



127th MAINE LEGISLATURE

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Legislative Document

No. 681

H.P. 462

House of Representatives, March 3, 2015

An Act To Increase the Effectiveness of the Legislature

Reference to the Committee on State and Local Government suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Speaker EVES of North Berwick.
Cosponsored by President THIBODEAU of Waldo and
Representatives: ESPLING of New Gloucester, FREDETTE of Newport, GIDEON of
Freeport, McCABE of Skowhegan, Senators: ALFOND of Cumberland, CUSHING of
Penobscot, HILL of York, MASON of Androscoggin.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 3 MRSA §161**, as amended by PL 1979, c. 127, §5, is repealed and the
3 following enacted in its place:

4 **§161. Legislative Council**

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

8 A. The President of the Senate;

9 B. The Speaker of the House of Representatives; and

10 C. The majority and minority leaders and assistant leaders of the 2 political parties
11 with the greatest number of members in each body.

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

16 The Legislative Council shall exercise such powers and duties as may be delegated by
17 law or by rule of the Legislature. Any action by the Legislative Council requires the
18 affirmative votes of a majority of the members.

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

22 **Sec. 2. 3 MRSA §162, sub-§6**, as amended by PL 1985, c. 501, Pt. B, §2, is
23 further amended to read:

24 **6. Appointment of directors and office directors.** ~~To~~ By a vote of no fewer than 8
25 members, to appoint an Executive Director of the Legislative Council, a State Law
26 Librarian and such other office directors as the council ~~deems~~ considers necessary. Each
27 director ~~shall~~ must be chosen without reference to party affiliations and solely on the
28 grounds of fitness to perform the duties of his ~~the~~ office; ~~each to be appointed for a term~~
29 ~~of 3 years from the date of his appointment. Reappointment shall be based on~~
30 ~~performance in the office and shall be considered in accordance with policies and~~
31 ~~procedures established by the Legislative Council;~~ The Executive Director, the State
32 Law Librarian and the office directors appointed pursuant to this subsection serve at the
33 pleasure of the Legislative Council and may be removed from office only by a vote of no
34 fewer than 8 members of the Legislative Council.

35 **Sec. 3. 3 MRSA §162, sub-§6-A**, as corrected by RR 1997, c. 2, §4, is repealed.

36 **Sec. 4. 3 MRSA §163, sub-§2**, as amended by PL 1985, c. 501, Pt. B, §4, is
37 further amended to read:

1 **2. Supervision.** To ~~assign~~ coordinate, direct and ~~supervise~~ oversee, subject to the
2 control of the ~~council~~ Legislative Council, the activities of the nonpartisan legislative
3 staff offices and to direct and supervise the administrative functions of legislative staff
4 offices in accordance with the policies and procedures established by the Legislative
5 Council. The Executive Director ~~shall have no~~ does not have any supervisory authority
6 with respect to any persons employed pursuant to chapter 1 or section 168 ~~of this title~~;

7 **Sec. 5. 3 MRSA §163, sub-§2-A**, as amended by PL 1985, c. 785, Pt. B, §4, is
8 further amended to read:

9 **2-A. Appointment of nonpartisan legislative staff.** To appoint, upon
10 recommendation of the appropriate office director and subject to the approval of the
11 Legislative Council and in accordance with the policies and procedures established by the
12 council, qualified persons to nonpartisan legislative staff positions based solely on their
13 ability to perform their duties and without regard to party affiliation. The general duties
14 and compensation of these positions ~~shall~~ must be established under the direction of the
15 council and in accordance with organizational and performance objectives established by
16 the council. These nonpartisan legislative staff positions ~~shall be~~ are unclassified and not
17 subject to the civil service law.

