well as buying them illegally (under 18 years of age) in stores. 52% of high school and 50.4% of middle school students say that they see tobacco product advertising in stores "a lot". Of all youth surveyed who report that they have ever smoked a whole cigarette, one third report doing this before they turned 13 years of age.

The negative health effects of cigarette smoking are immediate. It is especially deleterious among adolescents and young adults where it causes early damage to the abdominal aorta including a narrowing in this large artery that carries oxygen rich blood to the major organs as noted in the 2012 U.S.DHHS, *Preventing Tobacco Use Among Youth and Young Adults: A report from the Surgeon General* CDC National Center for Chronic Disease Prevention and Health Promotion. From the same report we have learned that adults who smoked during adolescence can have lungs that never develop to their full potential size and hence never perform to full capacity.

The recommended components of a comprehensive, multi-component, effective program to prevent youth initiation of tobacco use include school-based policies and programs, smoke free laws and policies, community norms that support tobacco-free living and targeted media campaigns.

It is vital to the long term health of Maine residents that the Partnership For A Tobacco-Free Maine as a comprehensive program continues to be supported at all levels.

Goal one:

Preventing youth and young adults from using tobacco

Rationale and progress to date

Maine's youth high school smoking rate, defined as youth smoking cigarettes any day in the past thirty days, according to the 2011 Maine Integrated Youth Health Survey (MIYHS) is 15.5%. Cigar (cigarillos and little cigars) use by high school age youth is 12.9% and 1.8% for middle school youth.

PTM's powerful counter marketing, community initiatives, and youth leadership training over the past decade has clearly been successful; however, most youth who were exposed to our earlier messages have now become adults.

There are always new youth growing up who are susceptible to becoming addicted to tobacco. Preventing youth from ever starting to use tobacco is the most important step in reducing the state's smoking rates and the resulting disease, disability, and death.

We know from national studies that 90% of addicted adult smokers started using tobacco before the age of 18, 99% before age 26 and about one-third of these smokers will die prematurely from a smoking-related disease. While Maine has made great strides in reducing our youth smoking rates, our efforts at prevention must continue and be directed to each new generation.

PTM's state tobacco control and prevention program uses the federal CDC recommended strategies by supporting Maine's strong state laws as well as voluntary comprehensive policies especially in settings frequented by

youth and families, for example in outdoor community recreation locations, and in all schools.

The prevention effort includes mass media campaigns that include fact sheets, brochures, radio, television, web and internet sites to reach and communicate to youth and with their teachers, coaches, and especially parents.

A new effort in 2012 was to get kids to think about their decision making process. The **"Why I don't smoke" campaign**, encourages youth to log onto to facebook and to interact with other kids to stay committed to not ever using tobacco.

In collaboration with the State's Department of Education, PTM provides information to those involved in health education as well as teaching tools to help in classroom based instruction. Developed over the past few years, the **interactive program called "The Billionaire Vanishes"** encourages middle school aged students to use their laptops to follow clues to solve a mystery while learning new tobacco-related facts by referencing places on the internet about tobacco use and its dangers.

At the community level, PTM has remained committed to its collaboration with the statewide network of Healthy Maine Partnerships. The initiatives support a commitment to community engagement and youth leadership in support of a tobacco-free lifestyle.

The NO BUTS! Program is an ongoing, nationally recognized retailer training program to block underage sales to minors under age 18. Maine retailers have maintained a stellar record, as evidenced by the fact that

the rate of illegal sales to youth has remained at 5% or less over the past three years.

The Star Store Program is a voluntary education and recognition program to encourage tobacco retailers to responsibly manage point-of-sale marketing materials for tobacco products. Tobacco retailers who voluntarily reduce their point-of-sale tobacco advertising will be recognized at both the state and local levels. As a NO BUTS! "Star Store" the retail outlet will be rewarded with "good neighbor" status through in-store, local media and community promotions. The intent of this initiative is to involve the participation of youth groups throughout Maine to conduct assessments of the retailers. This initiative is a business friendly approach to the serious issue of tobacco industry advertising that attracts the attention of youth and makes tobacco use seem to be the norm. This initiative resulted from a 2005 Resolve, Chapter 46 that was passed by the Legislature's Joint Standing Committee on Health and Human Services.

