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STATE OF MAINE
HOUSE OF REPRESENTATIVES
129TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT " " to H.P. 1069, L.D. 1457, Bill, "An Act To Make References to the Governor and Supreme Judicial Court Justices Gender Neutral"

Amend the bill by striking out the title and substituting the following:

'An Act To Make Certain References in the Maine Revised Statutes Gender-neutral'

Amend the bill by inserting after section 10 the following:

'Sec. 11. 3 MRSA §2, 2nd ¶, as amended by PL 1985, c. 166, is further amended to read:

The first regular session of the Legislature, after its convening, shall adjourn no later than the 3rd Wednesday in June and the 2nd regular session of the Legislature shall adjourn no later than the 3rd Wednesday in April. The Legislature, in case of emergency, may by a vote of 2/3 of the members of each House present and voting, extend the date for adjournment for the first or 2nd regular session by no more than 5 legislative days, and in case of further emergency, may by a vote of 2/3 of the members of each House present and voting, further extend the date for adjournment by 5 additional legislative days. The times for adjournment for the first and 2nd regular sessions may also be extended for one additional legislative day for the purpose of considering possible objections of the Governor to any bill or resolution presented to him the Governor by the Legislature under the Constitution of Maine, Article IV, Part Third, Section 2.

Sec. 12. 3 MRSA §2, 5th ¶, as amended by PL 1987, c. 402, Pt. B, §1, is further amended to read:

Each member of the Senate and House of Representatives shall must be reimbursed for actual regular airfare expenses from his the member's place of abode to Augusta for one round trip each week when the Legislature is in regular session and, when the Legislature is not in regular session, for days when meetings or daily sessions are held, provided that: The as long as the distance from his the member's place of abode to Augusta is more than 150 miles, the mileage is determined by the most reasonable direct route and reimbursement will be is capped at commercial flight rate.

COMMITTEE AMENDMENT

1 **Sec. 13. 3 MRSA §21**, as amended by PL 1967, c. 503, §1, is further amended to
2 read:

3 **§21. Organization**

4 The Secretary of the preceding Senate, at the time and place appointed for the
5 meeting of the Legislature, shall call the Senators-elect present to order, and from the
6 certified roll furnished ~~him~~ to the secretary call their names, and if a quorum respond, ~~he~~
7 the secretary shall preside until they are qualified and a President is elected. If no quorum
8 appear ~~he~~ the secretary shall preside, and the Senators-elect present shall adjourn from
9 day to day, but shall transact no business, except to go into convention to fill vacancies,
10 until a quorum appear and are qualified and a President is elected. After the election of
11 the President, the Senate shall proceed to elect by ballot a secretary and an assistant
12 secretary.

13 In case of vacancy in the office of such secretary or ~~his~~ in the secretary's absence or
14 the secretary's inability to perform the duties, the ~~said~~ secretary's assistant shall perform
15 the duties shall be performed by his assistant.

16 If the Secretary of the Senate and ~~his~~ the secretary's assistant are absent at the time set
17 for convening the Senate, their duties ~~shall~~ must be performed by the Secretary of State or
18 ~~his~~ the Secretary of State's deputy.

19 **Sec. 14. 3 MRSA §22**, as amended by PL 1983, c. 32, Pt. I, §1, is further amended
20 to read:

21 **§22. Secretary and assistant secretary; salaries and duties**

22 The Secretary of the Senate shall perform the usual duties of the office during the
23 session of the Legislature, file and index all papers, ~~which that~~ have been subject to
24 adverse legislative action; and index and supervise the preparation of the permanent
25 senate journal. ~~He~~ The secretary shall perform the duties required ~~of him~~ by sections 21
26 and 23. ~~He~~ The secretary shall deliver to the State Archivist all papers on file in the office
27 of the Secretary of the Senate ~~which that~~ were considered by a session of the Legislature
28 held more than 5 years previously, and the State Archivist shall inspect ~~said~~ those papers
29 and preserve those having permanent value.

30 The Assistant Secretary of the Senate ~~shall receive~~ is entitled to a salary as provided
31 by law and shall work under the direction of the secretary.