18 **Sec. 6. 3 MRSA §163-A**, as enacted by PL 1985, c. 501, Pt. B, §5 and amended
19 by PL 1987, c. 816, Pt. KK, §2, is further amended to read:

20 **§163-A. Nonpartisan legislative staff services**

21 ~~Legislative~~ Nonpartisan legislative staff shall provide the following services under
22 the direction of the Executive Director:

23 **1. Bill drafting.** To furnish to the members of the Legislature the assistance of
24 expert ~~draftsman~~ drafters qualified to aid the Legislature in the preparation of bills for
25 introduction into the Legislature;

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

29 **2-A. Engrossing.** To engross all bills passed by the Legislature;

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

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

38 **5. Pocket supplements.** After each session of the Legislature, to cause to be
39 published cumulative pocket supplements of the volumes of the Revised Statutes, and any

1 replacement or recompiled volumes, which ~~shall~~ must contain an accurate transcription of
2 all public laws, the material contained in the next preceding pocket supplement, complete
3 and accurate annotations to the statutes, appendix and other material accumulated since
4 the publication of the next preceding pocket supplement and a cumulative index of that
5 material;

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

11 **7. Committee assistance.** To provide research, analysis and bill drafting assistance
12 for joint standing or select committees, including, but not limited to, the ~~Joint Standing~~
13 ~~Committee on Appropriations and Financial Affairs, the Joint Standing Committee on~~
14 ~~Audit and Program Review~~ joint standing committee of the Legislature having
15 jurisdiction over appropriations and financial affairs and other legislative agencies;

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

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

22 **10. Collection of fiscal information.** To collect and assemble factual information
23 concerning the fiscal affairs of the State for the use of the ~~Joint Standing Committee on~~
24 ~~Appropriations and Financial Affairs of the Legislature~~ joint standing committee of the
25 Legislature having jurisdiction over appropriations and financial affairs in formulating its
26 proposals for appropriations and to collect and assemble fiscal information concerning
27 other revenue funds for the use of any joint standing committee in formulating proposals
28 for allocation acts;

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

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

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

1 **Sec. 7. 5 MRSA §21, sub-§2**, as amended by PL 1985, c. 737, Pt. B, §5, is further
2 amended to read:

3 **2. Nonpartisan staff.** "Nonpartisan staff" means the directors and staffs of the
4 Office of Policy and Legal Analysis, the Office of Fiscal and Program Review, the Office
5 of the Revisor of Statutes, the Legislative Information Office, the Law and Legislative
6 Reference Library, the Office of Program Evaluation and Government Accountability, the
7 Office of Legislative Information Technology and the Office of the Executive Director of
8 the Legislative Council.

9 **Sec. 8. 5 MRSA §1817**, as amended by PL 1985, c. 737, Pt. B, §11, is further
10 amended to read:

11 **§1817. Printing of laws**

12 When the Revisor of Statutes ~~shall have~~ has prepared material for a revision of the
13 entire statutes or for a volume containing the laws passed at a session of the Legislature
14 with accompanying material of the State, he the revisor shall deliver the ~~same~~ revision
15 prepared for printing to the State Purchasing Agent, who shall contract for the printing,
16 binding and delivery to the State of a sufficient number of volumes to meet the needs of
17 the State and for sale as provided.

18 **Sec. 9. 5 MRSA §4594-D, sub-§11**, as enacted by PL 1989, c. 795, is repealed.

19 **Sec. 10. 5 MRSA §12023**, as enacted by PL 2011, c. 616, Pt. A, §1, is amended to
20 read:

21 **§12023. Reports to the Legislature**

22 **1. Adoption and implementation.** By February 1, 2013, a governing body shall
23 submit a report to the Legislature on the adoption and implementation status of written
24 policies and procedures required by section 12022 and describing the measures the
25 governing body intends to use to monitor compliance with those policies and procedures.
26 The report must be submitted to the Executive Director of the Legislative Council in a
27 manner established by the executive director, who shall ~~refer~~ forward it to the appropriate
28 joint standing committee or committees of the Legislature for review.

29 **2. Ongoing reports.** By February 1, 2014, and annually thereafter, a governing
30 body shall submit a report to the Legislature containing the following information:

31 A. A list of all procurements exceeding \$10,000 in the preceding year for which
32 competitive procurement was waived under the policies adopted pursuant to section
33 12022, subsection 3, including procurements exceeding \$10,000 that were made
34 under contracts previously entered into for which competitive procurement was not
35 required. The list must include the names of the vendors and costs associated with
36 those procurements;

37 B. A list of all persons to which the entity made contributions greater than \$1,000 in
38 the preceding year and the total amount contributed to each; and

1 C. A description of changes made in the preceding year to the written policies and
2 procedures required by section 12022 or to the procedures used by the governing
3 body to monitor compliance with those policies and procedures.

