SEN. KEVIN L. RAYE
CHAIR

REP. ROBERT W. NUTTING
VICE-CHAIR

EXECUTIVE DIRECTOR
DAVID E. BOULTER

125TH MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

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

MEETING SUMMARY
December 2, 2010

CALL TO ORDER

Pursuant to the Legislative Council's Rules of Procedure, Senate President Raye called the first meeting of the 125th Legislative Council to order at 2:46 p.m. in the Legislative Council Chamber.

ROLL CALL

Senators:	President Kevin Raye, Senator Courtney, Senator Plowman, Senator Hobbins, Senator Alfond
Representatives:	Speaker Nutting, Representative Curtis, Representative Cushing, Representative Cain, Representative Hayes
Legislative Officers:	Joseph Carlton, Secretary of the Senate Bonnie Gould, Assistant Secretary of the Senate Heather Priest, Clerk of the House Shawn Roderick, Assistant Clerk of the House David E. Boulter, Executive Director of the Legislative Council Rose Breton, Legislative Finance Director Debra Olken, Human Resources Director Patrick Norton, Director, Office of Policy & Legal Analysis Grant Pennoyer, Director, Office of Fiscal and Program Review Suzanne Gresser, Revisor of Statutes Scott Clark, Director, Legislative Information Technology John Barden, Director, Law and Legislative Reference Library

Senate President Raye convened the meeting at 2:46 P.M. with a quorum of members present.

ELECTION OF OFFICERS FOR THE 125th LEGISLATIVE COUNCIL

Senate President Raye, declaring that a quorum was present, called the first meeting of the 125th Legislative Council for the purpose of electing a Council Chair and Vice-Chair, adoption of rules of procedures and such other matters of the Legislative Council.

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The Legislative Council's Rules of Procedure prescribe the following with regard to the election of Legislative Council Officers:

Rule # 2 provides that the position of Chair alternate in succeeding biennial sessions between a member from the Senate and a member from the House of Representatives. Thus, pursuant to these Rules, the Chair for this new Council should be a Legislative Council member who serves in the Maine Senate.

Rule #3 provides that the Vice-Chair not be a member of the same body of the Legislature as the Chair. Thus, the Vice-Chair for the 125th Legislative Council member who serves in the House of Representatives.

President Raye stated that unless there was objection, the Council would continue the long-standing practice of conducting the vote by a showing of hands. Upon the election of a chair, the chair will preside over the remainder of this meeting.

Hearing no objection, Senate President Raye opened the floor for nominations for Chair of the Legislative Council.

Nomination: That President Kevin Raye, of Perry serve as Chair of the Legislative Council for the 125th Legislature. (Nominated by Rep. Curtis, second by Sen. Hobbins)

Senate President Raye asked if there were further nominations. Hearing none, Senate President Raye closed the nominations. The vote for Council Chair was taken. Senate President Raye was elected to serve as Chair of the Legislative Council for the 125th Legislature. Unanimous **(9-0, with Rep. Cushing absent)**

Senate President Raye then presided for the remainder of the meeting. Senate President Raye then proceeded to open the floor for nominations for Vice-Chair.

Nomination: That Representative Nutting serve as Vice-Chair of the Legislative Council for the 125th Legislature. (Nominated by Sen. Courtney, second by Sen. Alfond)

Senate President Raye asked if there were further nominations. Hearing none, Chair Raye closed the nominations. The vote for Council Vice-Chair was taken. Speaker Nutting was elected to serve as Vice-Chair of the Legislative Council for the 125th Legislature. Unanimous **(10-0).**

ADOPTION OF RULES OF PROCEDURE

Proposed Rules of Procedure for Legislative Council Adoption

Executive Director David Boulter briefly explained the provisions of the suggested Rules of Procedure for the Legislative Council, which were generally modeled after the rules for the 124th Legislative Council.

A discussion followed, and a member suggested revising the proposed rules as follows:

Rule 13. Circulation of Ballots: Amend fifth sentence as follows: "Upon certification of the votes on a ballot, the executive director will report the results of the voting to the ~~Chair~~ members of the Legislative Council."