PTM Action Sheets are one-page fact sheets for parents, coaches and teachers to educate them about new tobacco products and the negative impact of tobacco use on athletic performance. The action sheets are meant to give action steps on what to do and how to reach out to youth. PTM will create more action sheets as part of this ongoing series.

Recreation Policy: The PTM Tobacco-Free Community Recreation Initiative gives community recreation departments and other community programs tools for developing policies that promote tobacco-free environments. PTM provides no-cost signage after a policy is reviewed and accepted by PTM. There are currently over 86 tobacco-free community recreation policies throughout the state.

School Policy: During the 123rd legislative session, the Maine State Legislature passed a bill that strengthened the law regarding tobacco use on school grounds. School buildings and grounds are required to be 100% tobacco free at all times. PTM has supported an additional step by working with Maine's schools to encourage the development of a comprehensive policy to include the following: procedures for enforcing the policy; procedures for communicating the policy; prohibition against tobacco use by students, staff, parents, and visitors on school property, in school vehicles, and at school sponsored functions on or away from school property; as well as, prohibition against tobacco advertising in school buildings, at school functions and in school publications.

Maine's Annual Anti-Tobacco Youth conference

The Maine Annual Youth Conference was held in November 2012. The event is sponsored by PTM and organized by the Maine Youth Action Network along with the Maine Youth Leadership Team. Approximately 340 youth and adults from across Maine came together to learn about programs to promote and invest in youth leadership, as well as, provide a range of opportunities for teens and young adults to get involved with tobacco prevention and control.

As our mission is to reduce tobacco related death and disability in Maine by creating an environment supportive of a tobacco-free lifestyle, we believe in the importance of the power of youth voices in the fight against big tobacco. The event provides an opportunity for youth from grades 7-12 to gain knowledge, resources, skills, and allows them to network amongst those throughout Maine. They are also given the opportunity to share and participate in action planning during which they identify steps they can have learned and how they can build upon those in their own communities and schools.

Goal two:

Preventing exposure to secondhand tobacco smoke:

Rationale and progress to date:

Secondhand smoke is deadly. According to the Surgeon General of the United States, "The scientific evidence indicates that there is no risk-free level of exposure to secondhand smoke."² And as noted in the Institute of Medicine report: IOM (Institute of Medicine). 2010. *Secondhand Smoke Exposure and Cardiovascular Effects: Making Sense of the Evidence*. Washington, DC: The National Academies Press: "... while smoking restrictions protect non-smokers; such restrictions also help smokers quit, cut down and avoid relapse by reinforcing a non-smoking standard or 'norm ". Maine has taken a strong stand as evidenced by its laws to protect residents of the state.

Maine's Laws Relating to Smoking

The laws related to secondhand smoke in Maine primarily relate to two settings: workplaces where the law is in place to protect employers and employees; and public settings, defined as places into which the public is invited or allowed, to protect the public at large from the dangers of secondhand smoke. Smoking is banned by Maine law in all enclosed indoor areas of the workplace. This includes a ban on smoking in all employer-owned and employer-leased vehicles. Smoking is also banned in employee-owned vehicles when such vehicles are being used in the course of work whenever other employees or persons are in the vehicle for work-related reasons.

The Good Work! Resource Kit includes sample policies that can be

² *The Health Consequences of Involuntary Exposure to Tobacco Smoke: A Report of the Surgeon General*. U.S.DHHS CDC Office on Smoking and Health. 2006

downloaded and adapted to the needs of the individual employer while meeting or exceeding state law. The Kit can be viewed on the web at www.tobaccofreemaine.org. A simplified Guide for Maine Employers (found within the kit and also available separately) provides an easy to read summary of how Maine businesses can more easily comply with Maine law. Helpful brochures, information and more can be accessed easily from one's desktop online at www.ptmstore.org.

