129TH MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

Organizational Meeting

December 6, 2018
3:00 P.M.

REVISED AGENDA

Page	Item		Action
		CALL TO ORDER	
		ROLL CALL	
		ELECTION OF OFFICERS FOR THE LEGISLATIVE COUNCIL OF THE 129TH LEGISLATURE	**Election**
1		**ADOPTION OF LEGISLATIVE COUNCIL RULES OF PROCEDURE FOR 129th LEGISLATURE** • Proposed Rules of Procedure for Legislative Council	**Decision**
4		**SUMMARY OF THE SEPTEMBER 20, 2018 MEETING OF THE LEGISLATIVE COUNCIL**	**Decision**
		OLD BUSINESS	
12	Item #1:	Council Actions Taken by Ballot (No Action Required)	**Information**
		NEW BUSINESS	
❖ **13**	Item #1:	Summary of Legislative Council Authority and Duties	**Information**
❖ **51**	Item #2:	Establishment of Salaries for Constitutional Officers and State Auditor	**Decision**
❖ **53**	Item #3:	Establishment of Salaries for Secretary of the Senate and Clerk of the House	**Decision**
54	Item #4:	Legislative Council Policy on Processing Closely Related Legislator Bill Requests (Ms. Gresser)	**Decision**
56	Item #5:	Legislative Council Policy on Legislator Attendance	**Decision**
58	Item #6:	Legislative Council meeting schedule for 2019	**Decision**
59	Item #7:	Acceptance of Task Force on Health Care Coverage for All of Maine	**Acceptance**
		ANNOUNCEMENTS AND REMARKS	
		ADJOURNMENT	

129TH MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

MAINE LEGISLATIVE COUNCIL
129th LEGISLATURE

RULES OF PROCEDURE

1. **Organizational Meeting:** The Speaker 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 129th Legislature, the chair must be a Senator.

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 129th 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 129th 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 129th 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 129th Maine Legislature on December 6, 2018 at Augusta, Maine.

By: ____

Grant T. Pennoyer, Executive Director of the Legislative Council

REP. SARA GIDEON
CHAIR

SEN. MICHAEL D. THIBODEAU
VICE-CHAIR

EXECUTIVE DIRECTOR
GRANT T. PENNOYER

128TH MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

SEN. GARRETT P. MASON
SEN. AMY F. VOLK
SEN. TROY D. JACKSON
SEN. NATHAN L. LIBBY
REP. ERIN D. HERBIG
REP. JARED F. GOLDEN
REP. KENNETH W. FREDETTE
REP. ELEANOR M. ESPLING

LEGISLATIVE COUNCIL
MEETING SUMMARY
September 20, 2018

CALL TO ORDER

Speaker Gideon called the September 20, 2018 meeting of the Legislative Council to order at 1:27 p.m. in the Legislative Council Chamber.

ROLL CALL

Senators:	President Thibodeau, Senator Volk, Senator Mason and Senator Libby
Absent:	Senator Mason
Representatives:	Speaker Gideon and Representative Espling
Absent:	Representative Fredette (arrived late), Representative Herbig and Representative Golden
Legislative Officers:	Heather Priest, Secretary of the Senate Robert Hunt, Clerk of the House Grant T. Pennoyer, Executive Director of the Legislative Council Dawna Lopatosky, Legislative Finance Director Jackie Little, Human Resources Director Suzanne Gresser, Revisor of Statutes Marion Hylan Barr, Director, Office of Policy and Legal Analysis Chris Nolan, Director, Office of Fiscal and Program Review John Barden, Director, Law and Legislative Reference Library Danielle Fox, Director, Office of Program Evaluation and Government Accountability

Speaker Gideon convened the meeting at 1:27 p.m. with a quorum of members present.

SUMMARY OF JUNE 26, 2018 MEETING OF LEGISLATIVE COUNCIL

Motion: That the Meeting Summary for June 26, 2018 be accepted and placed on file. Motion by President Thibodeau. Second by Senator Jackson. **Motion passed unanimous (6-0-0-4,** with Senator Mason, Representatives Herbig, Golden and Fredette absent).

Legislative Council Chair Gideon asked if there was any objection to taking items out of order. There was no objection. The Chair then moved to **Reports from Council Committees.**

REPORTS FROM COUNCIL COMMITTEES

1. **Personnel Committee**

   Speaker Gideon reported that the Personnel Committee met earlier today to consider the following matters:

   1. SOMER Update

      Ms. Little informed the committee that the State of Maine has separated from the previous vendor for the Human Resources Management System project (formerly called SOMER). The project will still move forward as soon as a new vendor is selected.

   2. Legislator Attendance Policy

      Mr. Hunt presented a draft legislator attendance policy for the committee's review. The committee voted to adopt this revised policy.

      > **Motion:** That upon the recommendation of the Personnel Committee, the Legislative Council approve the revision to the *Legislative Council Legislator Attendance Policy* effective immediately. Motion by Speaker Gideon. Second by President Thibodeau. **Motion passed unanimous (6-0-0-4**, with Senator Mason, Representatives Herbig, Golden and Fredette absent).

   3. Harassment Training Update

      Ms. Little provided the committee with an update about harassment training and the Council's policy. Legislative staff and other interested parties are providing collaborative input into an updated policy and a draft revision will be available for the Personnel Committee and Legislative Council to consider at a future date. Plans are underway to provide harassment prevention training for lobbyists, legislative staff and legislators.

   4. New Member Orientation/Pre-Legislative Conference

      Mr. Pennoyer provided the committee with an update on progress on planning for New Member Orientation and the Pre-Legislative Conference. The committee provided guidance and suggestions to Mr. Pennoyer.

   5. Vacation Policy and Use of Accrued Leave

      Mr. Pennoyer raised a concern related to the current vacation policy and the length of the legislative session. After some discussion, the committee decided to raise this issue at a future meeting.

   6. Meal Reimbursement Policy

      Mr. Pennoyer relayed information about the recent meal reimbursement policy change.

7. Nonpartisan Staff Employee Engagement Survey

   Ms. Little presented a summary of the 2018 Nonpartisan Staff Employee Engagement Survey. Overall, employee responses were very positive.

8. Request for Temporary Disability from a Partisan Staff

   The committee considered a request by the legislative employee for temporary disability income benefits. The request was consistent with the provisions for temporary disability income benefits under the Legislative Council's personnel policies and guidelines. Upon the recommendation of the Executive Director, the committee voted unanimously to approve the request. No Legislative Council action is required.

9. Performance Evaluation and Step Increase – Marion Hylan Barr

   The committee reviewed the performance of and considered a step increase for Marion Hylan Barr, Director, OPLA. The committee voted unanimously to approve this step increase.

10. Performance Evaluation and Step Increase – Chris Nolan

    The committee reviewed the performance of and considered a step increase for Chris Nolan, Director, OFPR. The committee voted unanimously to approve this step increase.

11. Performance Evaluation and Step Increase – Grant Pennoyer

    The committee reviewed the performance of and considered a step increase for Grant Pennoyer, Executive Director. The committee voted unanimously to approve this step increase.

2. State House Facilities Committee

No report.

The Chair then moved to **New Business.**

NEW BUSINESS

Item #1: Review of Legislative Council *Policy on the Use of State House for Political Purposes*

Mr. Pennoyer explained that this policy is one that has been discussed by the State House Facilities Committee and supported by previous decisions of the Legislative Council. After discussion, the President suggested amending the policy to add "without the express consent of the Legislative Council" as a way for the Legislative Council to give an exception.

> Motion: That the Legislative Council approve the *Legislative Council Policy on the Use of the State House for Political Purposes*, as amended, effective immediately. Motion by Senator Volk. Second by President Thibodeau. **Motion passed unanimous (6-0-0-4,** with Senator Mason, Representatives Herbig, Golden and Fredette absent).

Item #2: Request to Hold the State Debate Team Finals in the State House

Representative Denno presented his request on behalf of the Maine National Speech and Debate Association to allow the 2019 District Congressional Debate Maine Qualifiers to be held in the State House on Saturday, January 12th. Mr. Jason Curry of Greeley High School explained that there would be approximately 70 people at this event. They are requesting the use of both Chambers, four committee rooms and the Welcome Center.

> Motion: That the Legislative Council approve the request to hold the 2019 District Congressional Debate Maine Qualifiers in the State House on Saturday, January 12, 2019. Motion by Senator Jackson. Second by President Thibodeau. **Motion passed unanimous (7-0-0-3**, with Senator Mason, Representatives Herbig, and Golden absent).

The Legislative Council then returned to the other items on its agenda.

REPORTS FROM EXECUTIVE DIRECTOR AND COUNCIL OFFICES

Executive Director's Report

Grant Pennoyer, Executive Director, presented the following written report.

1. Update on State House Facilities Projects

The major facilities project this interim has been the continuation of the window painting and pane replacement that began last interim addressing window maintenance issues primarily in the South Wing and the south face of the West Wing. We are also doing a restoration of the original windows that are in the Hall of Flags and the two stairwells and the exterior door in the Hall of Flags.

This year will also bring to an end the project to replace faulty Kitec fitting and piping in the State House heating and cooling system, which has taken four years to accomplish, leaving us better able to focus on other much needed preventive maintenance for the heating and cooling system in the future.

The project to upgrade Parking Lot O, southernmost parking lot in the State House campus, will begin in October with the addition of new lighting and an emergency call box and concluding with a repaving of the entire lot.

