

MAINE STATE LEGISLATURE

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**128TH MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL**

**128th Legislature
Legislative Council
Organizational Meeting**

**December 8, 2016
1:30 P.M.**

AGENDA

<u>Page</u>	<u>Item</u>	<u>Action</u>
	CALL TO ORDER	
	ROLL CALL	
	ELECTION OF OFFICERS FOR THE LEGISLATIVE COUNCIL OF THE 128TH LEGISLATURE	Election
1	ADOPTION OF LEGISLATIVE COUNCIL RULES OF PROCEDURE FOR 128th LEGISLATURE <ul style="list-style-type: none">Proposed Rules of Procedure for Legislative Council	Decision
	OLD BUSINESS None	
	NEW BUSINESS	
4	Item #1: Summary of Legislative Council Authority and Duties	Information
22	Item #2: Establishment of Salaries for Constitutional Officers and State Auditor	Decision
24	Item #3: Establishment of Salaries for Secretary of the Senate and Clerk of the House	Decision
25	Item #4: Legislative Council Policy on Processing Closely Related Legislator Bill Requests (Ms. Gresser)	Decision
27	Item #5: Legislative Council Policy on Legislator Attendance	Decision
29	Item #6: Legislative Council Policy on Harassment	Decision
32	Item #7: Legislative Council meeting schedule for 2017	Decision
	ANNOUNCEMENTS AND REMARKS	
	ADJOURNMENT	



128TH MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

MAINE LEGISLATIVE COUNCIL
128th LEGISLATURE

RULES OF PROCEDURE

1. **Organizational Meeting:** The President 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 128th 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/Action:** 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 128th Legislature or by a majority vote of the council. The council shall meet on a regular 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. 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 or designee 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 the committees of Personnel, State House Facilities and the Legislative Budget Subcommittee.
10. **Approval of Step Increases:** All step increases that require a vote of the Legislative Council during the 128th 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. Reports from the Executive Director and Staff Office Directors
 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 ballot to be circulated 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. Voting may also

take place electronically via email through the Executive Director or designee. 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 128th 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 128th Maine Legislature on December 8, 2016 at Augusta, Maine.

By:

Grant T. Pennoyer, Executive Director of the Legislative Council

Title 3: LEGISLATURE
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. NONPARTISAN 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).....	14
Section 167. LEGISLATIVE FINANCE OFFICER; DUTIES (REPEALED).....	14
Section 168. STAFF ASSISTANTS TO LEGISLATIVE LEADERSHIP.....	14
Section 168-A. LEGISLATIVE YOUTH ADVISORY COUNCIL (REPEALED).....	14
Section 168-B. LEGISLATIVE YOUTH ADVISORY COUNCIL (REPEALED).....	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.....	15
Subchapter 2. LAW AND LEGISLATIVE REFERENCE LIBRARY.....	15
Section 171. DECLARATION OF POLICY.....	15
Section 172. STATE LAW LIBRARIAN (REPEALED).....	15
Section 172-A. STATE LAW LIBRARY; ADMINISTRATION.....	15
Section 173. STATE LAW LIBRARY; SERVICES.....	16
Section 174. ADMINISTRATIVE PROVISIONS (REPEALED).....	16

Maine Revised Statutes
Title 3: LEGISLATURE
Chapter 7: LEGISLATIVE COUNCIL

Subchapter 1: GENERAL PROVISIONS

§161. LEGISLATIVE COUNCIL

1. Establishment; membership. The Legislative Council, consisting of 10 members, 5 of whom are members of the Senate and 5 of whom are members of the House of Representatives, is established. The members of the Legislative Council are:

A. The President of the Senate; [2015, c. 102, §1 (NEW) .]

B. The Speaker of the House of Representatives; and [2015, c. 102, §1 (NEW) .]

C. The majority and minority leaders and assistant leaders of the 2 political parties with the greatest number of members in each body. [2015, c. 102, §1 (NEW) .]

Only a person who holds an office specified in paragraph A, B or C may be a member of the Legislative Council and is a member only during the term of the Legislature in which that office is held. The Legislative Council shall elect a chair from within its own membership.

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 requires the affirmative votes of a majority of the members.