The Partnership For A Tobacco-Free Maine website has been updated to include an online listing and brief description of all relevant secondhand smoke laws with a link to the state's legislative website to access the statute. To support the legislation that prohibits smoking in public places, PTM created a generic smoke-free area sign that cites all tobacco laws. This sign is available free of charge to Maine businesses in order for them to comply with the law.

Smoking is also prohibited in residential facilities licensed by DHHS when an employee is physically present to perform work there.

Employers in Maine may only allow smoking outdoors, at least twenty (20) feet from entryways, vents, windows and doorways, and not in a location that will allow smoke to circulate back into the building. (Public Law 2009, Ch. 300 and 22 M.S.R.A. §1580-A).

In outdoor locations, smoking is prohibited in, on or within twenty (20) feet of common areas, including beaches, playgrounds, and public places (including rest rooms) at Maine's state parks and historic sites.

Smoking is also prohibited in outdoor eating areas of bars, restaurants,

and snack bars—at any eating establishment where food or drink is served to the public for consumption on the premises—24 hours a day, 365 days a year. (Public Law 2009, Ch. 140 and 22 M.S.R.A. § 1542 SUB-§ 1 & 1550).

Smoking is prohibited in a motor vehicle by the operator or a passenger whenever a person under the age of sixteen years is present. A person violating this section of Maine law commits a civil violation for which a fine of \$50 may be assessed or a written warning given at the discretion of the law enforcement officer.

Violations of any of these laws may be reported to PTM by phone and/or complaints can be filed online at www.tobaccofreemaine.org Complaints are forwarded to the proper enforcement authorities.

The Breathe Easy Coalition of Maine is an “umbrella coalition” comprised of the Smoke-Free Housing Coalition of Maine, the Maine Tobacco-Free College Network and the Maine Tobacco-Free Hospital Network. The coalition’s purpose is to reduce involuntary exposure to secondhand smoke by voluntary improvements in both indoor and outdoor environments through a collaborative effort involving Maine’s colleges, health care/hospital systems and within its multi-unit residential housing.

The Smoke-Free Housing Coalition of Maine seeks to protect residents in multi-unit housing from exposure to secondhand smoke since the home is now the predominant location for exposure to this deadly, toxic substance.³

³ Ibid.

Secondhand smoke is especially dangerous to children, the elderly, those with respiratory disorders and even pets. Children exposed to secondhand smoke at home have an increased risk of developing ear infections and respiratory tract infections, and are 44% more likely to suffer from asthma.

Since its start in 2004, the Smoke-Free Housing Coalition has provided technical assistance and accessible resources to a wide range of partners. It has made Maine the first state in the nation to have successfully assisted all twenty of the state's Public Housing Authorities to develop and implement fully 100% smoke free policies for all of the units; protecting 9,470 residents living in over 5,000 units. In addition, 48% of private landlords have chosen to go smoke-free; protecting over 135,000 tenants. Surveys conducted with tenants in 2011 show that over 70% of tenants prefer to live in a smoke free building.

The Smoke-Free Housing Coalition of Maine also promotes the use of the Smoke-Free Home Pledge Family kit. Patterned after the Environmental Protection Agency's model, the kit supports families in adopting a pledge to keep their home smoke free at all times. Since 2008, 4,546 households in Maine have signed the pledge to keep their homes smoke-free.

The Maine Tobacco-Free College Network works with college administrators, health centers and student groups to promote tobacco-free living on campus. Since the smoking rate among young adults 18-24 years of age in Maine is 29.2% significantly higher than the overall adult rate of 22.8%, it is vital that colleges protect their students from secondhand smoke, educate about the danger of tobacco addiction and provide ready

access to tobacco treatment opportunities to students, faculty and staff.⁴

Utilizing an approach based on specific criteria, the MTFCN held a workshop and awards event on November 15, 2012, in conjunction with the Great American Smoke-Out (GASO) honoring nine colleges; four of which met the highest standards and received gold awards.

The Maine Tobacco-Free Hospital Network implements a similar approach as it collaborates with leaders within Maine's health care institutions. At its March 21, 2012 event, twenty-eight of Maine's thirty-nine hospitals (71%) received an award from MTFHN. The sixteen hospitals that achieved Gold Star status represent 2,223 acute care beds and stretch across all sixteen of Maine's counties protecting countless patients, staff, doctors, visitors and vendors.