The start of the project to renovate the entrance to the Legislative Information Office has been delayed by the lead time on certain materials. We are still working on completing the project this interim, but it will not end until after the start of the next Legislature.

Also, starting in October is the replacement of carpeting in the Legislative Council Chamber and the Appropriations Committee Room.

Costs of some of these projects have been higher than budgeted, but sufficient funds remain in the facilities budget to complete this work. Under new business later in today's agenda, I will be reviewing these projects with you.

2. MELD Replacement Project

The information system project to replace the outdated bill production system, MELD, is progressing well. We are on track to do some parallel production testing of bills and amendments during the 1st Regular Session of the 129th Legislature with the complete switch over to the new Bill Production System by the 2nd Regular Session.

3. State House Items in Storage

Since the major renovation the State House during the 1998 to 2001 period, numerous items were moved to storage. The Secretary of the Senate, the Clerk of the House and I recently were provided an opportunity to review the items that are stored in two storage facilities. There are numerous items that were placed in storage in the years since the renovation that are broken or that are not going to be used again. I will be working with the Secretary and the Clerk to begin paring back what we are storing as part of PRO Moving's consolidation of State House storage to one facility.

Fiscal Report

Chris Nolan, Director, Office of Fiscal and Program Review, presented the following written report.

1. General Fund Revenue Update

Total General Fund Revenue - FY2019 ($'s in Millions)

	Budget	Actual	Var.	% Var.	Prior Year	% Growth
August	$314.7	$329.2	$14.5	4.6%	$306.1	7.5%
FYTD	$566.6	$601.9	$35.3	6.2%	$550.7	9.3%

General Fund revenue was over budget by $14.5 million (4.6%) for the month of August and by $35.3 million (6.2%) for the fiscal year to date. Individual income tax revenue was over budget by $2.6 million for the month and by $16.7 million for the fiscal year to date. Most of this positive variance was the result of higher than budgeted withholding and lower than budgeted refund payments. Corporate income tax revenue was over budget by $4.3 million for the month and by $6.6 million for the fiscal year to date. Sales and use tax revenue (July sales) was over budget by $5.1 million for the month and $8.4 for the fiscal year to date.

2. Highway Fund Revenue Update

Total Highway Fund Revenue - FY2019 ($'s in Millions)

	Budget	Actual	Var.	% Var.	Prior Year	% Growth
August	$32.0	$32.8	$0.9	2.7%	$32.0	2.5%
FYTD	$61.2	$63.4	$2.2	3.6%	$58.4	8.6%

Highway Fund revenue was over budget by $0.9 million (2.7%) for the month of August and by $2.2 million (3.6%) for the fiscal year to date. Fuel taxes were over budget by $0.2 million for the month and by $0.4 million for the fiscal year to date. Motor vehicle registrations and fees were over budget for the month by $0.7 million and over budget for the fiscal year to date by $1.8 million. The majority of this variance was in the long-term trailer registration fee line.

3. Cash Balances Update

The average balance in the cash pool for August was $1,313.9 million, up from July's average of $1,222.5 million and above both last August's average balance and the ten-year average for the month. General Fund internal borrowing from other funds was not needed in August (has not been needed since April of 2016). The average Highway Fund balance of $37.3 million in August was up from July's average of $20.1 million.

4. FY 2018 Year-End Transactions

The FY 2018 closing General Fund balance totaled $175.8 million, $74.6 million of which was budgeted and $101.2 million was unbudgeted. The $101.2 million not budgeted included $82.1 million in General Fund revenue surplus, $14.9 million in unbudgeted lapsed program balances and $4.2 million in other accounting adjustments. All fixed dollar transfers of what is known as the "cascade" provided for under current law were made (5 MRSA §1507, §1511, §1519 and §1536) with 80% of the remainder of the unbudgeted surplus distributed to the Maine Budget Stabilization Fund ($76.2 million) and 20% distributed to the Tax Relief Fund for Maine Residents ($19.0 million). These distributions brought the totals of the Maine Budget Stabilization Fund and the Tax Relief Fund to $272.9 million and $28.4 million respectively. The table below summarizes the sources and uses of FY 2018 unbudgeted unappropriated surplus funds.

FY 2018 General Fund Year-End Summary

Sources of General Fund Year-end Surplus:		
General Fund Revenue Variance		$82,055,418
Unbudgeted Lapsed Balances		$14,862,361
Other Accounting Adjustments Increasing (Decreasing) Balance		$4,241,080
Total Increase in Unbudgeted Unappropriated Surplus		**$101,158,859**
Uses of General Fund Year-end Surplus:		
Fixed Dollar Transfers		
Replenish Contingent Account up to $350,000 (5 MRSA §1507)		($350,000)
Transfer to Loan Insurance Reserve up to $1,000,000 (5 MRSA §1511)		($1,000,000)
Transfer to General Fund Operating Capital (5 MRSA §1536)		($2,500,000)
Transfer to Retiree Health Insurance UAL (5 MRSA §1519)		($2,000,000)
Total Fixed Dollar Transfers		**($5,850,000)**
Percentage Transfers - Remaining Surplus after Fixed Dollar Transfers		**$95,308,859**
Maine Budget Stabilization Fund	80.0%	($76,247,087)
Tax Relief Fund for Maine Residents	20.0%	($19,061,772)
Total Closing Transfers		**($101,158,859)**

The Highway Fund also has a statutory year-end transfer provision that transfers all but $100,000 of the increase in the unallocated surplus above the budgeted amount to the Department of Transportation for highway and bridge improvement projects in the next fiscal year. The amounts that transferred and are available in FY 2019 are $10.9 million. In addition to a $6.9 million revenue surplus, unexpended Highway Fund allocations that lapsed back to the unallocated surplus totaled $3.7 million and other net accounting adjustments equaled $0.4 million.

FY 2018 Highway Fund Year-End Summary

Sources of Highway Fund Year-end Surplus:	
Highway Fund Revenue Variance	$6,949,635
Unbudgeted Lapsed Balances	$3,729,292
Other Accounting Adjustments Increasing (Decreasing) Balance	$365,422
Total Increase in Unbudgeted Unallocated Surplus	**$11,044,349**
Uses of Highway Fund Year-end Surplus:	
Required Increase to Budgeted Balance	$100,000
Net Unallocated Transferred to Transportation	**$10,944,349**

OLD BUSINESS

Item #1: Council Actions Taken by Ballot

Decisions by Legislative Council Ballot:

Motion: **That the Legislative Council authorizes the funding for and approves the nonconforming elements pursuant to Joint Rule 353 of the legislative study included in LD 1095, "An Act To Establish the Maine Coastal Risks and Hazards Commission".**

Motion by: Speaker Gideon Second by: President Thibodeau
Date: June 27, 2018
Vote: 8-0-0-2 Passed (with President Thibodeau and Senator Mason absent)

Motion: **That the Legislative Council approve the design for the American Legion plaque honoring its 100 Years of Service to be displayed in the State House.**

Motion by: Speaker Gideon Second by: President Thibodeau
Date: August 22, 2018
Vote: 10-0 Passed

NEW BUSINESS

Item #3: Update on Facilities Project Costs

Mr. Pennoyer reported to the Council the revised costs for the following facilities projects. The Legislative Information Office entry way project was originally estimated to cost $25,000 however the lowest bid received was $67,340 due to the complicated nature of the project and increased material costs. There are sufficient funds in the State House Preservation and Maintenance Fund account to cover the cost variance for this project.

The second project with an increased cost is the audio-visual upgrade for the Appropriations Committee Room. This was originally estimated for $20,000 however the revised bid is $56,048. After discussion, Mr. Pennoyer was directed to look into more audio-visual options for the Appropriations Committee Room.

ANNOUNCEMENTS AND REMARKS

With no other business to consider or further announcements, the Legislative Council meeting was adjourned at 2:19 p.m.

Legislative Council Actions
Taken by Ballot Since the
September 20, 2018 Council Meeting

Decisions by Legislative Council Ballot:

Motion:	**That the Legislative Council approve the proposed Legislative Document Service Rates for the First Regular Session of the 129th Legislature as submitted by the Clerk of the House.**		
Motion by:	Speaker Gideon	Second by:	President Thibodeau
Date:	October 29, 2018		
Vote:	10-0 Passed		

Title 3: LEGISLATURE

Chapter 7: LEGISLATIVE COUNCIL

Table of Contents

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, §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). 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, §A§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).]

P20

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, §§O7,22 (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).

§170-B. REQUIRED TRAINING REGARDING HARASSMENT

(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)

(WHOLE SECTION TEXT EFFECTIVE 12/13/18)

All Legislators, legislative staff and lobbyists shall attend and complete a course of in-person education and training regarding harassment, including sexual harassment, at the beginning of each regular session of the Legislature. The Legislative Council shall develop and implement this course of education and training. For the purpose of this section, "lobbyist" has the same meaning as in section 312-A, subsection 10. [2017, c. 443, §1 (NEW).]

SECTION HISTORY
2017, c. 443, §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).

Title 5: ADMINISTRATIVE PROCEDURES AND SERVICES

Chapter 141: GENERAL PROVISIONS

Table of Contents

Maine Revised Statutes

Title 5: ADMINISTRATIVE PROCEDURES AND SERVICES

Chapter 141: GENERAL PROVISIONS

§1501. UNIFORM FISCAL YEAR

The fiscal year of the State Government shall commence on the first day of July and end on the 30th day of June each year. The fiscal year shall be followed in making appropriations and in financial reporting, and shall be uniformly adopted by all departments and agencies of the State Government.