32 All fees, charges, emoluments and other receipts of whatever nature, ~~which that~~ may
33 be payable to the Secretary of the Senate, the Assistant Secretary of the Senate or any
34 employee thereof, excepting their lawful salaries and expenses properly payable to them,
35 ~~shall~~ must be credited to the General Fund and no Secretary of the Senate, Assistant
36 Secretary of the Senate or employee ~~shall~~ may directly or indirectly receive a private
37 benefit or gain from the sale or distribution of any material, information or reports from
38 the records of such Secretary of the Senate.

39 The President of the Senate may authorize the Secretary of the Senate and the
40 Assistant Secretary of the Senate to serve on a full-time basis when the Legislature is not
41 in regular or special session.

1 **Sec. 15. 3 MRSA §41**, as amended PL 1967, c. 503, §2, is further amended to
2 read:

3 **§41. Organization**

4 The Clerk of the preceding House of Representatives in the same manner as provided
5 for the Senate shall call the Representatives-elect to order and preside until they are
6 qualified and elect a Speaker. If no quorum ~~appear~~ he appears, the clerk shall preside,
7 and the Representatives-elect present shall adjourn from day to day until a quorum ~~appear~~
8 appears and ~~are~~ is qualified and a Speaker is elected. After the election of the Speaker, the
9 House of Representatives shall proceed to elect by ballot a clerk and an assistant clerk.
10 All revenues received by the document clerk in the performance of ~~his~~ the document
11 clerk's duties shall must be credited to the General Fund.

12 In case of vacancy in the office of ~~such~~ the clerk, or ~~his~~ the clerk's absence or
13 inability to perform the duties ~~aforesaid~~, the ~~said~~ the clerk's assistant shall perform the
14 duties shall be performed by his assistant.

15 If the Clerk of the House and ~~his~~ the clerk's assistant are absent at the time set for
16 convening the House, their duties ~~shall~~ must be performed by the Secretary of State or ~~his~~
17 the Secretary of State's deputy.

18 **Sec. 16. 3 MRSA §42**, as amended by PL 1983, c. 32, Pt. I, §2, is further amended
19 to read:

20 **§42. Clerk and assistant clerk; salaries and duties**

21 The Clerk of the House of Representatives shall perform the usual duties of ~~his~~ the
22 clerk's office during the session of the Legislature and index the house journal. In the
23 months of November and December next preceding the convening of the regular sessions
24 of the Legislature, ~~he~~ the clerk shall keep open ~~his~~ the clerk's office each Wednesday and
25 Thursday for the convenience of the public and members-elect of the Legislature. ~~He~~ The
26 clerk shall perform the services required ~~of him~~ by sections 41 and 43.

27 The Assistant Clerk of the House of Representatives ~~shall~~ is entitled to receive a
28 salary as provided by law and shall work under the direction of the clerk.

29 All fees, charges, emoluments and other receipts of whatever nature, ~~which that~~ may
30 be payable to the Clerk of the House of Representatives, the Assistant Clerk of the House
31 of Representatives, or any employee thereof, excepting their lawful salaries and expenses
32 properly payable to them, ~~shall~~ must be credited to the General Fund, and no Clerk of the
33 House of Representatives, Assistant Clerk of the House of Representatives or employee
34 ~~shall~~ may directly or indirectly receive a private benefit or gain from the sale or
35 distribution of any material, information or reports from the records of such Clerk of the
36 House of Representatives.

37 The Speaker of the House of Representatives may authorize the Clerk of the House of
38 Representatives and the Assistant Clerk of the House of Representatives to serve on a
39 full-time basis when the Legislature is not in regular or special session.

40 **Sec. 17. 3 MRSA §124** is amended to read:

1 **§124. Service; proof**

2 Service of notice of ~~such~~ petitions described in sections 121 and 122 may be made by
3 any sheriff or constable, and proved by ~~his~~ the proper return by the sheriff or constable or
4 by written acknowledgment of the adverse party on the petition; or, if notice is given by
5 publication, then by the newspapers or the affidavit of the printer.