Breathe Easy on the web: The Breathe Easy Coalition of Maine maintains a website and also hosts individual websites for each of its three component areas. Resources for all three components are also available; including fact sheets, sample leases and more; all of which are available for free download. In addition specific technical assistance is provided on a regular basis and as needed by request from tenants, consumers, landlords, health care organizations, college health officials and others. An annual schedule of webinars is made available, as are monthly electronic newsletters through online subscription. Breathe Easy Coalition staff host an Annual Meeting to bring together the many partners and collaborative entities with whom Breathe Easy works throughout the year. On July 26, 2012, the annual meeting featured keynote speaker Dr. Jonathan Winickoff, a pediatrician and researcher from Massachusetts General

⁴ Maine BRFSS, 2011.

Hospital, presenting on the emerging public health issue of third-hand tobacco smoke. A special award was presented to former PTM Program Manager Doreen Maines honoring her contribution and recognizing her retirement.

To contact the Breathe Easy Coalition by email;

breathe.easy.maine@gmail.com

Websites for the three components are:

www.SmokeFreeForME.org; www.MaineTobaccoFreeCollegeNetwork.org;

www.MaineTobaccoFreeHospitalNetwork.org

Goal three:

Motivating and helping tobacco users to quit:

Rationale and progress to date:

Maine's adult smoking rate according to the 2011 BRFSS was 22.8%. The apparent increase as evidenced by this specific survey may not be significant compared to previous years. A new methodology for analysis was used in 2011 because cell phone users were included to assure a more accurate representation of Maine's population in the 2011 sample. In prior years the survey sample was limited to households with landlines. According to the U S census 2011, Maine's adult population is 1,058,704; 22.8% would account for approximately 241,384 adult tobacco users. The rate among females is 20.6%, and for males 25.1% according to the 2011 Maine BRFSS.

Smoking rates vary widely among subsets of Maine's population. The smoking rate among Maine adults with annual incomes less than \$15,000 is 38.9%; while the rate for Maine adults with an annual income of more than \$50,000 is 12.5%.

Among the Medicaid/MaineCare population, the adult smoking rate according to the 2011 BRFSS is 40.4%. The 2009 Maine Pregnancy Risk Assessment Monitoring System (PRAMS) reports that 21.2% of all pregnant women in Maine smoke during their pregnancy, and the percent of women who smoke who are on Medicaid/MaineCare is much higher at 35.9%.

Pregnant women who smoke are a particularly difficult population to reach; but they do call the HelpLine. To assess the current status of female callers the tobacco specialist counselors who answer the HelpLine ask whether a woman caller is currently or not pregnant; planning to

become pregnant within the next three months, and if she is currently breastfeeding her child. During FY 12 (/1/2011-6/30/2012) 3,160 women who called were not pregnant, 51 currently pregnant, 31 were planning a pregnancy and 11 were currently breastfeeding their infant.

PTM conducted six focus groups in September of 2012 with MaineCare recipients who smoke to determine why they don't quit smoking, why they don't use their treatment/cessation benefit and whether or not they use their doctor as a resource to help them to quit smoking. PTM will use this information to design better ways to encourage smokers, both men and women, with low incomes (according to Federal Poverty guidelines) to seek treatment for their tobacco use.

Because research has shown that tobacco users/smokers are two to three times more likely to quit when using assistance than when they try on their own, the Partnership for A Tobacco-Free Maine (PTM) contracts with the MaineHealth's Center for Tobacco Independence (CTI) to implement the Statewide Tobacco Dependence Treatment Initiative for Maine. The Center for Tobacco Independence provides best practice, evidence-based tobacco treatment in accordance with the 2008 Public Health Service Guidelines (PHSG); Treating Tobacco Use and Dependence.