§1502. FEDERAL FUNDS

The Governor and every state officer and department head who shall be intrusted with the expenditure of federal funds in this State shall file in the office of the State Controller a detailed report of all disbursements, including the purposes for which such disbursements were made and the persons to whom any money was paid, supported by proper vouchers, said report to be filed within 30 days after the entire fund has been disbursed.

Any state officer excepting the Governor, whether elected or appointed, and any department head who shall fail or neglect to file such report as provided shall be subject to removal from office by authority of the Governor, and if the Governor of the State shall fail or neglect to file such report, he shall be subject to impeachment in the manner provided in the Constitution of Maine, Article IX, section 5.

§1502-A. PAYMENT PRIORITY

Payments made on behalf of the Department of Health and Human Services for Temporary Assistance for Needy Families and for foster care have priority over other payments and must be made without delay whether or not they are pursuant to a state plan or contract under 45 Code of Federal Regulations, Part 23. The Department of Administrative and Financial Services shall cooperate with other state agencies to accomplish priority payments. [1991, c. 747, §2 (NEW); 1997, c. 530, Pt. A, §34 (AMD); 2003, c. 689, Pt. B, §6 (REV).]

SECTION HISTORY
1991, c. 747, §2 (NEW). 1997, c. 530, §A34 (AMD). 2003, c. 689, §B6 (REV).

§1503. ALLOCATIONS FROM THE CONSTRUCTION RESERVE FUND; BALANCE

(REPEALED)

SECTION HISTORY
1969, c. 455, §2 (RP).

§1504. CHARGING OFF ACCOUNTS DUE STATE

The State Controller shall charge off the books of account of the State or any department, institution or agency thereof, such accounts receivable, including all taxes for the assessment or collection of which the State is responsible, and all impounded bank accounts, as are certified to the State Controller as impractical of realization by or for the State, department, institution or agency. Such certification must be by the Attorney General, the Commissioner of Administrative and Financial Services and the head of the department, institution or agency responsible for such account, subject to the approval of the Governor. In each such case, the charging off of such accounts must be recommended by the head of the department, institution or agency originally responsible for such account. [1991, c. 780, Pt. Y, §38 (AMD).]

SECTION HISTORY
1973, c. 701, §3 (AMD). 1975, c. 771, §65 (AMD). 1985, c. 785, §A48 (AMD). 1991, c. 780, §Y38 (AMD).

§1505. PETTY CASH FUNDS

A Petty Cash Fund must be allowed by the Commissioner of Administrative and Financial Services to each state department or agency that in the commissioner's opinion requires such a fund. The fund so established may be reimbursed only upon statements and bills audited by the State Controller. [1991, c. 780, Pt. Y, §39 (AMD).]

SECTION HISTORY
1985, c. 785, §A49 (AMD). 1991, c. 780, §Y39 (AMD).

§1506. RETURN OF WORKING CAPITAL ADVANCES

Whenever a working capital advance, or any part thereof, is no longer required for the purpose for which it was made, such amount must be returned to the state fund from which the advance was made. Such return may be made only on the recommendation of the department or agency head having jurisdiction over the advance and with the approval of the Commissioner of Administrative and Financial Services and the Governor. [1991, c. 780, Pt. Y, §40 (AMD).]

SECTION HISTORY
1975, c. 771, §66 (AMD). 1985, c. 785, §A50 (AMD). 1991, c. 780, §Y40 (AMD).

§1507. CONTINGENT ACCOUNT

The Governor may allocate from the State Contingent Account amounts not to exceed in total the sum of $4,350,000. The Governor may allocate from such account amounts not to exceed in total the sum of $300,000 in any fiscal year in accordance with the purposes specified in subsections 1, 2, 3, 4 and 4-A, an amount not to exceed $1,000,000 in accordance with the purposes specified in subsection 5-A, an amount not to exceed $1,000,000 in accordance with the purposes specified in subsection 5-B and an amount not to exceed $2,000,000 in accordance with the purposes specified in subsection 5-C. [2009, c. 213, Pt. OOO, §1 (AMD).]

1. Institutions. The Governor may allocate funds from such account, when need exists and only upon the written request of the Commissioner of Health and Human Services and upon consultation with the State Budget Officer, to those institutions administered by the Department of Health and Human Services where actual average population in a fiscal year exceeds the basic estimates of population upon which the budget was approved and where such relief can not be absorbed within regular legislative appropriations.

[1995, c. 2, §4 (COR); 2001, c. 354, §3 (AMD); 2003, c. 689, Pt. B, §§6, 7 (REV) .]

2. Construction. The Governor may allocate funds from such account to provide funds for construction, repairs, equipment, supplies and furnishings, whenever:

A. An increase in construction or equipment costs results in a project cost in excess of the amount appropriated therefor by the Legislature; or [1975, c. 771, §67 (RPR).]

B. A condition arises during the course of a project which necessitates a change in plans, specifications or equipment resulting in a project cost in excess of funds previously made available therefor. [1975, c. 771, §67 (RPR).]

The Governor may make allocations for this purpose only upon the written request of an appropriate officer of the State and upon consultation with the State Budget Officer.

[1975, c. 771, §67 (RPR) .]

3. Purchase of real estate. The Governor may allocate funds from such account to provide funds in accordance with Title 1, section 814. Allocations may be made from this fund by the Governor only upon the written request of the Director of the Bureau of General Services and upon consultation with the State Budget Officer.

[2011, c. 691, Pt. B, §7 (AMD) .]

4. Emergencies. The Governor may allocate funds from such account to meet any emergency expense necessarily incurred under any requirement of law or for the maintenance, in emergency conditions, of government within the scope existing at the time of the previous session of the Legislature or contemplated by laws enacted thereat, or to pay expenses arising out of an emergency requiring an expenditure or money not provided by the Legislature. The Governor shall determine the necessity for such allocations upon consultation with the State Budget Officer.

[1975, c. 771, §67 (RPR) .]

4-A. Maine community colleges. The Governor may allocate funds from such account in amounts not to exceed in total the sum of $100,000 in any fiscal year to provide funds for any unusual and unforeseen needs as may arise in the operation of the Maine community colleges. Allocations may be made from this fund by the Governor only upon the written request of the Board of Trustees of the Maine Community College System and after consultation with the State Budget Officer.

[1989, c. 878, Pt. A, §11 (AMD); 2003, c. 20, Pt. OO, §2 (AMD); 2003, c. 20, Pt. OO, §4 (AFF) .]

5. Promotion of Maine. The Governor, upon consultation with the State Budget Officer, may allocate funds from such account in amounts not to exceed in total the sum of $50,000 in any fiscal year for the promotion of Maine outside of the State, after ample evidence is presented that such funds will support such unusual and unforeseen needs as may arise in the promotion of specific projects that bear a direct positive effect on the economy of Maine and only when there is a written request to the Governor for such funds by a private group or by a state officer whose duties are related to such specific projects; and $250,000 in any fiscal year for scientific, experimental and research projects designed to develop new industries, to enhance industrial productivity or to develop, test or transfer new technologies for which federal funding requiring a state match is available.

[1991, c. 528, Pt. E, §6 (AMD); 1991, c. 528, Pt. RRR, (AFF); 1991, c. 591, Pt. E, §6 (AMD) .]

5-A. Job development training. The Governor may allocate funds from such account in amounts not to exceed in total the sum of $1,000,000 to provide funds for any unusual, unforeseen or extraordinary needs for state assistance in creating jobs by assisting in meeting the training requirements of labor-intensive new or expanding industries. Allocations for this purpose may be made from this fund by the Governor only upon the written request of the Commissioner of Labor and the Commissioner of Economic and Community Development and after consultation with the State Budget Officer. The commissioners' request to the Governor must be formulated subsequent to their consultation with the Commissioner of Education, the President of the Maine Community College System and the director of the appropriate local workforce investment area designated pursuant to the federal Workforce Innovation and Opportunity Act, Public Law 113-128.

[2017, c. 110, §1 (AMD) .]

5-B. Training fund for job retention. The Governor may allocate funds from the account in amounts not to exceed in total the sum of $1,000,000 to provide funds to assist with the training needs of stable businesses that utilize new technologies and work processes to remain competitive and would otherwise be reducing their workforce. Allocations for this purpose may be made from this fund by the Governor only upon written request of the Commissioner of Labor and the Commissioner of Economic and Community Development and after consultation with the State Budget Officer. The commissioners' request to the Governor must be formulated subsequent to their consultation with officials and training providers of the business.

[1993, c. 410, Pt. QQQ, §2 (NEW) .]

5-C. Early childhood investments. The Governor may allocate funds from the account in amounts not to exceed in total the sum of $2,000,000 to provide funds to assist with the development of an early care and education infrastructure. Allocations for this purpose may be made from this fund by the Governor upon written request of the Commissioner of Education and the Commissioner of Health and Human Services and after consultation with the State Budget Officer.

[2009, c. 213, Pt. OOO, §2 (NEW) .]

6. Claims. The Governor shall allocate funds from the account for the payment of claims approved or partially approved by the State Claims Commission under section 1510-A.

[2005, c. 683, Pt. A, §6 (AMD) .]

7. Procedure. All allocations from the State Contingent Account must be supported by a statement of facts setting forth the necessity for the allocation. A copy of each order for an allocation, together with the statement of facts, must be provided to the Office of Fiscal and Program Review, the joint standing committee having jurisdiction over economic development matters, to the President of the Senate and to the Speaker of the House of Representatives when the allocation is made.

[1993, c. 410, Pt. QQQ, §3 (AMD) .]

