

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND AND FIFTEEN

H.P. 462 - L.D. 681

An Act To Increase the Effectiveness of the Legislature

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

Sec. 1. 3 MRSA §161, as amended by PL 1979, c. 127, §5, is repealed and the following enacted in its place:

§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;

B. The Speaker of the House of Representatives; and

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

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.

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

6. Appointment of directors and office directors. ~~To~~ 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 ~~deems~~ considers necessary. Each director ~~shall~~ must be chosen without reference to party affiliations and solely on the grounds of fitness to perform the duties of his the office; ~~each to be appointed for a term of 3 years from the date of his appointment. Reappointment shall be based on performance in the office and shall be considered in accordance with policies and procedures established by the Legislative Council.~~ 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;

Sec. 3. 3 MRSA §162, sub-§6-A, as corrected by RR 1997, c. 2, §4, is repealed.

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

2. Supervision. To ~~assign~~ coordinate, direct and ~~supervise~~ oversee, subject to the control of the ~~council~~ 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 ~~shall have no~~ does not have any supervisory authority with respect to any persons employed pursuant to chapter 1 or section 168 ~~of this title~~;

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

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 ~~shall~~ 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 ~~shall be~~ are unclassified and not subject to the civil service law.

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

§163-A. Nonpartisan legislative staff services

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

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

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;

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

3. Session laws. To prepare and index for printing as promptly as possible, after the adjournment of each session, the session laws, which compilation ~~shall include~~ includes all Acts and resolves ~~which that~~ the Legislature has adopted during the session and ~~which 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;

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;

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 ~~shall~~ 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;

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

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 on Appropriations and Financial Affairs, the Joint Standing Committee on Audit and Program Review~~ joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs and other legislative agencies;

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;

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

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 on Appropriations and Financial Affairs of the Legislature~~ 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;

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;

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

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

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

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

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

§1817. Printing of laws

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

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

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

§12023. Reports to the Legislature

1. Adoption and implementation. By February 1, 2013, a governing body shall submit a report to the Legislature on the adoption and implementation status of written

policies and procedures required by section 12022 and describing the measures the governing body intends to use to monitor compliance with those policies and procedures. The report must be submitted to the Executive Director of the Legislative Council in a manner established by the executive director, who shall ~~refer~~ forward it to the appropriate joint standing committee or committees of the Legislature for review.

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

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

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

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

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

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

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