The Legislative Council shall meet at least once monthly when the Legislature is not in session, unless the chair determines that a meeting is not necessary, and at such other times as the membership or the chair determines necessary.

[2015, c. 102, §1 (NEW) .]

SECTION HISTORY

1965, c. 425, §§2-B (AMD). 1973, c. 590, §3 (RPR). 1979, c. 127, §5 (AMD). 2015, c. 102, §1 (RPR).

§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 office directors. By a vote of no fewer than 8 members present at a public meeting of the Legislative Council, to appoint an Executive Director of the Legislative Council, a State Law Librarian and such other office directors as the council considers necessary. Each director must be chosen without reference to party affiliations and solely on the grounds of fitness to perform the duties of the office. The Executive Director, the State Law Librarian and the office directors appointed pursuant to this subsection serve at the pleasure of the Legislative Council and may be removed from office only by a vote of no fewer than 8 members present at a public meeting of the Legislative Council;

[2015, c. 102, §2 (AMD) .]

6-A. Transition.

[2015, c. 102, §3 (RP) .]

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. Physical facilities for Legislature. To ensure that adequate physical facilities are provided for the efficient operation of the Legislature and to provide for and determine the utilization of legislatively controlled facilities both within and without the State House and, notwithstanding Title 5, section 1742, subsection 18, to control and assign the use of all rooms in the State House, except the immediate offices occupied by the Governor and the Governor's staff in the west wing of the State House. The Legislative Council shall ensure that the Governor and the Governor's staff occupy sufficient and appropriate office space within the State House.

The Legislative Council has the authority to authorize the Executive Director to enter into contracts for the purpose of maintaining or improving the physical facilities assigned to the Legislature, as long as the work to be performed is consistent with the official plan for the preservation and development of the aesthetic and historical integrity of the State House as described in section 902, subsection 1;

[1997, c. 671, §1 (AMD) .]

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, SR (AMD). 1983, c. 2, §1 (AMD). 1983, c. 584, (AMD). 1983, c. 824, SV (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). 2015, c. 102, §§2, 3 (AMD)..

§162-A. SALARIES SUBJECT TO ADJUSTMENT BY LEGISLATIVE COUNCIL

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

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

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

Secretary of the Senate; and

Clerk of the House of Representatives.

[1987, c. 349, Pt. K, §1 (RPR) .]

2. Range 9.

[1993, c. 707, Pt. FF, §1 (RP) .]

3. Range 86.

[1983, c. 862, §4 (RP) .]

4. Range 88.

[1983, c. 862, §4 (RP) .]

5. Range 89.

[1983, c. 862, §4 (RP) .]

SECTION HISTORY

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

§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).

§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 coordinate, direct and oversee, subject to the control of the Legislative Council, the activities of the nonpartisan legislative staff offices and to direct and supervise the administrative functions of legislative staff offices in accordance with the policies and procedures established by the Legislative Council. The Executive Director does not have any supervisory authority with respect to any persons employed pursuant to chapter 1 or section 168;

[2015, c. 102, §4 (AMD) .]

2-A. Appointment of nonpartisan legislative staff. To appoint, upon recommendation of the appropriate office director and subject to the approval of the Legislative Council and in accordance with the policies and procedures established by the council, qualified persons to nonpartisan 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 must be established under the direction of the council and in accordance with organizational and performance objectives established by the council. These nonpartisan legislative staff positions are unclassified and not subject to the civil service law.

[2015, c. 102, §5 (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.

[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). 2015, c. 102, §§4, 5 (AMD) .

§163-A. NONPARTISAN LEGISLATIVE STAFF SERVICES

Nonpartisan legislative staff shall provide the following services under the direction of the Executive Director: [2015, c. 102, §6 (AMD) .]

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

[2015, c. 102, §6 (AMD) .]

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 includes all Acts and resolves that the Legislature has adopted during the session and that 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;

[2015, c. 102, §6 (AMD) .]

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 must 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;

[2015, c. 102, §6 (AMD) .]

6. Continuing revision.

[2015, c. 102, §6 (RP) .]

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 of the Legislature having jurisdiction over appropriations and financial affairs and other legislative agencies;

[2015, c. 102, §6 (AMD) .]