The State Controller shall include in his official annual financial report at the close of each fiscal year a statement showing all transfers made from the State Contingent Account for the fiscal period. [1975, c. 771, §67 (RPR).]

After the close of each fiscal year, the Governor may request a General Fund appropriation from the next session of the Legislature in an amount as may be available to bring the total available in the State Contingent Account to a maximum of $4,350,000 for the current fiscal year. [2009, c. 213, Pt. OOO, §3 (AMD).]

At the close of each fiscal year, as the first priority transfer before any other transfer authorized by law, there must be transferred from the General Fund an amount as may be available from time to time until the maximum of $350,000 is achieved to be used for the purposes specified in subsections 1 to 6. [2005, c. 519, Pt. VV, §1 (AMD).]

Notwithstanding any other provision of law, if the funds remaining in the State Contingent Account are not sufficient to address a purpose consistent with the purposes specified in subsection 4, the Governor may upon consultation with the State Budget Officer access any funds available to the State. The Governor shall identify by financial order the account, fund or other source from which payment is made. Funds accessed for this purpose may not exceed $750,000. [2005, c. 12, Pt. CC, §1 (NEW).]

SECTION HISTORY
1969, c. 455, §1 (RPR). 1975, c. 756, §1 (AMD). 1975, c. 771, §67 (RPR). 1977, c. 78, §16 (AMD). 1979, c. 602, §§1,2 (AMD). 1981, c. 493, §2 (AMD). 1985, c. 497, §1 (AMD). 1985, c. 737, §B6 (AMD). 1985, c. 759, §§1-3 (AMD). 1985, c. 814, §§E1-3 (AMD). 1987, c. 395, §A18 (AMD). 1987, c. 534, §§A5,A19 (AMD). 1987, c. 816, §§N1-N3 (AMD). 1989, c. 443, §§8,9 (AMD). 1989, c. 700, §A15 (AMD). 1989, c. 878, §A11 (AMD). 1989, c. 893, (AMD). 1991, c. 528, §E6 (AMD). 1991, c. 528, §RRR (AFF). 1991, c. 591, §E6 (AMD). 1993, c. 349, §7 (AMD). 1993, c. 410, §§QQQ1-4 (AMD). RR 1995, c. 2, §4 (COR). 1995, c. 464, §§1,2 (AMD). 1995, c. 464, §18 (AFF). 1995, c. 560, §K82 (AMD). 1995, c. 560, §K83 (AFF). 1997, c. 24, §C2 (AMD). 2001, c. 354, §3 (AMD). 2003, c. 20, §OO2 (AMD). 2003, c. 20, §OO4 (AFF). 2003, c. 114, §1 (AMD). 2003, c. 689, §§B6,7 (REV). 2005, c. 12, §CC1 (AMD). 2005, c. 519, §VV1 (AMD). 2005, c. 683, §A6 (AMD). 2009, c. 213, Pt. OOO, §§1-3 (AMD). 2011, c. 691, Pt. B, §7 (AMD). 2017, c. 110, §1 (AMD).

§1508. STATE FUNDS ELIMINATED

Unless the Legislature otherwise directs, the Commissioner of Administrative and Financial Services, with the approval of the Governor, has authority to discontinue any or all special expendable state funds with the exception of the sinking funds and trust funds and to merge the balance or balances of such fund or funds so discontinued with the General Fund. [1991, c. 780, Pt. Y, §41 (AMD).]

SECTION HISTORY
1975, c. 771, §68 (AMD). 1985, c. 785, §A51 (AMD). 1991, c. 780, §Y41 (AMD).

§1509. RECORDS; COLLECTIONS

It shall be the duty of each department, institution or agency of the State to keep a record of all items of income accruing to it. Each department, institution or agency shall be solely responsible for collections of all accounts receivable accruing to it, including taxes levied by the State. In each instance of an item of income accruing to any department, institution or agency, such department, institution or agency shall immediately begin collection efforts and shall make such repeated collection efforts as may be necessary to promptly satisfy the amount owed to the State. Whenever there shall continue to exist items of income or taxes owed to the State which are not paid within 90 days, it shall be the duty of the department, institution or agency to whom such amount is owed to again attempt promptly to collect same. In cases of failure to pay, the department, institution or agency shall refer the account to the Attorney General for collection. [1973, c. 701, §4 (NEW).]

SECTION HISTORY
1973, c. 701, §4 (NEW).

§1509-A. PAYMENT BY CREDIT CARD

State departments and agencies shall implement, with the approval of the State Controller and the State Treasurer, procedures for accepting payment for goods, services, fines, forfeitures or any other fees by major credit cards or other electronic means. Unless otherwise provided for in law as of the effective date of this section, any administrative expenses or credit card fees incurred in connection with this method of receiving funds must be absorbed within the existing budget of the department or agency as authorized by the Legislature. [1999, c. 762, §1 (AMD); 1999, c. 762, §5 (AFF).]

SECTION HISTORY
1997, c. 643, §U1 (NEW). 1999, c. 401, §E1 (AMD). 1999, c. 762, §1 (AMD). 1999, c. 762, §5 (AFF).

§1510. CERTAIN CLAIMS AGAINST THE STATE

(REPEALED)

SECTION HISTORY
1975, c. 313, (NEW). 1975, c. 771, §69 (RPR). 1977, c. 591, §§1,2 (AMD). 1977, c. 624, §1 (RP).

§1510-A. CERTAIN CLAIMS AGAINST THE STATE

1. Claims against state agency. A state agency may hear and decide any claim of $2,000 or less against it, or any of its agents, except a claim that may be submitted under the Maine Tort Claims Act, Title 14, chapter 741, or under another specific statutory provision. Any agency paying all or part of a claim heard under this subsection shall make payment as soon as practicable from currently available agency funds and, if no funds are then available, from agency funds from the following fiscal year. An agency deciding a claim under this subsection shall make its final decision, and reasons for the decision, in writing and shall, as soon as practicable, send a copy of that decision to the claimant by certified mail.

These claims include, but are not limited to, claims for damage or injury caused by patients, inmates, prisoners in the care or custody of the Department of Health and Human Services or of any institution administered by a department or by children in the custody of the Department of Health and Human Services.

[1993, c. 468, §1 (AMD); 1995, c. 560, Pt. K, §82 (AMD); 1995, c. 560, Pt. K, §83 (AFF); 2001, c. 354, §3 (AMD); 2003, c. 689, Pt. B, §6 (REV) .]

2. Claims against the State decided by the State Claims Commission. A claim under this section may be submitted to the State Claims Commission and heard and decided by it, if:

A. The claim was submitted under subsection 1 to a state agency which refused to hear it; [1977, c. 624, §2 (NEW).]

B. The claim was submitted under subsection 1 to a state agency and no final decision was made within 90 days of submission; or [1977, c. 624, §2 (NEW).]

C. The claim cannot be submitted under a specific statutory provision other than subsection 1 because the claimant, as a result of an action or omission of a state agency or state agent, has not complied with time limits contained in that specific statutory provision. [1987, c. 395, Pt. A, §19 (AMD).]

Any payment resulting from a decision of the State Claims Commission on a claim submitted to it under this subsection shall be paid as soon as practicable by the state agency or agencies found responsible by the State Claims Commission or, if there is no clearly identifiable responsible state agency, the payment shall be paid from the state contingent fund.

[1987, c. 395, Pt. A, §19 (AMD) .]

3. Appeal from departmental decisions. Any claim disapproved in whole or part by a state agency hearing that claim under subsection 1 may be appealed to the State Claims Commission within 30 days from the disapproval or partial disapproval. The State Claims Commission shall hear de novo any claim so appealed.

Any payment resulting from a decision of the State Claims Commission on a claim submitted to it under this subsection shall be paid by the state agency or agencies found responsible by the State Claims Commission or, if there is no clearly identifiable responsible state agency, the payment shall be paid from the state contingent fund.

[1987, c. 395, Pt. A, §19 (AMD) .]

4. Appeal from State Claims Commission decision. Any party aggrieved by an award of the State Claims Commission may appeal therefrom to the Superior Court within 30 days after the date of the receipt of the notice of the award. The appeal shall be taken by filing a complaint setting forth, as in other civil matters, substantially the facts upon which the case shall be tried. Service shall be made on the opposing party and the State Claims Commission by sending a true copy of the complaint by registered or certified mail within the time limit set out in this subsection. The complaint shall be filed in the Superior Court for the county where one or more of the parties reside or have their principal place of business or where the activity or property which is the subject of the proceeding is located. The court's determination shall be de novo and without a jury or, if all parties agree, by a referee or referees.

[1987, c. 395, Pt. A, §19 (AMD) .]

5. Jurisdiction over claims prior to January 4, 1977. The jurisdiction of the State Claims Commission over claims subject to this section includes those claims which have arisen prior to January 4, 1977, unless they have been ruled upon by the Governor and Executive Council or by the Legislature prior to January 4, 1977.

[1987, c. 395, Pt. A, §19 (AMD) .]

6. Hearings. Hearings on claims submitted under subsection 2 or appeals made under subsection 3 shall be held at a time and place which the State Claims Commission shall determine. The chairman shall assign either one or 3 members to hear and determine each claim. Hearings on claims under this section which are properly submitted to the State Claims Commission shall be held in accordance with the Maine Administrative Procedure Act, chapter 375. The decision of the commission shall include the reasons for the findings.

[1987, c. 395, Pt. A, §19 (AMD) .]