6 **Sec. 18. 3 MRSA §162, sub-§4**, as repealed and replaced by PL 1973, c. 590, §4,
7 is amended to read:

8 **4. Oaths, subpoenas and depositions.** To administer oaths, issue subpoenas,
9 compel the attendance of witnesses and the production of any papers, books, accounts,
10 documents and testimony, and to cause the deposition of witnesses, whether residing
11 within or without the State, to be taken in the manner prescribed by law for taking
12 depositions in civil actions in the Superior Court. In case of disobedience on the part of
13 any person to comply with any subpoena issued in behalf of a committee, or on the
14 refusal of any witness to testify to any matters regarding which ~~he~~ the witness may be
15 lawfully interrogated, it ~~shall be~~ is the duty of the Superior Court of any county, on
16 application of a member of a committee, to compel obedience by proceedings for
17 contempt as in the case of disobedience of the requirements of a subpoena issued from
18 ~~such~~ that court or a refusal to testify ~~therein in that court~~. Each witness, other than a state
19 officer or employee, ~~shall~~ is entitled to receive for ~~his~~ that witness's attendance the fees
20 and mileage provided for witnesses in civil cases in courts of record, which ~~shall~~ must be
21 audited and paid upon the presentation of proper vouchers sworn to by such witness and
22 approved by the ~~chairman~~ chair of the council;

23 **Sec. 19. 3 MRSA §165, sub-§7**, as amended by PL 1985, c. 377, §1, is further
24 amended to read:

25 **7. Other subpoenas, etc.** When the duties assigned to a committee so require, the
26 Legislature may grant to it the power to administer oaths, issue subpoenas, compel the
27 attendance of witnesses and the production of any papers, books, accounts, documents
28 and testimony, and to cause the deposition of witnesses, whether residing within or
29 without the State, to be taken in the manner prescribed by law for taking depositions in
30 civil actions in the Superior Court. When the Legislature grants this power to a joint
31 standing committee or joint select committee, such committee ~~shall function~~ functions as
32 an investigating committee and ~~shall be~~ is subject to the provisions of chapter 21. No
33 appropriation or allocation may be made for a specific study unless the Legislative
34 Council has first approved a budget adopted by the joint standing committee ~~which~~ that is
35 to conduct the study. No appropriation or allocation may be made for the operation of
36 any joint select committee unless the Legislative Council has first approved a budget
37 adopted by the joint select committee. In case of disobedience on the part of any person
38 to comply with any subpoena issued in behalf of a committee, or on the refusal of any
39 witness to testify to any matters regarding which ~~he~~ the witness may be lawfully
40 interrogated, it ~~shall be~~ is the duty of the Superior Court of any county, on application of
41 a member of a committee, to compel obedience by proceedings for contempt, as in the
42 case of disobedience of the requirements of a subpoena issued from ~~such~~ that court or a
43 refusal to testify ~~therein in that court~~. Each witness, other than a state officer or employee,
44 who appears before a committee by its order or subpoena ~~shall~~ is entitled to receive for
45 ~~his~~ that witness's attendance the fees and mileage provided for witnesses in civil cases in

1 courts of record, which ~~shall~~ must be audited and paid upon the presentation of proper
2 vouchers sworn to by such witness and approved by the ~~chairman~~ chair of the committee;

3 **Sec. 20. 3 MRSA §168**, as amended by PL 1983, c. 32, Pt. H, is further amended
4 to read:

5 **§168. Staff assistants to legislative leadership**

6 The President of the Senate, the Majority and Minority Floor Leaders of the Senate,
7 the Speaker of the House of Representatives, and the Majority and Minority Floor
8 Leaders of the House of Representatives ~~shall~~ each have the authority to appoint, at ~~his~~
9 each legislative leader's discretion, a personal staff assistant, or more than one assistant if
10 their aggregate salary does not exceed that of the single personal staff assistant, when the
11 Legislature is in session and at such other times as might be necessary, with the approval
12 of the Legislative Council.