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 of the Legislature having jurisdiction over appropriations and financial affairs 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;

[2015, c. 102, §6 (AMD) .]

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 cost. 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 is made within the limits of information provided to the office designated by the Legislative Council as having responsibility for financial analysis. The statements must be furnished to the appropriate committee for the information of its members and for inclusion in bills that receive an ought to pass report when reported by the committee. A statement is not necessary for any bill that has no cost to municipalities or counties; and

[2015, c. 102, §6 (AMD) .]

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). 2015, c. 102, §6 (AMD) .

§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) .

§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).

§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).

§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).

§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).

§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).

§168-B. LEGISLATIVE YOUTH ADVISORY COUNCIL**(REPEALED)**

SECTION HISTORY

2009, c. 623, §2 (NEW). 2015, c. 491, §1 (RP).

§169. CONSTITUENT SERVICE OFFICER; FUNCTIONS AND DUTIES

(REPEALED)

SECTION HISTORY

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

§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).

§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

§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).

§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).

§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).

§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) .]

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).

§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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Maine Revised Statutes
Title 5: ADMINISTRATIVE PROCEDURES AND SERVICES
Chapter 14-A: CAPITOL PLANNING COMMISSION

§304. APPROVAL OF CONSTRUCTION PROJECTS

A construction project may not be initiated in the Capitol Area for the development of state buildings and grounds following the adoption of the plan or amendments and additions thereto by the Legislature without the approval of the Legislative Council, the Bureau of General Services and the commission of the proposals and plans for the project. [2011, c. 691, Pt. B, §6 (AMD).]

SECTION HISTORY

1967, c. 458, §1 (NEW). 1969, c. 590, §76 (AMD). 1971, c. 615, §14 (AMD). 1973, c. 622, §4 (AMD). 1973, c. 788, §15 (AMD). 1975, c. 647, §5 (AMD). 2011, c. 691, Pt. B, §6 (AMD).

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128TH MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

MEMO

To: Members of the Legislative Council

From: Grant T. Pennoyer, Executive Director

Date: December 8, 2016

Re: Assignment of 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.

At the convening of the 127th Legislature, the offices of Secretary of State, State Treasurer, and Attorney General were initially elected to office. At the convening of the 128th Legislature:

- The Secretary of State having been reelected, this officer is eligible for a step increase from Step 6 to Step 7, effective January 1, 2017.
- The State Treasurer having been reelected, this officer is eligible for a step increase from Step 4 to Step 5, effective January 1, 2017.

- The Attorney General having been reelected, this officer is eligible for a step increase from Step 8 to Step 9, effective January 1, 2017.
- The State Auditor was initially elected in 2012 for a four-year term of office. At this time, the State Auditor having been reelected to another four-year term is eligible for a step increase from Step 8 to Step 9, effective January 1, 2017.

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.



128TH MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

MEMO

To: Members of the Legislative Council

From: Grant T. Pennoyer, Executive Director

Date: December 8, 2016

Re: Assignment of 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 or authorizing a one-step salary increase for a previously elected Secretary of the Senate and Clerk of the House. Provided below is the relevant text of 3 MRSA §162-A guiding the setting of salaries of the Secretary of the Senate and the Clerk of the House:

"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.*

Since the Secretary of the Senate and the Clerk of the House are not newly elected at the convening of the 128th Legislature, the Legislative Council may authorize a one-step increase for the Secretary of the Senate and for the Clerk of the House.



SUZANNE M. GRESSER
REVISOR

MAINE STATE LEGISLATURE
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FAX: (207) 287-6468

Date: December 7, 2016

To: Members of the Legislative Council of the 128th Legislature

From: Suzanne M. Gresser, Revisor of Statutes *smg*

RE: Proposed policy on processing duplicate bill request filings

Beginning with 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. 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 the evolution of specific content as a bill progresses through the drafting process. Nevertheless, those previous Legislative Councils 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 is as follows:

- Upon filing, each bill request is indexed according to subject matter.
- The Revisor’s Office reviews the bill titles after indexing in an attempt to identify as many bills as possible that are closely related. If, based solely on the information provided at intake, the proposed solutions to the same issue appear sufficiently similar, the requests are identified as appropriate for consolidation

into one measure. The process of reviewing and assessing all of the requests to identify closely related measures normally takes approximately 2 weeks following cloture.