4 For the purpose of this subsection, "the preceding year" means either the most recent
5 January 1st to December 31st budget cycle or the most recent July 1st to June 30th budget
6 cycle, depending on the fiscal year that the entity uses.

7 Reports to the Legislature required by this subsection must be submitted to the Clerk of
8 the House, the Secretary of the Senate and the Executive Director of the Legislative
9 Council in a manner determined by the Executive Director of the Legislative Council.
10 The Executive Director of the Legislative Council shall ~~refer~~ forward each report to the
11 appropriate joint standing committee or committees of the Legislature.

12 **Sec. 11. Transition.** Notwithstanding the Maine Revised Statutes, Title 3, section
13 162, subsection 6, this Part may not be construed to affect the term of a person appointed
14 to a 3-year term as the Executive Director of the Legislative Council, the State Law
15 Librarian or a director of a nonpartisan staff office before October 1, 2015.

16 SUMMARY

17 This bill makes changes to the statutes governing the Legislature.

18 It clarifies that the floor leaders and assistants are from the 2 political parties with the
19 greatest number of members in each body. It also removes the current requirement that
20 the Legislative Council meet at least monthly when the Legislature is not in session.
21 Instead, this bill allows the chair of the Legislative Council to cancel a meeting when the
22 Legislature is not in session if the chair determines that a meeting is not necessary. It
23 retains the ability of the chair of the Legislative Council or the membership of the
24 Legislative Council to call a meeting.

25 Current law provides that the Executive Director of the Legislative Council, the State
26 Law Librarian and other nonpartisan office directors appointed by the Legislative Council
27 are appointed to 3-year terms and that reappointment "shall be based on performance in
28 the office"; that language is open to different interpretations. The bill removes the
29 element of the 3-year term and specifies that the executive director, the State Law
30 Librarian and other nonpartisan office directors serve at the pleasure of the Legislative
31 Council. It also specifies that both the appointment and the removal of the executive
32 director, the State Law Librarian and other nonpartisan office directors must be by a vote
33 of no fewer than 8 members of the Legislative Council.

34 It repeals a transition section for persons holding certain named positions in
35 legislative staff offices in 1985 that no longer exist, making the law unnecessary.

36 It specifies that the executive director coordinates the activities of the nonpartisan
37 legislative staff offices.

38 Current law specifies that a duty of the executive director is to appoint nonpartisan
39 legislative staff; by delegating the authority to officially appoint staff, the Legislative
40 Council is not itself required to officially appoint each staff member. The bill specifies

1 that the appointments must be done in conformity with the policies adopted by the
2 Legislative Council and further specifies that the appointing authority of the executive
3 director applies only to nonpartisan legislative staff.

4 Although the term "legislative staff" is used a number of times in the Maine Revised
5 Statutes, Title 3, chapter 7, the term is not defined to indicate that it is limited to
6 nonpartisan legislative staff when describing the duties of the nonpartisan staff offices
7 and the executive director. The bill corrects that.

8 It removes outdated and duplicative language regarding the updating of the Maine
9 Revised Statutes, which is already required by the Maine Revised Statutes, Title 1,
10 section 92.

11 It removes a reference to a committee that no longer exists and standardizes the
12 reference to the joint standing committee of the Legislature having jurisdiction over
13 appropriations and financial affairs.

14 It specifies that the directors and staff of the Law and Legislative Reference Library,
15 the Office of Program Evaluation and Government Accountability and the Office of
16 Legislative Information Technology are subject to the same restrictions regarding
17 testifying before legislative committees as the members of the other nonpartisan staff
18 offices of the Legislature.

19 It removes outdated language regarding the printing of the Laws of the State of
20 Maine, also referred to as the session laws, but retains and clarifies the language
21 regarding a revision of the entire Maine Revised Statutes.

22 It removes an outdated provision regarding reporting by the Maine Human Rights
23 Commission.

24 It changes the wording of the statutes regarding the receipt by the executive director
25 of reports from boards and commissions to clarify that the executive director merely
26 forwards the report to the appropriate joint standing committee, instead of referring it,
27 since "refer" has a specific meaning in the Legislature.

28 It specifies that the term of a person appointed to a 3-year term as the executive
29 director, the State Law Librarian or a director of a nonpartisan staff office of the
30 Legislature before October 1, 2015 is not affected by the bill's removal of that specified
31 term.

32 It makes other nonsubstantive changes to grammar and format.