7. Different procedures. A claim submitted under this section shall not be disapproved solely because a claim based on the same facts was submitted under a different statutory procedure and was disallowed.

[1977, c. 624, §2 (NEW) .]

8. Rules; report. The commission may adopt rules to implement this section. The commission shall, on or before January 30th of each year, report to the Legislature on all claims filed pursuant to this section.

[1987, c. 395, Pt. A, §19 (AMD) .]

SECTION HISTORY
1977, c. 624, §2 (NEW). 1979, c. 672, §2 (AMD). 1983, c. 553, §2 (AMD). 1987, c. 395, §A19 (AMD). 1993, c. 468, §1 (AMD). 1995, c. 560, §K82 (AMD). 1995, c. 560, §K83 (AFF). 2001, c. 354, §3 (AMD). 2003, c. 689, §B6 (REV).

§1510-B. NO LIABILITY FOR WILD ANIMAL DAMAGE

The State is not liable for damage done by wild animals to beehives or livestock. Neither state agencies nor the State Claims Commission may accept claims for such wild animal damage. [1987, c. 395, Pt. A, §20 (AMD).]

SECTION HISTORY
1979, c. 672, §3 (NEW). 1981, c. 368, §1 (AMD). 1987, c. 395, §A20 (AMD).

§1511. LOAN INSURANCE RESERVE

The State Controller may, at the close of each fiscal year, as the next priority after the transfers authorized pursuant to section 1507, transfer from the Unappropriated Surplus of the General Fund to the Loan Insurance Reserve amounts as may be available from time to time, up to an amount of $1,000,000 per year after the transfers have been made pursuant to section 1507. The balance of this reserve must be paid to the Finance Authority of Maine if such payment does not cause the balance in the reserve fund maintained by the authority, when added to amounts held in the Finance Authority of Maine Mortgage Insurance Fund that are not committed or encumbered for another purpose, to exceed $40,000,000. Any balance in the Loan Insurance Reserve is appropriated for this purpose. [2011, c. 657, Pt. F, §1 (AMD).]

SECTION HISTORY
P&SL 1975, c. 147, §C7 (NEW). 1981, c. 192, §1 (AMD). 1985, c. 512, §D (AMD). 1985, c. 714, §1 (RPR). 1987, c. 816, §O1 (AMD). 1991, c. 9, §E5 (AMD). 1991, c. 622, §JJ (AMD). 1993, c. 6, §B1 (AMD). 1993, c. 508, §G1 (AMD). 1993, c. 707, §G2 (AMD). 1995, c. 464, §3 (AMD). 2001, c. 559, §V1 (AMD). 2003, c. 451, §X1 (AMD). 2005, c. 2, §A1 (AMD). 2005, c. 2, §A14 (AFF). 2005, c. 519, §VV2 (AMD). 2011, c. 657, Pt. F, §1 (AMD).

§1512. PAYMENT OF ATTORNEYS' FEES AWARDS

Notwithstanding section 1543 or any other statute, attorneys' fees awarded by a court against the State, its departments, agencies, officers or employees, and settlements of attorneys' fees without court award in these cases, may be paid from any funds available to the State. The Governor may identify by financial order the account, fund or other source from which payment of the attorneys' fees award or settlement shall be made. [1981, c. 417, (NEW).]

All property, assets and interests of the State are exempt from any attachment or execution sought for the enforcement of an award of attorneys' fees. [1981, c. 417, (NEW).]

SECTION HISTORY
1981, c. 417, (NEW).

§1513. MAINE RAINY DAY FUND

(REPEALED)

SECTION HISTORY
1985, c. 448, (NEW). 1987, c. 349, §H4 (AMD). 1987, c. 788, §1 (AMD). 1987, c. 793, §A1 (AMD). 1989, c. 502, §§D1,D2 (AMD). 1991, c. 528, §UU1 (AMD). 1991, c. 528, §§UU3,RRR (AFF). 1991, c. 589, §2 (AMD). 1991, c. 591, §UU1 (AMD). 1991, c. 591, §UU3 (AFF). 1993, c. 6, §D1 (AMD). 1993, c. 410, §II1 (AMD). 1993, c. 707, §G3 (AMD). 1995, c. 489, §1 (AMD). 1995, c. 706, §1 (AMD). 1997, c. 455, §31 (AMD). 1997, c. 563, §B1 (AMD). 1997, c. 564, §1 (AMD). 1997, c. 565, §1 (AMD).

1997, c. 643, §§E1,2,GGG1 (AMD). 1997, c. 780, §1 (AMD). RR 1999, c. 1, §2 (COR). RR 1999, c. 2, §1 (COR). 1999, c. 4, §D1 (AMD). 1999, c. 127, §A4 (AMD). 1999, c. 401, §§GGG1,Z1 (AMD). 1999, c. 401, §GGG2 (AFF). 1999, c. 505, §A1 (AMD). 1999, c. 749, §§1,2 (AMD). 1999, c. 749, §3 (AFF). 2001, c. 356, §1 (AMD). 2001, c. 358, §§G1,X1 (AMD). 2001, c. 439, §§T1,CCCCC1 (AMD). 2001, c. 559, §E1 (AMD). 2003, c. 451, §§X2-4 (AMD). 2005, c. 2, §A14 (AFF). 2005, c. 2, §A2 (RP).

§1513-A. GOVERNOR BAXTER SCHOOL FOR THE DEAF COMPENSATION FUND ESTABLISHED

(REPEALED)

SECTION HISTORY
2001, c. 439, §T2 (NEW). 2003, c. 451, §X5 (RP).

§1514. TAX ADJUSTMENT RESERVE FUND

(REPEALED)

SECTION HISTORY
1987, c. 4, §1 (NEW). 1987, c. 504, §1 (AMD). 1987, c. 816, §S (AMD). 1987, c. 819, §1 (AMD). 1987, c. 832, §1 (AMD). 1987, c. 892, §1 (AMD). 1989, c. 502, §§A13,A14 (AMD). 1989, c. 878, §§A12,13 (AMD). 2011, c. 420, Pt. C, §2 (RP).

§1515. CORPORATE INCOME TAX INVESTMENT CREDIT FUND

1. Corporate Income Tax Investment Credit Fund. There is established a Corporate Income Tax Investment Credit Fund for the purpose of reserving the money appropriated to it awaiting transfer to fund a one-time tax credit for corporate investments in new, used or leased tangible personal property which is placed in service in Maine during the 1989 calendar year and is directly related to the production of goods and services.

[1987, c. 876, §2 (NEW) .]

2. Enactment of credit. The joint standing committee of the Legislature having jurisdiction over taxation shall develop the specific provisions of the tax credit. The committee shall report its findings and any recommended legislation to the First Regular Session of the 114th Legislature. This program shall be finalized by April 30, 1989.

[1987, c. 876, §2 (NEW) .]

3. Carry-forward.

[1989, c. 501, Pt. P, §10 (NEW); 1989, c. 530, §1 (NEW); 1989, c. 702, Pt. E, §2 (RP) .]

SECTION HISTORY
1987, c. 876, §2 (NEW). 1989, c. 501, §P10 (AMD). 1989, c. 530, §1 (AMD). 1989, c. 702, §E2 (AMD).

§1516. BLAINE HOUSE RENOVATIONS AND REPAIRS FUND

1. Blaine House Renovations and Repairs Fund. There is created the Blaine House Renovations and Repairs Fund which shall be used solely for capital improvements, renovations and repairs to the Blaine House.

[1989, c. 501, Pt. P, §11 (NEW) .]

2. Nonlapsing fund. Any unexpended funds appropriated by the Legislature to implement the purposes of this chapter shall not lapse, but shall be carried forward. Any funds in excess of $100,000 shall be transferred to the General Fund.

[1989, c. 501, Pt. P, §11 (NEW) .]

3. Private contributions. The Blaine House Renovations and Repairs Fund, Other Special Revenue Funds account, is established in the Executive Department. This account may receive and accept allocations, appropriations, grants and contributions of money to be used for capital improvements, renovations and repairs to and general operations of the Blaine House. This account may not lapse but must be carried forward from year to year.

[2003, c. 451, Pt. N, §1 (NEW) .]

SECTION HISTORY
1989, c. 501, §P11 (NEW). 2003, c. 451, §N1 (AMD).

§1516-A. CAPITAL CONSTRUCTION AND IMPROVEMENTS RESERVE FUND

1. Capital Construction and Improvements Reserve Fund. There is created the Capital Construction and Improvements Reserve Fund, referred to in this section as the "fund," that may be used solely for capital projects that construct, renovate or improve state facilities. Money in the fund may not be expended on facility maintenance issues.

[1997, c. 643, Pt. AAA, §1 (NEW) .]

2. Nonlapsing fund. Any unexpended money appropriated or allocated to the fund may not lapse, but must be carried forward.

[1997, c. 643, Pt. AAA, §1 (NEW) .]

3. Investment of funds. The money in the fund may be invested as provided by law with the earnings credited to the fund.

[1997, c. 643, Pt. AAA, §1 (NEW) .]

4. Report. The Commissioner of Administrative and Financial Services shall provide a report to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs annually by January 15th that includes the following:

A. The status of any capital projects undertaken or completed during the most recently completed fiscal year and the current fiscal year; [1997, c. 643, Pt. AAA, §1 (NEW).]

B. Money expended during the most recently completed and the current fiscal year, by project; and [1997, c. 643, Pt. AAA, §1 (NEW).]