- The sponsor who files the first **complete** request (i.e., a request that is accompanied by sufficient information to draft the bill) is designated as the primary sponsor of the measure.
- The “later filers” that are identified by the Revisor’s Office are given the opportunity to sign on as mandatory cosponsors to the first-filed measure; in addition, the primary sponsor is also authorized to collect the full complement of cosponsors authorized by the Joint Rules.
- If a later filer signs on as a mandatory cosponsor to the first-filed request, the later filer’s request is **not** produced as a separate bill request.
- If a later filer demonstrates that his or her bill request is not sufficiently closely related to the first-filed request, and that later filer does **not** sign onto the first-filed request as a mandatory cosponsor, then the later filer’s request is fully drafted according to the sponsor’s direction.

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



**128TH MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL**

**Legislative Council Policy
on Legislator Attendance**

Pursuant to Title 3, section 2, paragraph 3, the 128th Legislative Council adopts the following policy regarding excessive unexcused Legislators absences and the means of reducing the offending member's salary.

Recording Attendance

At the beginning of each Senate session, the Secretary of the Senate shall record the Senators that are absent each legislative day. Senators that arrive late for a Senate session must notify the Secretary of the Senate. The President must approve all leave from a Senate session.

At the beginning of each session of the House, the quorum call will be the official record of attendance. Members who miss the quorum call but did attend the session must notify the Clerk of the House that day. The House shall provide forms to members to request leave for a legislative day.

Reporting Absences without Leave

The Secretary of the Senate and the Clerk of the House shall notify Legislators with one or more absence without leave at least monthly.

Reducing Legislator Salaries for Excess Absences without Leave

Members that exceed the statutory threshold of number of absences without leave will have the member's salary reduced using the following graduated reductions.

During the First Regular Session, salaries will be reduced by \$25 for each day above 5 days but less than 11 days, by \$50 per day for each day above 10 days but less than 16 days and \$100 per day for each day greater than 15 days. In no case, may the total salary reductions for absences without leave exceed the member's salary for the First Regular Session.

During the Second Regular Session, salaries will be reduced by \$25 for each day above 3 days but less than 7 days, by \$50 per day for each day above 6 days but less than 10 days and \$100 per day for each day greater than 10 days. In no case, may the total salary reductions for absences without leave exceed the member's salary for the Second Regular Session.

During either session, if a member is absent without leave for more than 8 consecutive legislative days, the Secretary of the Senate or the Clerk of the House shall inform the Executive Director of the Legislative Council, who shall suspend the member's biweekly salary payments pending the member's return or approval of leave.

This policy is adopted by the Legislative Council on December 8, 2016 and will be retroactively effective on December 7, 2016.

By: _____
Executive Director of the Legislative Council

Authority: 3 MRSA §2

Adopted: December 8, 2016

Effective Date: December 7, 2016 (Retroactive)

Maine Legislative Council Policy On Sexual Harassment

SEXUAL HARASSMENT

The Legislative Council affirms the right of all legislative employees to work in an environment that is free from unlawful intimidation and harassment, including sexual harassment, hostility and offensiveness. Intimidation or harassment based on race, color, sex, sexual orientation, marital status, physical or mental disability, religion, age, ancestry or national origin, genetic information, whistleblower activity or a previous assertion of a claim or right under the Maine Workers' Compensation Act is a violation of Legislative Council policy. Any form of retaliatory action or threat or suggestion of retaliation by either employees or supervisors against any person filing a complaint under this policy or assist in an investigation is a violation of this policy. Sexual harassment in the workplace is unlawful, and it is also unlawful to retaliate against an employee for making a complaint of sexual harassment or for cooperating in an investigation of such a complaint. The Legislative Council prohibits sexual harassment of any employee by a supervisor, co-worker, Legislator, lobbyist, contractor or vendor and prohibits retaliation against any employee for making a complaint or cooperating in the investigation of a complaint of sexual harassment. The Legislative Council has adopted this policy to provide a work environment that is free from sexual harassment.