Motion: That the Legislative Council adopt the proposed Rules of Procedure for the Legislative Council as amended by the noted change to Rule 13. Motion by Sen. Courtney. Second by Rep. Cushing. **Motion passed unanimous (10-0).**

[A copy of the Rules of Procedure as adopted by the Legislative Council is attached.]

SUMMARY OF NOVEMBER 10, 2010 MEETING OF LEGISLATIVE COUNCIL

(Attached)

REPORTS FROM EXECUTIVE DIRECTOR AND COUNCIL OFFICES

Executive Director's Report

Executive Director David Boulter congratulated the members on their re-election and welcomed them as members of the 125th Legislative Council. Mr. Boulter reminded the Legislative Council that the nonpartisan offices are available for assistance at any time and encouraged them to feel comfortable calling upon nonpartisan staff as questions or needs arise.

Fiscal Report

(No Report)

Status of Legislative Studies

(No Report)

REPORTS FROM COUNCIL COMMITTEES

(No Reports)

OLD BUSINESS

(No Old Business)

NEW BUSINESS

ITEM #1: Summary of Legislative Council Authority and Duties

The council packet included information about the responsibilities and authority of the Legislative Council for members' reference. No Legislative Council action was required.

ITEM #2: Establishment of Initial Salary of Constitutional Officers

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. State law prescribes the salary grade and the initial salary step for each official.

The Secretary of State was newly elected at the convening of the 125th Legislature, and as such, the Legislative Council must establish the initial salary for the Secretary of State upon him taking office. Pursuant to law, at the time of initial appointment, the salary of the Secretary of State must be set at Step C (Step 3) within Salary Grade 88. Effective January 1, 2011, the salary for Grade 88 Step 3 is $69,264.00.

The State Treasurer was newly elected at the convening of the 125th Legislature, and as such, the Legislative Council must establish the initial salary for the State Treasurer upon him taking office. Pursuant to law, at the time of initial appointment, the salary of the State Treasurer must also be set at Step C (Step 3) within Salary Grade 88. Effective January 1, 2011, the salary for Grade 88 Step 3 is $69,264.00.

The Attorney General was newly elected at the convening of the 125th Legislature, and pursuant to law, the Legislative Council must establish the initial salary for the Attorney General upon him taking office. Pursuant to law, at the time of initial appointment, the salary for the Attorney General must be set at Step E (Step 5) within Salary Grade 91. Effective January 1, 2011, the salary for Grade 91, Step 5 is $92,248.00.

In response to a question by a Legislative Council member, Mr. Boulter noted that the law provides no discretion to the Legislative Council when establishing the initial salary for the Constitutional officers.

> **Motion:** That the Legislative Council establish the initial salary for the Attorney General at Step 5 of Salary Grade 91; and the initial salaries for the Secretary of State and the State Treasurer at Step 3 of Salary Grade 88, in accordance with the law. Motion by Senator Courtney. Second by Speaker Nutting. **Motion passed unanimous (10-0).**

ITEM #3: Establishment of Initial Salary for Clerk of the House and Secretary of the Senate

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

Both the Secretary of the Senate and the Clerk of the House were newly elected at the convening of the 125th Legislature, and as such, the Legislative Council must establish the initial salaries. Pursuant to law, the initial salary for both the Secretary of the Senate and the Clerk of the House must be either of the following within salary grade 14:

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

Motion: That, in accordance with the law, the Legislative Council establish the initial salaries of the Secretary of the Senate and the Clerk of the House at Step 2 of Salary Grade 14 of the Legislature's salary schedule. Motion by Sen. Courtney. Second by Sen. Alfond. **Motion passed unanimous (10-0).**

ITEM #4: Suggested Policy for Processing Closely Related Legislator Bill Requests

Revisor Suzanne Gresser explained that in past sessions, the Legislative Council has established a policy whereby the Office of the Revisior of Statutes was directed to combine legislator bill requests for duplicate or closely related bills (Joint Rule 206). This provision of Joint Rule 206 has existed since the 118th Legislature.