C. Remaining fund balances at the end of the most recently completed fiscal year. [1997, c. 643, Pt. AAA, §1 (NEW).]

[1997, c. 643, Pt. AAA, §1 (NEW) .]

SECTION HISTORY
1997, c. 643, §AAA1 (NEW).

§1516-B. LEASED SPACE RESERVE FUND

1. Leased Space Reserve Fund. There is created the Leased Space Reserve Fund, referred to in this section as "the fund," which may be used for costs related to relocation from leased space to state-owned facilities or relocation from a leased space to a lower-priced leased space and capital projects that construct, renovate or improve state facilities. Money in the fund may not be expended on facility maintenance issues.

[2011, c. 689, §1 (NEW) .]

2. Nonlapsing fund. Any unexpended money appropriated or allocated to the fund may not lapse, but must be carried forward.

[2011, c. 689, §1 (NEW) .]

3. Funding of fund. The Department of Administrative and Financial Services, Bureau of General Services shall notify the State Controller and the State Budget Officer of a relocation of a state agency from leased space to a state-owned facility or a relocation of a state agency from leased space to a lower-priced leased space. Any balance, net of the value of the state cost allocation program as determined by the State Controller, remaining in General Fund or Other Special Revenue Funds money appropriated or allocated for leased space and all facility-related expenses for that agency during the biennium of the relocation as a result of savings resulting from the relocation must be transferred as provided in this subsection.

A. The State Budget Officer shall transfer 50% of any General Fund or Other Special Revenue Funds money through financial order to the fund. This transfer is considered to be an adjustment to the appropriation or allocation. [2011, c. 689, §1 (NEW).]

B. The remaining balance must be transferred to the General Fund as unappropriated surplus. [2011, c. 689, §1 (NEW).]

[2011, c. 689, §1 (NEW) .]

SECTION HISTORY
2011, c. 689, §1 (NEW).

§1517. TRANSFER TO RETIREMENT ALLOWANCE FUND

(REPEALED)

SECTION HISTORY
1995, c. 464, §4 (NEW). 2003, c. 451, §X6 (AMD). 2005, c. 2, §A14 (AFF). 2005, c. 2, §A3 (RP).

§1518. TAX RELIEF FUND FOR MAINE RESIDENTS

(REPEALED)

SECTION HISTORY

1997, c. 24, §E1 (NEW). 1997, c. 643, §HHH1 (AMD). 1997, c. 643, §§T6,HHH10 (AFF). 1997, c. 643, §T1 (RP). 1997, c. 750, §D1 (AFF).

§1518-A. TAX RELIEF FUND FOR MAINE RESIDENTS

1. Tax Relief Fund for Maine Residents. There is created the Tax Relief Fund for Maine Residents, referred to in this section as "the fund," which must be used to provide tax relief to residents of the State. The fund consists of all resources transferred to the fund under subsection 4 and section 1536 and other resources made available to the fund. The fund must be used to reduce the individual income tax rates to 4% pursuant to subsection 1-A.

[2011, c. 692, §1 (AMD) .]

1-A. Implementation. By September 1, 2016 and annually thereafter, the State Controller shall inform the State Tax Assessor of the amount available in the fund for the purposes of subsection 1.

A. By November 1st annually, the State Tax Assessor shall calculate the amount by which the income tax rates under Title 36, section 5111, subsections 1-F, 2-F and 3-F may be reduced during the subsequent tax year using the amount available from the fund. Bracket rate reductions must be a minimum of 0.2 percentage points in the first year in which reductions are made and a minimum of 0.1 percentage points in subsequent years. If sufficient funds are not available to pay for the minimum reduction, a rate reduction may not be made until the amount in the fund is sufficient to pay for the reduction. When the amount is sufficient to pay for the reduction, the reduction must first be applied equally to each bracket under Title 36, section 5111, subsections 1-F, 2-F and 3-F until the lower bracket reaches 4%. Funds available from the fund in subsequent years must be applied to reduce the higher bracket rates until there is a single bracket with a rate of 4%, after which future tax relief may be identified. [2015, c. 390, §1 (AMD).]

B. The State Tax Assessor shall provide public notice of new bracket rates calculated under this subsection by November 15th annually. [2011, c. 692, §1 (NEW).]

C. New bracket rates calculated under this subsection apply beginning with tax years that begin on or after January 1st of the calendar year following the determinations made under this subsection. [2011, c. 692, §1 (NEW).]

[2015, c. 390, §1 (AMD) .]

2. Nonlapsing fund. Any unexpended balance in the Tax Relief Fund for Maine Residents may not lapse but must be carried forward to be used pursuant to subsection 1-A.

[2011, c. 692, §1 (AMD) .]

3. Transfer for income tax reduction. In the fiscal years immediately following the calculation of the income tax rate reduction under subsection 1-A, paragraph A, the State Tax Assessor shall certify to the State Controller the amount of the reduction in General Fund revenue by fiscal year, and the State Controller shall transfer from the fund the amount certified for the reduction in revenue attributable to adjustments made under subsection 1-A to the General Fund unappropriated surplus.

[2011, c. 692, §1 (NEW) .]

4. Transfer from General Fund revenue growth. Beginning with fiscal year 2013-14 and before any other transfers from the General Fund, the State Controller shall transfer to the fund at the close of each fiscal year 40% of the amount by which General Fund budgeted revenue for that fiscal year exceeds the General Fund appropriation limitation calculated for that fiscal year under section 1534.

[2011, c. 692, §1 (NEW) .]

SECTION HISTORY
2005, c. 2, §A4 (NEW). 2005, c. 2, §A14 (AFF). 2011, c. 692, §1 (AMD). 2015, c. 390, §1 (AMD).

§1519. RETIREE HEALTH INSURANCE INTERNAL SERVICE FUND

1. Established. The Retiree Health Insurance Internal Service Fund is established within the Department of Administrative and Financial Services to accumulate funds to pay the health insurance premiums for retired state employees and teachers.

[1999, c. 731, Pt. DD, §1 (NEW); 1999, c. 731, Pt. DD, §2 (AFF) .]

1-A. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Board" means the Board of Trustees, Maine Public Employees Retirement System established under section 12004-F, subsection 9. [2001, c. 439, Pt. C, §1 (NEW); 2001, c. 439, Pt. C, §4 (AFF); 2007, c. 58, §3 (REV).]

B. "Commissioner" means the Commissioner of Administrative and Financial Services. [2001, c. 439, Pt. C, §1 (NEW); 2001, c. 439, Pt. C, §4 (AFF).]

C. "Fund" means the Retiree Health Insurance Internal Service Fund. [2001, c. 439, Pt. C, §1 (NEW); 2001, c. 439, Pt. C, §4 (AFF).]

[2001, c. 439, Pt. C, §1 (NEW); 2001, c. 439, Pt. C, §4 (AFF); 2007, c. 58, §3 (REV) .]

2. Funding.

[2003, c. 451, Pt. X, §7 (RP) .]

3. Investment of the fund. The board shall invest the cash assets of the fund that are not required to pay insurance premiums and other operating expenses at the request of the commissioner in the same manner and according to the same investment policy and practices by which the board invests the assets of the Maine Public Employees Retirement System. The board shall treat the fund as held in trust on behalf of the State for the purposes specified in this section and no other and shall separately account for the fund as investment assets, attributing to the fund its proportional share of investment returns and of investment management costs and expenses, including costs and expenses of the retirement system arising because of the board's investment of the fund. The commissioner and the board shall develop jointly a memorandum of understanding that sets out their mutual understanding of the investment of the fund, the related investment accounting and investment return and expense attribution.

[2001, c. 439, Pt. C, §1 (NEW); 2001, c. 439, Pt. C, §4 (AFF); 2007, c. 58, §3 (REV) .]

4. Audit of the fund. The commissioner shall ensure adequate audit of the investment management of the fund and the expenditures of the fund each fiscal year within the scope of the annual audit of the Maine Public Employees Retirement System and the State's single audit or through a separate audit as considered appropriate by the board. Any separate audit must be reported to the Governor, the Legislature, the commissioner and the State Controller in as timely a manner as possible after the close of each fiscal year.

[2001, c. 439, Pt. C, §1 (NEW); 2001, c. 439, Pt. C, §4 (AFF); 2007, c. 58, §3 (REV) .]

5. Use of the fund. Notwithstanding subsection 1, the fund may be used for necessary audit services, legal expenses, investment management fees and services, general administrative expenses, costs related to the management and administration of the fund and health insurance premium costs.

[2001, c. 439, Pt. C, §1 (NEW); 2001, c. 439, Pt. C, §4 (AFF) .]

6. Additional transfers to the fund. The State Controller may, at the close of each fiscal year, as the next priority after the transfers authorized pursuant to section 1507, section 1511 and section 1536, subsection 1, transfer from the unappropriated surplus of the General Fund to the Retiree Health Insurance Internal Service Fund amounts as may be available from time to time, up to an amount of $4,000,000 in fiscal year 2015-16, $4,000,000 in fiscal year 2016-17 and, beginning in fiscal year 2017-18, $2,000,000 to be used solely for the purpose of amortizing the unfunded liability for retiree health benefits. Transfers to the fund may also include appropriations and allocations of the Legislature and revenue from direct billing rates charged to state departments and agencies and other participating jurisdictions to be used solely for the purpose of amortizing the unfunded liability for retiree health benefits.

[2015, c. 267, Pt. L, §1 (NEW) .]