13 **Sec. 21. 3 MRSA §173, sub-§3**, as amended by PL 1985, c. 501, Pt. B, §11, is
14 further amended to read:

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

20 A.

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

24 One copy of the laws passed by each session of the Legislature ~~shall~~ must be given to
25 each Member ~~thereof~~ of the Legislature, the Secretary of the Senate, the Assistant
26 Secretary of the Senate, the Clerk of the House and the Assistant Clerk of the House.

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

31 **Sec. 22. 3 MRSA §224**, as enacted by PL 1977, c. 605, §1, is amended to read:

32 **§224. Director**

33 The executive head of the Maine-Canadian Legislative Advisory Office ~~shall be~~ is
34 the director, who ~~shall be~~ is appointed by the Speaker of the House and the President of
35 the Senate with the approval of the Maine-Canadian Legislative Advisory Commission.
36 The director ~~shall~~ must be paid a salary fixed by the Legislative Council from sums
37 available under section 226. The director ~~shall~~ must be able to speak the French language
38 fluently. ~~He~~ The director shall report to and ~~be~~ is subject to the direction of the
39 Legislative Council.

40 **Sec. 23. 3 MRSA §228**, as enacted by PL 1977, c. 605, §1, is amended to read:

1 **§228. Duties; meetings**

2 The commission shall advise the director in the carrying out of ~~his~~ the director's
3 powers and duties, shall assist ~~him~~ the director in encouraging increased cooperation
4 between Maine and Canada, and especially between the Legislature of Maine and the
5 legislative bodies of Canada and shall assist ~~him~~ the director in encouraging economic,
6 cultural and educational exchanges between Maine and the Canadian Provinces. The
7 commission shall meet at least 4 times in each year with the director and at such other
8 times on the call of the ~~chairman~~ chair, at the request of the director or at the request of
9 any member, as ~~shall be~~ necessary to carry out the duties outlined in this section.

10 **Sec. 24. 3 MRSA §231**, as amended by PL 1989, c. 503, Pt. B, §4, is further
11 amended to read:

12 **§231. Commission**

13 **1. Commission.** The New England and Eastern Canada Legislative Commission, as
14 established by Title 5, section 12004-K, subsection 11, and in this chapter called the
15 "commission," ~~shall consist~~ consists of 4 members from Maine, together with the same
16 number of members appointed according to the laws of each of the other member
17 jurisdictions.

18 **2. Membership.** The members of the commission from Maine ~~shall be~~ are the 2
19 Senators and the 2 members of the House of Representatives who are appointed to the
20 Maine-Canadian Legislative Advisory Commission pursuant to section 227.

21 **3. Term.** Each member of the commission from Maine ~~shall hold~~ holds office from
22 the date of ~~his~~ that member's appointment until the term of ~~his~~ that member's election to
23 the Legislature expires.

24 **4. Compensation.** Members of the commission from Maine ~~shall be~~ are
25 compensated in accordance with Title 5, chapter 379.

26 **5. Chairs.** The members of the commission from Maine shall, by majority vote,
27 select the ~~cochairman~~ cochairs or ~~chairmen~~ chairs who shall, together with a ~~cochairman~~
28 cochair selected by the members of the commission from the other member jurisdictions,
29 preside over the commission.

30 **6. Meetings.** The commission shall meet at such times and places as are mutually
31 agreed upon by the ~~cochairmen~~ cochairs.'

32 Amend the bill by adding after section 11 the following:

33 '**Sec. 12. 3 MRSA §402, sub-§§1 to 3**, as enacted by PL 1975, c. 593, §3, are
34 amended to read:

35 **1. Chair.** The "~~chairman~~ chair" is the presiding officer of the investigating
36 committee. ~~He~~ The chair may be the permanent ~~chairman~~ chair or another member
37 designated as temporary ~~chairman~~ chair in the absence of the ~~chairman~~ chair.

38 **2. Executive session.** An "executive session" is a session at which only members of
39 the investigating committee, staff of the committee, counsel to the committee, the witness
40 and ~~his~~ counsel ~~shall~~ may be present.