Office directors and supervisors have special responsibility for assuring compliance with this policy with respect to those employees who report to the director or supervisor. It is incumbent upon directors and supervisors to take prompt action to eliminate sexual harassment; employees may perceive that directors or supervisors condone sexually harassing behavior if a director or supervisor fails to intervene and take appropriate corrective action to eliminate sexual harassment. All supervisory and managerial employees are responsible for enforcing this policy. Failure to do so will be considered a failure to fulfill all the responsibilities of the position.

Sexual Harassment is unacceptable conduct and will not be condoned or tolerated in the workplace. It undermines the integrity of the employment relationship, destroys morale, interferes with performance and demeans its victims. Sexual Harassment by an employee is grounds for disciplinary action, in accordance with the Legislative Council's policies on employee discipline.

Examples of harassment include but are not limited to the following, and may be a series of incidents or a single occurrence:

- Unwelcome sexual advances, gestures, comments or contact;
- Threats;
- Offensive jokes;
- Ridicule, slurs or derogatory actions;
- Refusal to cooperate with employees in performing work assignments; and

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- Basing employment decisions or practices on submission to harassment.

1. — Definition

More specifically, ~~s~~Sexual harassment is defined as “unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when: (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment; (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting that employee; or (3) such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile or offensive working environment.”

Sexual harassment does not refer to occasional compliments of a socially acceptable nature. It refers to behavior which is unwelcome.

Examples of sexual harassment may include, but are not limited to: (1) repeated offensive sexual flirtations, advances or propositions; (2) continued or repeated verbal abuse of a sexual nature, (3) graphic or degrading verbal comments about an individual or his or her appearance; (4) the display of sexually suggestive objects or pictures; and (5) any offensive or abusive physical conduct.

2. — Complaint Procedure

An employee who believes that he or she is being or has been subjected to sexual harassment prohibited by this policy must report the harassment to the appropriate individual in accordance with the applicable personnel policies and guidelines for that employee. ~~his or her supervisor or, if the sexual harassment involves the supervisor, report the matter to the employee’s office director or the executive director if the sexual harassment involves an office director.~~ A Legislator who believes that he or she is being or has been subjected to harassment prohibited by this policy must report the harassment to his or her caucus leader, presiding officer or the Secretary of the Senate or Clerk of the House. The Legislature has established the following procedures to facilitate a prompt resolution of complaints of sexual harassment.

Upon receipt of a written or oral complaint, the person notified shall immediately notify the human resources director ~~person’s office director who shall then notify the executive director. The executive director, in consultation with the office director, who shall investigate the complaint. Unless circumstances warrant otherwise, such investigations and appropriate corrective actions for employee complaints are generally in consultation with the employee’s office director and the executive director, and take appropriate corrective actions. Unless circumstances warrant otherwise, such investigations and appropriate corrective actions for Legislator complaints are generally in consultation with the caucus leader, presiding officer and executive director.~~ Any employee who is determined, after investigation, to have harassed another employee in violation of this policy will be subject to appropriate disciplinary action up to and including termination of employment.

Employees have the right to file a complaint of sexual-harassment with the Maine Human Rights Commission and the Equal Employment Opportunity Commission as prescribed by law or rule, and are protected by law from retaliation for exercising this right.

This policy is adopted by the Legislative Council on this ____ day of _____, 200__.

BY: _____
David E. Boulter Grant Pennoyer, Executive Director
Legislative Council

This policy of the Legislative Council is codified in the Personnel Policies and Guideline handbooks for Legislative employees, 2008 edition.

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Legislative Council
Meeting Schedule for 2017

The schedule for Legislative Council meetings for calendar year 2017 is listed below:

Thursday, January 26, 2017
Thursday, February 16, 2017
Thursday, March 23, 2017
Thursday, April 27, 2017
Thursday, May 25, 2017
Thursday, June 22, 2017

Thursday, July 27, 2017
Thursday, August 24, 2017
Thursday, September 28, 2017
Thursday, October 26, 2017
Thursday, November 16, 2017
Thursday, December 14, 2017

All Legislative Council meetings are scheduled for Thursdays, usually the fourth Thursday of each month, in the Legislative Council Chamber, Room 334. Unless otherwise specified in the meeting notices, the meetings will begin at **1:30 P.M.**