SECTION HISTORY
1999, c. 731, §DD1 (NEW). 1999, c. 731, §DD2 (AFF). 2001, c. 439, §C1 (AMD). 2001, c. 439, §C4 (AFF). 2003, c. 451, §X7 (AMD). 2007, c. 58, §3 (REV). 2015, c. 267, Pt. L, §1 (AMD).

§1520. STATEWIDE RADIO AND NETWORK SYSTEM RESERVE FUND

1. Fund established. The Statewide Radio and Network System Reserve Fund, referred to in this section as the "fund," is established as an internal service fund in the Department of Administrative and Financial Services, Office of Information Technology, referred to in this section as the "office," for the purposes of managing the fund and acquiring, expanding, upgrading and replacing a statewide radio and network system for use by state agencies. The office may charge a fee to agencies using the statewide radio and network system in accordance with an established rate structure. Revenues derived from operations must be used to pay the costs of the lease-purchase to acquire a system, expand, upgrade and replace the system, and to manage the fund.

A. The office shall work closely with all departments and agencies to identify radio and network requirements for the statewide system to ensure that agency program requirements are met to the maximum extent possible. The office shall:

(1) Ensure that the annual costs of the lease or lease-purchase are paid in a timely manner and that the financial affairs of the fund are properly managed;

(2) Maintain records of radio and network system requirements for all agencies using the system and make this information available to state agencies;

(3) Require state agencies to become part of the statewide radio and network system when replacing their current systems or purchasing new systems;

(4) Acquire, expand, upgrade or replace the statewide radio and network system in accordance with an established replacement plan; and

(5) Transfer radio equipment and network infrastructure into the fund from agencies using the system, purchase, lease, lease-purchase or enter into other financing agreements, in accordance with section 1587, for the acquisition, expansion, upgrade or replacement of the system or any of its components in accordance with paragraph B when it can be demonstrated that any such action or agreement provides a clear cost or program advantage to the State. [2005, c. 12, Pt. SS, §4 (AMD).]

B. The Chief Information Officer, in conjunction with the agencies using the statewide radio and network system, operating as a board that may be referred to as "the Statewide Radio Network Board," shall establish the following:

(1) Standards for statewide radio and network system operations;

(2) Specifications for systems and components to be acquired by the State; and

(3) Standards for the exemption or waiver of state agencies from the requirements of this section.

By January 15, 2002, standards must be developed for statewide radio and network system usage by all state agencies not exempted under subparagraph (3). [2005, c. 634, §3 (AMD).]

C. The office shall establish, through the Department of Administrative and Financial Services, Office of the State Controller, the Statewide Radio and Network System Reserve Fund account. The funds deposited in the account may include, but are not limited to, appropriations made to the account, funds transferred to the account from within the Department of Administrative and Financial Services, funds received from state departments and agencies using the services provided by the office, earnings by the fund from the Treasurer of State's pool and proceeds from the sale of system assets under the administrative control of the fund by the state surplus property program in the Department of Administrative and Financial Services, Bureau of General Services in accordance with paragraph B and other provisions of law. [2005, c. 12, Pt. SS, §4 (AMD).]

D. The fund may levy charges according to a rate schedule recommended by the Chief Information Officer and approved by the Commissioner of Administrative and Financial Services against all departments and agencies using the services of the statewide radio and network system. [2005, c. 12, Pt. SS, §4 (AMD).]

E. Service charges for the statewide radio and network system must be calculated to provide for system acquisition costs, expansion costs, upgrade costs, necessary capital investment and fund management costs, replacement costs and sufficient working capital for the fund. [2001, c. 439, Pt. U, §1 (NEW).]

F. Each department or agency using the services of the statewide radio and network system must budget adequate funds to pay for costs described in paragraph E. [2001, c. 439, Pt. U, §1 (NEW).]

[2007, c. 240, Pt. PP, §1 (AMD) .]

SECTION HISTORY
2001, c. 439, §U1 (NEW). RR 2003, c. 2, §2 (COR). 2005, c. 12, §SS4 (AMD). 2005, c. 634, §3 (AMD). 2007, c. 240, Pt. PP, §1 (AMD).

§1521. APPLICATION TO LEGISLATIVE BRANCH

Unless the language in this Part specifically states that it applies to the legislative branch, the legislative branch may not be required to comply with the provisions of this Part unless determined relevant and applicable by the Legislative Council pursuant to Title 3, section 162. [2005, c. 12, Pt. LL, §2 (NEW).]

SECTION HISTORY
2005, c. 12, §LL2 (NEW).

§1522. RESERVE FOR RETIREMENT COSTS

1. Reserve for retirement benefits established. The State Controller shall, at the close of the fiscal years ending June 30, 2012, June 30, 2013 and June 30, 2014, as the next priority after the transfers authorized pursuant to section 1507 and section 1511, and after all required deductions of appropriations, budgeted financial commitments and adjustments considered necessary by the State Controller have been made, transfer from the available balance in the unappropriated surplus of the General Fund up to $15,000,000 for the fiscal year ending June 30, 2012, up to $4,100,000 for the fiscal year ending June 30, 2013 and up to an amount certified by the Executive Director of the Maine Public Employees Retirement System to the State Controller as the estimated amount needed to fully fund the total cost of the benefit calculated for fiscal year 2014-15 pursuant to Public Law 2011, chapter 380, Part T, section 22 for the fiscal year ending June 30, 2014 to a reserve account within the General Fund established for the purpose of providing the resources to fund retirement payments for retired state employees and teachers.

[2013, c. 1, Pt. E, §1 (AMD) .]

2. Transfer of unused balance in reserve account. At the close of the fiscal year ending June 30, 2015, the State Controller shall transfer any balance remaining in the reserve account under subsection 1 to the Maine Budget Stabilization Fund established by section 1532.

[2011, c. 380, Pt. X, §1 (NEW) .]

SECTION HISTORY
2011, c. 380, Pt. X, §1 (NEW). 2013, c. 1, Pt. E, §1 (AMD).

§1523. MAINE MILITARY RESERVE FUND

The Maine Military Reserve Fund, referred to in this section as "the fund," is established as a nonlapsing fund within the Department of Administrative and Financial Services. The fund receives funds allocated or transferred by the Legislature from the unappropriated surplus of the General Fund. The State Controller shall disburse funds in accordance with the provisions established for the operation of the Maine Military Authority in Title 37-B, section 393. At the close of any fiscal year, funds remaining in the fund that the State Controller has determined are not needed to support the operation of the Maine Military Authority may be transferred to the Maine Budget Stabilization Fund established under section 1532. The State Controller shall provide quarterly financial reports regarding the fund to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs and the joint standing committee of the Legislature having jurisdiction over the Maine Military Authority. [2017, c. 2, Pt. O, §1 (NEW).]

SECTION HISTORY
2017, c. 2, Pt. O, §1 (NEW).

Maine Revised Statutes

Title 5, Chapter 14-A: CAPITOL PLANNING COMMISSION

Office of the Revisor of Statutes (mailto:webmaster_ros@legislature.maine.gov) • 7 State House Station • State House Room 108 • Augusta, Maine 04333-0007

Data for this page extracted on 12/03/2018 05:32:17.

Maine Revised Statutes

Title 5: ADMINISTRATIVE PROCEDURES AND SERVICES

Part 1: STATE DEPARTMENTS

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).

Office of the Revisor of Statutes (mailto:webmaster_ros@legislature.maine.gov) • 7 State House Station • State House Room 108 • Augusta, Maine 04333-0007

Page composed on 12/03/2018 05:32:17.

129TH MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

MEMO

To: Members of the Legislative Council
129th Maine Legislature

From: Grant T. Pennoyer, Executive Director

Date: December 6, 2018

Re: Initial Salaries and Step Increases 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 129th Legislature, the offices of Secretary of State and State Auditor were elected. Salary information as follows:

- As the Attorney General was newly elected to this office, the Legislative Council must establish the initial salary for the Attorney General upon the new Attorney General 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, 2019, the salary for Grade 91, Step 5 is $105,913.60.

- As the State Auditor was re-elected, this officer would be eligible for a one-step step increase. However, the State Auditor has already reached the top step (Step 9) within the salary grade to which the State Auditor is assigned (Salary Grade 89) and is no longer eligible for step increases. Effective January 1, 2019, the salary for Grade 89 Step 9 is $111,134.40.

- As the Secretary of State was re-elected, this officer is eligible for a one-step step increase from Step 8 to Step 9 in Salary Grade 88. Effective January 1, 2019, the salary for Grade 88 Step 9 is $104,104.00.

- As the State Treasurer was newly elected, the Legislative Council must establish the initial salary for the State Treasurer upon the new State Treasurer taking office. Pursuant to law, at the time of initial appointment, the salary of the State Treasurer must be set at Step C (Step 3) within Salary Grade 88. Effective January 1, 2019, the salary for Grade 88, Step 3 is $79,518.40.

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.

129TH **MAINE STATE LEGISLATURE**
LEGISLATIVE COUNCIL

MEMO

To: Members of the Legislative Council

From: Grant T. Pennoyer, Executive Director

Date: December 6, 2018

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 was previously elected as Secretary of the Senate in the 126th Legislature and the Clerk of the House is reelected, the Legislative Council may authorize a one-step increase for the Clerk of the House and may authorize a one-step increase for the Secretary of the Senate from the step to which he was last assigned as Secretary of the Senate in the 126th Legislature.

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, 2018

To: Members of the Legislative Council of the 129th Legislature

From: Suzanne M. Gresser, Revisor of Statutes

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 identical or substantially 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.