1 **3. Interested party.** An "interested party" is any person who learns that ~~he~~ that
2 person has been specifically identified in testimony taken before an investigating
3 committee and who reasonably believes that ~~he~~ that person has been adversely affected
4 by such testimony.

5 **Sec. 13. 3 MRSA §429**, as enacted by PL 1975, c. 593, §3, is amended to read:

6 **§429. Release of testimony**

7 **1. Release.** The decision to release testimony and the decision as to the form and
8 manner in which testimony ~~shall~~ may be released ~~shall be~~ is an investigating committee
9 action. However, no testimony ~~shall~~ may be released without first affording the witness
10 who gave such testimony, or ~~his~~ the witness's counsel, an opportunity to object to the
11 proposed release.

12 A. The witness or ~~his~~ the witness's counsel may, by such objection, require that
13 testimony given in open session, if it is released at all, be released in the form of a
14 full, consecutive transcript.

15 B. The witness or ~~his~~ the witness's counsel may, by such objection, require that
16 testimony given in executive session not be released in any form or manner
17 whatsoever.

18 **2. Transcript.** The witness or ~~his~~ the witness's counsel, upon payment of the cost of
19 preparation, ~~shall~~ must be given a transcript of any testimony taken. However, the witness
20 or ~~his~~ the witness's counsel ~~shall~~ is not be entitled to obtain a transcript of the executive
21 session testimony of other witnesses. The release of a transcript under this subsection is
22 not the release of testimony within the meaning of subsection 1.

23 **Sec. 14. 3 MRSA §§451 to 457**, as enacted by PL 1975, c. 593, §3, are amended
24 to read:

25 **§451. Counsel**

26 The witness may have counsel present to advise ~~him~~ the witness at all times. The
27 witness or ~~his~~ the witness's counsel may, during the time the witness is giving testimony,
28 object to any investigating committee action detrimental to the ~~witness'~~ witness's interests
29 and is entitled to have a ruling by the ~~chairman~~ chair on any such objection.

30 **§452. Questioning of adverse witnesses**

31 The witness or ~~his~~ the witness's counsel may question adverse witnesses whose
32 testimony is being taken in open session. However, the ~~chairman~~ chair of the
33 investigating committee may reasonably limit the right to so question. The ~~chairman's~~
34 chair's ruling is final, unless otherwise decided by investigating committee action.

35 **§453. Pertinency of requested testimony**

36 The witness or ~~his~~ the witness's counsel may challenge any request for ~~his~~ the
37 witness's testimony as not pertinent to the subject matter and scope of the investigation, in
38 which case the relation believed to exist between the request and the subject matter and
39 scope of the investigation ~~shall~~ must be explained.

1 **§454. Who can compel testimony**

2 The committee ~~chairman~~ chair may direct compliance with any request for testimony
3 to which objection has been made. However, the ~~chairman's~~ chair's direction may be
4 overruled by investigating committee action.

5 **§455. Television, films, radio**

6 Any decision to televise, film or broadcast testimony ~~shall be~~ is investigating
7 committee action. If the witness or ~~his~~ the witness's counsel objects to a decision to
8 televise, film or broadcast ~~his~~ the witness's testimony, ~~his~~ the witness's testimony ~~shall~~
9 may not be televised, filmed or broadcast.

10 **§456. Statements and form of answers**

11 The witness or ~~his~~ the witness's counsel may insert in the record sworn, written
12 statements of reasonable length relevant to the subject matter and scope of the
13 investigation. In giving testimony, the witness may explain ~~his~~ the witness's answers
14 briefly.

15 **§457. Privileges**

16 The witness ~~shall~~ must be given the benefit of any privilege which ~~he~~ the witness
17 could have claimed in court as a party to a civil action, provided that the committee
18 ~~chairman~~ chair may direct compliance with any request for testimony to which claim of
19 privilege has been made. However, the ~~chairman's~~ chair's direction may be overruled by
20 investigating committee action.