The Tobacco Dependence Treatment Initiative is comprehensive, and is comprised of four major components:

1. Coordination of the statewide system of tobacco dependence treatment services.
2. The Maine Tobacco HelpLine 1-800-207-1230 (telephonic counseling). The HelpLine is also reached via 1-800-NEWCHOICE (advertised specifically for youth under 18) and the national quit line number 1-800-

QUITNOW. The Maine Tobacco HelpLine reaches all counties in Maine offering easy access and free treatment even in Maine's most rural areas.

3. Statewide tobacco dependence treatment trainings: A variety of trainings of healthcare providers and allied professionals, about evidence-based tobacco treatment are provided annually.
4. The Maine Medication Voucher Program: Available to those without insurance or underinsured for cessation treatment. Tobacco users without insurance or under-insured and who are otherwise eligible may receive over the counter (OTC) Nicotine Replacement Therapy (NRT): Patch, gum, lozenge—all are FDA approved medications proven effective for tobacco treatment.

While many state quit lines reach 1-2% of smokers, the Maine Tobacco HelpLine's reach is 3.73% of Maine's tobacco users; the tobacco treatment intervention reach is 3.27% of Maine smokers. The total number of calls per year is approximately 15,000 which include smokers/tobacco users, doctors, family members, and calls for materials. The number of callers in the most recent fiscal year who registered for treatment was 5,900; 67% (3,834) received nicotine replacement therapy as part of their treatment.

The percent of Maine smokers who seek to end their use continues to increase dramatically due to the efforts of PTM to increase awareness among smokers and to provide accessible avenues to quit. The rate of efforts to quit (defined in BRFSS as those who "tried to quit") increased from 43% in 1994-1996 to 60% (with the highest rates found among those 18-34 years of age) during the time period 2009-2010.⁵

Fax referrals and Electronic Medical Record Referrals are becoming an important part of the Maine Tobacco HelpLine (MTHL) process to better

⁵ BRFSS 1994-2010 analysis

reach smokers. Known as the MTH Electronic Medical Referral project, this effort seeks to increase provider referrals to the MTHL by ensuring that a patient is asked at every visit about their tobacco use and offered tobacco treatment. If the patient agrees the provider will enter the information necessary and a tobacco specialist from the MTHL will call the patient to help them through the quitting process. A successful example of this approach has been the alliance formed by the MTHL with InterMed a multi-specialty healthcare organization serving 80,000 patients in the Portland area through their three sites and their seventy-five providers. InterMed now identifies tobacco users and refers them to the MTHL using a standard MTHL referral form that is embedded into their electronic health record (EHR) creating a permanent record and reminder system coupled with ongoing support.

The training component of the Tobacco Treatment Initiative has added new elements to its range of training opportunities. Launched during the calendar year of 2012 and based on a program from the University of Arizona's College of Medicine, the Maine Helpers Training Program is being used to more effectively train laypeople and non-clinical healthcare professionals to help tobacco users to take steps to quit. Fourteen trainings were held this year and as a result there are now fourteen Helpers Trainers who can conduct trainings for others who seek to become Trainers. In addition 103 Helpers are now prepared to encourage tobacco users to quit and utilize the Maine Tobacco HelpLine.

The Annual Intensive Tobacco Treatment Training Conference attracted 136 participants in the spring of 2012 to learn more about effective tobacco treatment and about the link between mental health and increased tobacco use.

Recognizing the expansion in the use of the e-cigarette and the many misconceptions around this relatively new product, a special symposium was

held on July 9, 2012 which featured a keynote from nationally recognized leader Dr. Nathan Cobb who spoke on the topic "What We Know and What We Need to Know."

Due to its ongoing efforts to train and certify tobacco treatment providers, the Maine Tobacco Treatment Initiative's Training and Certification Program received conditional accreditation from the Council for Tobacco Treatment Training Programs (CTTTP), the national accreditation body developed and sponsored by the Association for the Treatment of Tobacco Use and Dependence (ATTUD). The accreditation recognizes the combined Tobacco Intervention Trainings and Certification Component: Basic Skills Training, the Intensive Tobacco Treatment Training and Conference and the Maine Tobacco Treatment Certification Program as one of the eight premier tobacco treatment training and certification programs in the country.