Joint Rule 206, Section 2 provides that:

> *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.*

Before the above language was adopted by the 118th and subsequent legislatures, every bill was simply processed and printed without regard to whether it was closely related to another. Since the advent of the rule, however, each Legislative Council has used its authority to direct that the Revisor's Office in some manner combine closely related bills in order to facilitate the efficient processing of bills.

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

Because the cloture deadline of the 125th Legislature is January 7, 2011, in order to facilitate the expeditious processing of bills in the same manner as was done in the First Regular Session of the 124th Legislature, Ms. Gresser recommended that the Legislative Council adopt the process that was established by the 124th Legislature.

Motion: To adopt the Policy for Processing Closely-Related Legislator Bill Requests as described by the Revisor's memorandum. Motion by Rep. Cain. Second by Rep. Cushing. **Motion passed unanimous (10-0).**

ITEM #5: Acquisition of Insurance and Financial Services Committee Room for use as Senate Majority Staff Offices

Sen. Courtney proposed converting the Insurance and Financial Services committee room (Room 427 in the State House) for use as additional staff offices for Senate Republican staff. He noted that the

committee room is located adjacent to current Senate Republican staff offices. Senate Democratic staff are not being relocated from their current office space. He said he would offer a motion to convert the space to the proposed use.

Speaker Nutting said that the House Republicans have decided that the House Republican office will remain in its current location on the south side of the third floor of the State House and the Democratic offices will remain on the north side. He explained that as a result, the House Republican staff need more office space, and he proposed to convert the legislators' computer room on the third floor to use as additional office space for House Republican staff. He noted that legislators now have greater access to cell phones and laptops in the chambers and elsewhere.

> **Motion:** That the Legislative Council approve the conversion of the Insurance and Financial Services committee room, room 427, to use as additional staff offices for Senate Republican staff, and conversion of the legislators' computer room on the third floor to use as additional staff offices for House Republican staff. Motion by Sen. Courtney, second by Rep. Cushing.

Sen. Alfond asked about the costs of the conversion of space and how it would be paid for.

Mr. Boulter replied that the cost would have to be borne by the legislature's budget. If the costs seem extraordinary, Mr. Boulter would bring the matter back to the council, otherwise money would have to be found in the legislative account.

Rep. Cain stated that she wanted assurance that the number of computers available to legislators would not decrease, even if they were not located in one area.

Mr. Boulter replied that there are computer workstations in the Cross Building retiring rooms, but it is unlikely that all of the computers now present in the legislators' computer room could be relocated to the other retiring rooms in the State House.

Rep. Cain inquired about continued access to printers in the House chamber.

Mr. Boulter replied that the proposal would not affect printers in the chamber.

Rep. Cain asked for assurance from the council that the proposed elimination of the IFS committee room does not presuppose a particular outcome of the Joint Rules relating to the number of joint standing committees, and that whatever the final number of committees, that each committee have available a committee room.

Sen. Raye said that was correct. Currently, some committees share committee rooms and should there be 17 committees when the Joint Rules are adopted, options will be considered changing which committees share a room but that every committee would have a room.

Rep. Cushing asked if there was a budget prepared for costs associated with the transition of the majority party.

Mr. Boulter responded, no, the costs would have to be absorbed by the legislative account. Probably the most significant individual cost would be the removal and storage of the IFS committee table and equipment. Dismantling costs are roughly $1,200.

A vote on the motion was then taken. **Motion passed unanimous (10-0).**

ITEM #6: Annual Report of Washington County Development Authority, 2009-2010

Motion: To accept the *Annual Report of Washington County Development Authority, 2009-2010* and place it on file. Motion by Sen. Courtney. Second by Rep. Cushing. **Motion passed unanimous (10-0).**

ITEM #7: Notification from Maine State Museum regarding addition of Governor John E. Baldacci Portrait to State House Portrait Collection

The letter from the museum explained the intended addition of Governor Baldacci's portrait to the State House Portrait Collection. No further action was required.

ANNOUNCEMENTS AND REMARKS

ADJOURNMENT

Motion to adjourn by Rep. Curtis. Second by Sen. Plowman. **Motion passed unanimous (10-0).**

The Legislative Council meeting was adjourned at 3:36 P.M.