REP. SARA GIDEON
CHAIR

SEN. MICHAEL D. THIBODEAU
VICE-CHAIR

EXECUTIVE DIRECTOR
GRANT T. PENNOYER

128TH MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

SEN. GARRETT P. MASON
SEN. AMY F. VOLK
SEN. TROY D. JACKSON
SEN. NATHAN L. LIBBY
REP. ERIN D. HERBIG
REP. JARED F. GOLDEN
REP. KENNETH W. FREDETTE
REP. ELEANOR M. ESPLING

Legislative Council Policy on Legislator Attendance

Pursuant to 3 MRSA, section 2, third paragraph, 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 session of the Senate, 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 directly or indirectly through one of their floor leaders. 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. The House shall provide forms to members to request leave for a legislative day.

Reporting Absences

At least on a monthly basis, the Secretary of the Senate and the Clerk of the House shall notify Legislators who have one or more absences without leave.

After a member has accumulated 10 excused absences for the First Regular Session or 6 excused absences for the Second Regular Session, the Clerk or Secretary will report the Member to their respective presiding officer for further review. The presiding officer may refer the matter to the Legislative Council's Personnel Committee for further action.

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

115 STATE HOUSE STATION, AUGUSTA, MAINE 04333-0115
TELEPHONE 207-287-1615 FAX 207-287-1621

day for each day greater than 15 days. Total salary reductions for absences without leave may not 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 9 days. Total salary reductions for absences without leave may not 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.

A Legislator may appeal salary reductions under this policy to the Personnel Committee of the Legislative Council.

This revised policy is adopted by the Legislative Council and is effective as of the date of amendment.

By: ______________________________
Executive Director of the Legislative Council

Authority:	3 MRSA §2
Adopted:	February 14, 2017
Effective Date:	February 14, 2017
Amended Date:	September 20, 2018

Legislative Council
Meeting Schedule for 2019

The schedule for Legislative Council meetings for calendar year 2019 is listed below:

Thursday, January 24, 2019	**Thursday, July 25, 2019**
Thursday, February 28, 2019	**Thursday, August 22, 2019**
Thursday, March 28, 2019	**Thursday, September 26, 2019**
Thursday, April 25, 2019	**Thursday, October 24, 2019**
Thursday, May 23, 2019	**Thursday, November 21, 2019**
Thursday, June 27, 2019	**Thursday, December 19, 2019**

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.**

STATE OF MAINE
128th LEGISLATURE

Task Force on Health Care Coverage for All of Maine

November 2018

Members:
Sen. Rodney L. Whittemore, Chair
Rep. Heather B. Sanborn, Chair
Sen. Geoffrey M. Gratwick
Sen. Eric L. Brakey
Sen. Everett Brownie Carson
Rep. Robert A. Foley
Rep. Anne C. Perry
Rep. Paul Chace
Kristine Ossenfort
Joel Allumbaugh
Mark Hovey
Jeffrey A. Austin
Daniel Kleban
Kevin Lewis
Francis McGinty
Trish Riley

Staff:
Colleen McCarthy Reid, Legislative Analyst
Erin Dooling, Legislative Analyst
Office of Policy & Legal Analysis
13 State House Station
Room 215 Cross Office Building
Augusta, ME 04333-0013
(207) 287-1670

Table of Contents

Executive Summary

The Task Force on Health Care Coverage for All of Maine was established by Joint Order S.P. 592 as amended by House Amendment "A." The purpose expressed in the joint order was to ensure that all residents of the State have access to and coverage for affordable, quality health care and to study the design and implementation of options for a health care plan that provides coverage for all residents of the State.

Although the joint order asked the task force to study the design and implementation of options for different health care plans providing coverage for all residents of the State, the joint order also provided authority and discretion for the task force to consider a broad range of issues affecting the accessibility and affordability of health care coverage. The task force agreed to approach its work to first understand what isn't working in the current health care system and then to work together to identify potential policy solutions.

The task force has 16 members: eight legislative members; and eight non-legislative members representing interests specifically identified in the joint order. Senator Rodney L. Whittemore was named Senate chair and Representative Heather B. Sanborn was named House chair. Pursuant to the joint order, the legislative members are bipartisan and seven of the eight members also serve on the Joint Standing Committee on Health and Human Services or the Joint Standing Committee on Insurance and Financial Services.

With authorization from the Legislative Council, the task force met eight times: once in 2017 on December 20; and seven times in 2018: January 22, March 2, April 2, May 23, September 12, October 2, and October 15. All of the meetings were held in the State House Complex in Augusta and open to the public. Live audio of each meeting was made available through the Legislature's webpage. The task force also established a website which can be found at http://legislature.maine.gov/task-force-on-health-care-coverage. The website includes agendas, meeting materials and links to related resources.

This report fulfills the task force's requirement to submit a final report for presentation to the First Regular Session of the 129th Legislature.

As a tool to help better understand the areas of agreement and identify possible areas of disagreement among the task force members, the chairs developed a survey. The chairs anticipated that the results of the survey and the expertise of task force members would be used to frame the task force's work. After reviewing the survey, the task force recognized that there was some common ground among the members, particularly with regard to reducing the cost of health care services and prescription drugs. The survey responses were used by the task force as a framework for discussion.

To assist in completing its work and based on the survey responses, the task force formed three study groups organized around the following topics: Controlling Costs; the Structure of the Health Insurance Market; and Public Options. The study groups were directed to develop potential policy recommendations related to each subject area for consideration by all members of the task force.

On November 7, 2017, a citizen-initiated ballot measure to expand Medicaid eligibility under the terms of the federal Affordable Care Act was approved by 59% of Maine voters. When the task force first convened on December 20, 2017, and in subsequent meetings, the task force did not directly focus on the issue of Medicaid expansion. As the work of the task force continued over the last ten months, the implementation of Medicaid expansion became contentious and is currently the subject of a pending case in Maine's Superior Court. While the task force discussed the issue, the task force did not debate or vote on Medicaid expansion. Although a majority of task force members believe strongly that Medicaid expansion should be implemented immediately, the task force instead focused its efforts on other areas of our complex health care system where structure, cost, access, and affordability could be improved for the benefit of all Mainers. As a result of those efforts, the task force arrived at the recommendations that follow.

The task force makes recommendations in three areas related to: 1) the task force and legislative oversight of health reform proposals; 2) suggested legislation for consideration in the 129th Legislature; and 3) continued study and monitoring of issues discussed by the task force's study groups.

1. Recommendations related to the task force and legislative oversight of health reform proposals

- ❑ ***Propose by letter to the Presiding Officers that the Legislature identify one joint standing committee to centralize oversight of health care reform efforts and that that committee consider any proposed legislation related to cost containment, to access and affordability of health care coverage and to the structure of the health care system***

- ❑ ***As recommended by the legislative members, propose by letter to the Presiding Officers that the Joint Standing Committee on Insurance and Financial Services be renamed the Joint Standing Committee on Health Care, Insurance and Financial Services and that its jurisdiction be expanded to oversee health care reform efforts and to consider proposed legislation related to cost containment, to access and affordability of health care coverage and to the structure of the health care system***

- ❑ ***Reestablish the task force in the 129th Legislature to allow the task force additional time to continue its work to develop, study and analyze options for health care reform***

- ❑ ***Pursue additional funding to provide consulting and actuarial support for the task force***

2. Recommendations related to suggested legislation for consideration by 129th Legislature

- ❑ ***Propose legislation in the 129th Legislature to address the transparency, accountability and oversight of pharmacy benefits managers {supported by 12 members of the task force}***

- ❑ ***Introduce concept draft legislation in the 129th Legislature to review the Maine Health Data Organization's enabling statutes and consider statutory changes to MHDO's structure, funding and capacity for the reporting and analysis of health care costs and quality {supported by 12 members of the task force}***

3. Recommendations related to continued study and monitoring of issues discussed by the task force's study groups

Through the work of the study groups, the task force recommends that the task force continue to monitor and study the following topics and potential policy proposals related to prescription drug pricing, to responding to changes in federal law and regulation and to the regulatory structure of Maine's health insurance market.

Prescription Drug Pricing

- ❑ ***Monitor activity in Vermont and any other state to implement a state-sponsored wholesale importation program for certain high cost prescription drugs from Canada and explore opportunities for regional collaboration with Vermont and other New England states on wholesale importation program***

- ❑ ***Continue to study and analyze model legislation to establish a state commission authorized to set maximum rates paid for certain high cost prescription drugs***

Responding to Changes in Federal Law and Regulation

- ❑ ***Monitor the practice of "silver loading" of federal Affordable Care Act marketplace policies to mitigate the impact of the elimination of federal reimbursement to carriers for cost sharing reductions***

- ❑ ***Monitor federal activity related to the Section 1332 waiver process under the federal Affordable Care Act and consider engaging Congressional delegation to seek changes to streamline the waiver process***

- ❑ ***Monitor activity in states that have enacted a state-level individual mandate***

- ❑ ***Monitor how changes in federal rules for short-term health insurance policies impact Maine's individual market***

- ❑ ***Monitor impact of reduction in federal funding for navigators and consider the possibility of providing State funding for navigators***

Regulatory Structure of Maine's Health Insurance Market

- ❑ ***Continue to study and analyze possible statutory changes, including changes related to Maine's reinsurance mechanism (MGARA), the segregation of the individual risk pool, the definition of small group and the determination/counting of full-time equivalent employees for insurance purposes***
- ❑ ***Monitor implementation of "right to shop" programs by health insurance carriers subject to requirements***
- ❑ ***Monitor implementation of Medicaid expansion***