21 **Sec. 15. 3 MRSA §473, first ¶**, as enacted by PL 1975, c. 593, §3, is amended to
22 read:

23 No A witness ~~shall~~ may not be punished for contempt of an investigating committee
24 unless the court finds:

25 **Sec. 16. 3 MRSA §473, sub-§3, ¶¶B and C**, as enacted by PL 1975, c. 593, §3,
26 are amended to read:

27 B. A citation for failure to testify in response to a request for ~~his~~ the witness's
28 testimony challenged as not pertinent to the subject matter and scope of the
29 investigation, the requirements of sections 412 and 453 have been complied with and
30 the request was pertinent as explained;

31 C. A citation for failure to testify in response to a request for ~~his~~ the witness's
32 testimony on grounds of privilege, the requirements of section 457 have been
33 complied with.

34 **Sec. 17. 3 MRSA §701, sub-§9**, as enacted by PL 1985, c. 507, §1, is amended to
35 read:

36 **9. Earnable compensation.** "Earnable compensation" means the actual
37 compensation of a Legislator. Any money paid by the State under an annuity contract for
38 the future benefit of a Legislator ~~shall be~~ is considered part of the Legislator's earnable
39 compensation. The earnable compensation of a member retired with a disability
40 retirement allowance under section 853 ~~shall be~~ is assumed, for the purposes of

1 determining benefits under this chapter, to be continued after ~~his~~ the Legislator's date of
2 termination of service at the same rate as received immediately prior to that time, subject
3 to the same percentage adjustments, if any, that may apply to the amount of retirement
4 allowance of the beneficiary under section 858.

5 **Sec. 18. 3 MRSA §854**, as enacted by PL 1985, c. 507, §1, is amended to read:

6 **§854. Restoration to service**

7 If a recipient of a retirement allowance under this chapter again becomes a member
8 of the Legislature, ~~he~~ the recipient may:

9 **1. Receive allowance.** Continue to receive the retirement allowance and not accrue
10 any additional creditable service for that legislative service; or

11 **2. Discontinue allowance.** Direct, in writing, that the executive director discontinue
12 ~~his the recipient's~~ retirement allowance and ~~he shall accrue~~ the recipient accrues
13 additional creditable service for that legislative service.'

14 Amend the bill by striking out all of section 31 and inserting the following:

15 **'Sec. 31. Maine Revised Statutes revisions.** The Revisor of Statutes shall
16 review the Maine Revised Statutes to determine where references to individuals occurring
17 throughout the statutes need to be made gender-neutral and shall implement these
18 revisions when updating, publishing or republishing the statutes. The Revisor of Statutes
19 shall develop a schedule to change all such gender-specific terms to gender-neutral terms
20 in all Titles of the Maine Revised Statutes as soon as reasonably practicable. The
21 changes may be made through the preparation and publication of an additional annual
22 revisor's report pursuant to the Maine Revised Statutes, Title 1, section 95 that is
23 dedicated to the correction of gender-specific terms. The Revisor of Statutes shall
24 include in the annual report a report on the progress in carrying out the schedule
25 developed pursuant to this section. When correcting gender-specific references within
26 statutory units in the additional annual revisor's report prepared pursuant to this section,
27 the Revisor of Statutes need not correct those statutory units to incorporate other
28 administrative changes and corrections authorized under Title 1, section 93.'

29 Amend the bill by relettering or renumbering any nonconsecutive Part letter or
30 section number to read consecutively.

31 **SUMMARY**

32 This amendment strikes the title of the bill and directs that certain references in the
33 Maine Revised Statutes be made gender-neutral, not just references to the Governor and
34 the Supreme Judicial Court Justices as proposed in the bill. Specifically, this amendment
35 makes all references in the Maine Revised Statutes, Title 3 gender-neutral and it adds a
36 revision clause to direct the Revisor of Statutes to determine where references to
37 individuals occurring throughout the statutes need to be made gender-neutral and to make
38 these revisions when updating, publishing or republishing the statutes. The amendment
39 further directs the Revisor of Statutes to develop a schedule to change all gender-specific
40 terms to gender-neutral terms in all Titles of the Maine Revised Statutes as soon as

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1 reasonably practicable and to include in the annual revisor's report an update on progress
2 in carrying out the schedule.

3

FISCAL NOTE REQUIRED

4

(See attached)